

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 5TH SEPTEMBER 2018**

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

SUBJECT: **OUTLINE APPLICATION- RESIDENTIAL DEVELOPMENT AT LAND EAST OF VOUNOG HILL, PENYFFORDD.**

APPLICATION NUMBER: **058164**

APPLICANT: **ROUNDFIELD LIMITED**

SITE: **LAND EAST OF VOUNOG HILL, PENYFFORDD**

APPLICATION VALID DATE: **05/03/18**

LOCAL MEMBERS: **COUNCILLOR D WILLIAMS**
COUNCILLOR C HINDS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT, DEPARTURE FROM DEVELOPMENT PLAN AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application for up to 37 dwellings with details of the access provided on land east of Vounog Hill, Penyffordd. All other matters are reserved for future consideration. As the site is outside the settlement boundary of Penyffordd, the application has been advertised as a departure from the Development Plan.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The proposal amounts to unjustified residential development within an area of open countryside. The proposal would result

in a development which does not relate well to the existing pattern of development in the area, and would result in a fragmented form of development which does not integrate well with the existing built form. As such the proposal represents an illogical extension to the settlement which would be contrary to the provisions of Paragraphs 2.1.3, 4.6.4, 4.7.8 and 9.3.1 of Planning Policy Wales (9th Edition – Nov 2016) and Policies STR1, STR7, GEN1, GEN3 and HSG4 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Williams

I strongly object to this proposal on the following grounds and request the application is dealt with at committee level, and consider this application should be refused on the following grounds.

- Conflicting expressions of interest for use of the site as part of the LDP process;
- Prematurity to the LDP;
- Land is outside UDP settlement boundaries;
- Negative impact on Education potential in the ward;
- Negative impact and erosion of community fabric;
- Increase of dangers through increased traffic volume;
- Failure to adequately support demands for additional open space and recreation provision;
- Negative impact on streetscene;
- Loss of valuable farming land, Proposal is not the best and most versatile use;
- Failure to provide necessary provision for broader needs of the community;
- Increased flood risks and foul disposal issues of the village.

Councillor C Hinds

Objections to the proposal upon the following grounds:

- Outside the Settlement Boundary;
- Overdevelopment in the village;
- Grave concerns regarding Highway Safety and the speed vehicles travel at along Vounog Hill into the village;
- Drainage infrastructure is not capable of accommodating further development pressures, localised flooding has been experienced within the village;
- Loss of recreation land used by all members (young and old) of the community – sledging field during snow events;
- No control over the type of houses, there is a need for more bungalows;

- Local infrastructure is weak and nearing capacity, with further pressures being placed on local services, facilities, medical (GP) practices and local hospitals;
- Public Transport not being supported, with a recent loss of services within the village, resulting in an increased dependency on the private car causing further congestion, parking and safety concerns.

Penyffordd Community Council

No response received at the time of writing the report.

Head of Assets and Transportation

The application is in outline with all matters reserved with the exception of access. Whilst the formation of the access to serve the development is acceptable in principle, I advise that any subsequent reserved matters application should consider the following points;

- a) Vehicular (and pedestrian) access from an adoptable road to the community open space should be provided, otherwise access for maintenance vehicles cannot be ensured.
- b) I note that swept paths have been submitted, but as the proposal currently lacks definitive detail, they lack precision. I still expect swept path analysis to be undertaken as part of a full technical submission.

Head of Public Protection

No adverse comments to make.

Welsh Government – Department for Rural Affairs Agricultural Land Use

The department does not hold survey information for this site. A survey has been submitted as part of the application and completed by Reading Agricultural Consultants.

The survey has been reviewed by the Welsh Government's Senior ALC Surveyor who found the report to be of a high standard and fairly reflects the agricultural land quality across the site. The Department recommends that the ALC survey is accepted by your Authority.

Coal Authority

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the application in the interests of

public health and safety.

Welsh Water/Dwr Cymru

Dwr Cymru Welsh Water initially raised concerns surrounding the capacity of the local public sewerage network to accommodate the foul flows from the proposed development (in our pre-planning consultation letter, ref PPA0002650). However, Waterco Consultants have since identified a total of 310m² surface water contributing area from the roof and concrete yard areas of the adjacent Emmanuel Church is currently discharging into the 225mm diameter combined public sewer situated along Vounog Hill. In light of the above, Dwr Cymru Welsh Water can confirm that should the surface water flows from the connected area (310m²) be re-directed from the combined line into an existing ditch, we would be satisfied this would offset the anticipated foul flows associated with the proposed new development.

Having reviewed the Flood Consequence Assessment and Drainage Strategy prepared by Waterco Consultants dated February 2018, Dwr Cymru Welsh Water consider the proposed drainage arrangement to be acceptable in principle and as such have no objection to the proposed development providing the following condition and advisory notes are included in any planning consent.

Natural Resources Wales

Natural Resource Wales do not object to the proposal, NRW do not consider that the application will have any impact on flood risk.

Furthermore the application is supported by an ecological submission: Etive Ecology Ltd. Preliminary Ecological Appraisal – Land adj to Vounog Hill, Penyffordd, Proposed Residential Development. February 2018.

NRW is satisfied that the preliminary survey has been carried out to an acceptable standard. NRW concur with the survey conclusions and advise that the recommendations proposed within section 4 of the report should be adhered to avoid adverse impacts on protected species.

In our view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; nor it is likely to adversely affect any local populations of British 'fully' protected species.

Airbus

Hawarden Aerodrome Safeguarding have assessed against the safeguarding criteria as required by DfT/ODPM Circular 1/2003: Safeguarding of Aerodromes and the Commission Regulations (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria.

Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given. Please note this housing development is in the centre of the 04 Approach and 22 take off so we require the houses to be no higher than the existing in that area.

Ecology

The application site consists of improved agricultural grassland with occasional mature trees including a Black Poplar and Horse Chestnut.

Etive Ecology report – summary

The site was visited April 2017 and consists of improved grassland dominated by perennial rye grass. The hedges are species poor dominated by Hawthorn with an occasional mature tree on the western boundary.

The Black Poplar has been recorded (Cofnod dataset) since 1994 as native which is a rare tree within England and Wales.

Protected Species –

- Bats – the mature trees were assessed as of medium potential for bats and the hedgerows were considered to provide good bat commuting and foraging corridors.
- Nesting birds – no survey was undertaken but the trees and hedgerows offer potential habitats. The Indicative Layout shows retention of the trees and the majority of the hedgerows.
- Badgers – no evidence recorded within the application area or within 30m of the boundary.
- GCN – no records within 500m and no ponds within the immediate vicinity.
- Reptiles – poor habitat and no records in close proximity.

Recommendations

The habitat creation measures shown on the Indicative Layout should be implemented in full and managed appropriately post construction. All retained trees will be subject to tree protection measures and covered by a management plan. A suitable lighting scheme provided to minimise lighting in public open space and avoid hedgerows and trees. Vegetation clearance to be undertaken outside of the nesting season and to mitigate for losses a nest box scheme prepared for the site.

Public Rights of Way

Public Footpath No. 7 in the Community of Hope crosses the site. The applicant may be required to apply for a Temporary Closure Order to protect the public during the construction.

Ramblers Cymru

We welcome the fact that the proposal would retain the line of existing public path, and would surface and light it. But we feel the layout could

go further in enhancing Active Travel in the area. In particular, the proposal does nothing to connect the rather isolated development on Min-y-Ddol to the village, we would suggest one or more path or cycle track links. Also residents of this development (and Min-y-Ddol) will have to cross the main road of Vounog Hill to reach the schools and all village services. If a second traffic island is not feasible, then traffic calming should be considered or a new footway to village on east side of the road. We would request a safeguarding conditions for the public path and appropriate conditions for street furniture. We would also ask for an alternative concession path to be made available during construction work on the public path line.

Head of Lifelong Learning

Advises that a contribution would be sought and secured by means of a Section 106 in order to provide additional toilet provision at Penyffordd Primary School and Castell Alun Secondary School.

The contribution has been calculated as follows:

Primary School Pupils

Penyffordd Primary School

School Capacity $259 \times 5\% = 12.95(13)$

$259 - 13 = 246$ Trigger point for contributions is 246 pupils

(no. of units) 37×0.24 (primary formula multiplier) = 8.88(9) No. of pupils generated $\times \text{£}12,257$ per pupil (Building Cost multiplier) = 110,313

Actual pupils $244 + 9$ (from the multiplier) = 253 meets trigger $253 - 246 = 7$

$7 \times \text{£}12,257 = \text{£}85,799$

Contribution requirement would be £85,799

Secondary School Pupils

Castell Alun Secondary School

School Capacity $1240 \times 5\% = 62$

Capacity $1240 - 62 = 1178$ Trigger point for contributions is 1178 pupils

(No. of units) 37×0.174 (secondary formula multiplier) = 6.43 (6) no of pupils generated $\times \text{£}18,469$ per pupil (Building Cost multiplier) = £110,814

Contribution requirement would be £110,814

Play Unit

In accordance with Planning Guidance no.13 POS Provision, the Council should be seeking payment of £1,100 per dwelling (£733.00 per affordable dwelling) in lieu of on-site provision. The payment

would be used to enhance existing POS in the community; specifically youth provision at Millstone Play Area in the centre of the village.

Working with Planning Policy, we have considered previous pooled contributions and we confirm that the thresholds have not been exceeded with regard to Millstone Play Area.

Housing Strategy Manager

The application is outline, however the indicative layout suggests 37no dwellings can be provided within the site capacity. Penyffordd (Chester) is a semi urban settlement and the policy requires a 30% provision of affordable housing on site for developments of over 1.0ha or 25 dwellings. The applicant is proposing 11 affordable units, with mix and tenure to be agreed.

With regards to evidence of housing need in Penyffordd, I support the provision of 11 affordable properties on site. I would propose:

- 6 of the units are a mix of 1 and 2 bed social rented properties, which would be delivered by one of our partner Housing Associations, who would acquire the units direct from the developer; and
- 5 of the units would be a mix of 2 and 3 bed units for affordable rent either delivered by a partner Housing Association or North East Wales Homes.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

59 no. letters of objection upon the following grounds:

- The recent development in the village allocated within the UDP have highlighted the lack of infrastructure to support any additional development with the consequent impacts this will have upon community cohesion;
- Surface water problems;
- Lack of school places;
- Penyffordd is no longer a village, its rapid growth is causing it to lose its identity;
- Premature in advance of the UDP and should not pre-empt decisions in advance of the LDP;
- Other sites in the settlement have been put forward as part of the Candidate site process and this may prejudice them coming forward;
- Overdevelopment of the village to the detriment of its character;
- Unsustainable location;

- There has been sufficient recent developments in the village, 37% growth;
- The proposed development contradicts the 2000-2015 UDP (Chapter 11 – Housing 11.7);
- Landscape and visual impact of developing the open countryside;
- The site is a greenfield site outside the settlement boundary;
- The proposal if approved will lead to further development and encroachment along the undeveloped east side of Vounog Hill and the open countryside;
- Loss of recreational facility used by the community i.e. sledging during winter months;
- Overall lack of community open space and free open space for children and youths to access;
- The development does not contribute to the Well-being of Future Generations (Wales) Act;
- Would lead to additional traffic and Congestion on Vounog Hill and within the village;
- Impact on the sewage system, water supply and other services;
- Lack of Public Transport services;
- Dependency on private car as a means of transport;
- Impact on dentists and doctors, current services full to capacity;
- There is a need for bungalows and affordable properties, not more unaffordable luxury houses or apartments;
- There is an overriding need for 2-3 bed affordable dwellings not large 4 or 5 bed roomed properties;
- Noise impacts from the development;
- Potential drainage impacts form surface water on nearby properties;
- Pedestrian safety is poor;
- The proposed development would be dominant and out of keeping with its surroundings, and would therefore harm the character and appearance of the immediate and wider area of the open countryside;
- Loss of good quality agricultural land;
- Cause overlooking and loss of privacy to the adjacent properties at Min-y-Ddol.

5.00 SITE HISTORY

5.01 No previous site history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 - New Development

STR4 – Housing
STR7 – Natural Environment
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
HSG10 - Affordable Housing within Settlement Boundaries
RE1 – Protection of Agricultural Land
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development
EWP14 – Derelict and Contaminated Land
EWP16 – Water Resources

Local/Supplementary Planning Guidance Notes

LPGN 2 - Space around dwellings
LPGN 4 - Trees and Development
LPGN 9 - Affordable Housing
LPGN 11 - Parking Standards
LPGN 13 - Open Space Requirements

Planning Policy Wales Edition 9 November 2016
Technical Advice Note 1 : Joint Housing Availability Studies
Technical Advice Note 11: Noise
Technical Advice Note 12 : Design
Technical Advice Note 18 : Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for up to 37 dwellings with details of the access provided, on land east of Vounog Hill, Penyffordd. All other matters are reserved for future consideration.

7.02 Site Description

The application site extends to 1.91 hectares and is located on the edge of the village of Penyffordd. The site is bound to the east by the former Meadowslea hospital site, Min y Ddol, to the south by properties along Wrexham Road within the settlement boundary and scattered properties and open countryside to the opposite side, properties along Vounog Hill to the west, and to the north lies open

countryside. The site is fronted by Vounog Hill.

The site is undeveloped greenfield land bound by established hedgerows and scattered mature trees along its east, south and western boundaries.

The site topography slopes steadily towards the north, across the site towards higher ground where the Min y Ddol access road and associated houses are situated. There is an existing public right of way across the site, this is proposed to be retained, improved and incorporated within the proposed scheme for residential development.

7.03 Proposed Development

This is an outline planning application for up to 37 residential units with associated access. It is proposed that the site will be accessed via a new central access off Vounog Hill, taking the form of a simple T-Junction with internal roads for the development. This would involve the removal of part of the hedgerow in order to achieve the required visibility splays.

A new footpath is proposed across the site frontage along Vounog Hill. A pedestrian refuge is also proposed. All other matters are reserved for future consideration.

7.04 Planning History and the UDP

There is no known planning history to the site. However, the land to the east has a planning history in that it is a residential development on the site of the former Meadowslea Hospital. The deposit UDP had a policy which provided advice on the re-use of redundant hospital sites, although this was later removed from the plan. Planning permission was granted on the site for residential development, now known as Min y Ddol.

The settlement has seen a significant planning history in recent years. The deposit UDP allocated two sites for housing which were the White Lion and Wood Lane Farm sites. The Inspector considered a large number of 'omission sites' and recommended that the two allocated sites remain in the Plan. The Inspector was aware that this resulted in a significant growth rate for the settlement but regarded this as being part of the UDP's 'planned' housing provision. The Inspector commented:

"Penyffordd & Penymynydd is a Category B settlement with an indicative growth band of 8-15%. It is one of the larger settlements in this category and it is appropriate that it makes provision for a portion of the housing needs."

However, in considering other omission sites, the UDP Inspector commented on several occasions about the detrimental impact of

allocating edge of settlement greenfield sites as extensions to the settlement boundary. In many cases it was considered that the land in its undeveloped form was distinctively rural in character and formed part of the attractive setting for the settlement, for which development in such areas would significantly harm the character of the local and wider area. It is considered that the application site shares a number of similarities, therefore the views of the UDP inspector are considered to be relevant.

7.05 Principle of Development

The site lies outside and adjacent to the settlement boundary of Penyffordd in the adopted UDP. In terms of adopted UDP policies, policy STR1 refers to the requirements of new development, while 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. In this case, policy HSG4 is of most relevance, referring to new dwellings outside settlement boundaries. The policy aims to strictly control new dwellings outside settlement boundaries unless it is essential to house a farm or forestry worker at or very close to their place of work.

Given that the proposal is for up to 37 units and does not fall within the scope of the above policy framework, the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan, and has therefore been advertised as such.

The applicant justifies the proposal on the basis of a lack of a 5 year housing land supply, the fact that the UDP is out of date, that the proposal represents sustainable development and that it would reconnect the former Meadowslea hospital development at Min y Ddol, resolving the current sense of distance from the village.

Welsh Government Advice and National Planning Policy

Planning Policy Wales Edition 9 November 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.”

Planning Policy Wales Edition 9 November 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. Where;

- *There is no adopted development plan; or*
- *The relevant development plan policies are considered outdated or superseded; or*
- *Where there are no relevant policies*

There is a presumption in favour of proposal in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”

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.”*

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 to consider the sustainable development ‘*key principles*’ and ‘*key policy objectives*’ set out in PPW.

Housing Land Supply

Welsh Government Technical Advice Note 1 states that “The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study....The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”

In these circumstance, advice contained in para 6.2 of TAN1 is that ‘The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to

undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies’.

On the 10th May 2018, Cabinet Secretary for Energy, Planning and Rural Affairs announced a 6 week consultation exercise seeking views in relation to the temporary disapplication of TAN1 paragraph 6.2. This was in response to the current housing land supply position across Wales, with a number of Local Planning Authorities (LPAs) receiving high numbers of ‘speculative’ applications for housing on sites not allocated for development in LDPs, generating uncertainty for communities and to the detriment of the plan-led system.

As a result, the Cabinet Secretary for Energy, Planning and Rural Affairs supported the review, and in order to alleviate some of the immediate pressures on LPAs, decided to dis-apply paragraph 6.2 of TAN1 *Joint Housing Land Availability Studies*. The disapplication specifically refers to the notion of affording “considerable” weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications for housing. The disapplication took effect on the 18th July 2018.

Whilst this does not mean that a lack of land supply is no longer a material planning consideration to be weighed in the planning balance, it does redress the previous bias emphasised by the use of the term “considerable weight”, and also leaves the weight to be applied to this issue, for the Local Planning Authority (LPA) to determine. Therefore, the weight that should now be attributed to the need to increase supply is dependent on the planning balance providing that the development would otherwise comply with the development plan and national planning policies.

It is acknowledged that despite the changes to TAN1 para 6.2, the Council cannot demonstrate a 5 year housing land supply within the broader terms of TAN1. Therefore, the measures identified by the Council that would increase housing land supply such as the Development Guidance Note for speculative development continues to play a key part in assessing the individuals merits of a proposal, especially for those outside existing settlements.

‘Firstly, the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites. Applications for sites within settlement boundaries will generally be looked upon favourably provided that they satisfy the Plan’s policies. 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. They 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. The Council has developed a guidance note for developers in this respect, which seeks to ensure that speculative sites put forward on the basis of a lack of housing land supply are genuine development proposals, as opposed to simply adding value to land'.

Development Guidance Note

a) The need for the Development

This application has been submitted in the context of the lack of a 5 year land supply, the fact that the UDP is out of date, that the proposal represents sustainable development and that it would reconnect the former Meadowslea hospital development at Min y Ddol, resolving the current sense of distance from the village.

The applicant has undertaken an analysis of the LDP candidate sites on the register for the settlement of Penyffordd & Penymynydd, this is introduced at para.4.5 in the accompanying planning statement. This is presented in a tabular form whereby each site is assessed against the following:

- Appropriate scale
- Technical deliverability
- Balanced development of the village
- Does not compromise open space

The results of the assessment shows that the application site is the best scoring site. However, when compared to, for instance, the methodology for assessing candidate sites, the assessment presented is rather superficial.

The table is presented in terms of the following conclusions:

- *'The above has provided an overview of the sites reviewed by the Local Planning Authority within the Preferred Strategy Consultation Document and has justified why the Vounog Hill Site should be allocated as strategic housing land within the Preferred Strategy in advance of the other proposed sites.'*
- *'The above demonstrates that the Vounog Hill Site is both deliverable and sustainable and will contribute towards the Local Authority's Housing land supply, specifically in Penyffordd.'*

It is not possible for the application site to be allocated in the Preferred

Strategy for the LDP, as it does not identify housing allocations (other than strategic sites). The site is not of a scale that would warrant consideration as a strategic housing site. It is also not understood how the assessment has established how the site is deliverable.

In addition to the above, paragraph 3.2 of the planning statement states that *'this part of the Penyffordd is currently characterised by the separation of the hospital redevelopment housing from the main core of the village along Vounog Hill, which has created an anomaly to the visual layout to Penyffordd. This site presents the opportunity to reconnect the outlying residents of the hospital redevelopment housing, with the core of the village community, resolving the current sense of distance from the village.'* It is not considered that there is any anomaly with the visual layout of the settlement. Penyffordd is almost wholly on the western side of Vounog Hill whilst Penymynydd is predominantly on the eastern side of Hawarden Road.

The circumstances which led to the residential development at the former Meadowslea Hospital has been set out. It is not understood how the Min y Ddol development and its residents are either physically or socially separated from the village, given that the access road is only some 130m. Furthermore, it is not understood why it is necessary to seek to rectify this by building housing on the intervening land. PPW provides clear advice in para.9.3.1 that *'new housing developments should be well integrated with and connected to the existing pattern of settlements.'* Given that the present pattern of development on this side of Vounog Hill, beyond the settlement boundary is sporadic and isolated in parts by open countryside, it is considered that the site relates poorly with the existing built form and pattern of Penyffordd, and will result in a block of development which will be harmful to the character and appearance of the countryside and locality.

b) Full Application

In accordance with the Developer Guidance Note, the Council would prefer the submission of a full application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable and deliverable form of development.

The application is in outline and has been submitted by Strutt & Parker Land Agents on behalf of the applicant Roundfield Limited, the background of which is not known.

The applicant does not provide comment in respect of their decision

to submit an outline application. No explanation has been provided as to why the submission of a full planning application would not be prudent or necessary in this case, despite the recommendations made by the Council in respect of speculative applications.

c) Sustainability Appraisal

The application is supported by a 'Sustainability Appraisal' which provides commentary on how the proposal is considered to be sustainable in the context of the guidance in PPW. The applicant has undertaken an analysis of the site, and considers that it has been demonstrated that the application site scores highly against the respective criteria.

The conclusions of the appraisal are that the site has no constraints to development, and is directly adjacent to existing housing development and infrastructure, with the ability to walk to local services and amenities by foot. It is on this basis that the applicant considers the site to be a sensible site to be considered for housing development as a sustainable solution to providing housing needs at a well located site.

Further arguments in relation to sustainability of the site are advanced in the planning statement in terms of its proximity to a range of local amenities and services, by both bicycle and regular bus services. It continues to state that one of the key features of the site is its location, immediately adjacent to the settlement boundary of Penyffordd.

d) Viability Appraisal

A viability assessment is provided in the simplistic form of a paragraph within the Sustainability and Viability Assessment document submitted with the application.

The paragraph refers to supporting documents that have been provided in relation to utilities, highways and drainage, which confirm that there is adequate infrastructure capacity at the site with delivery of these services being achievable. In addition, the applicant acknowledges the need to comply with site specific contributions, such as public open space, highways improvements, education and affordable housing. There is has been no dispute to the contribution requirements that would be generated in respect of the proposed scale of development. The applicant continues to state a commitment to complying with the specific planning policy provisions, offering to provide the full 30% provision of affordable dwelling units on site.

With reference to the outline form of the application and in the absence of a robust financial viability assessment, it is difficult to dispute the reality of the commitments being made by the applicant.

e) Housing Delivery Statement

The Council requires the submission of this essential evidence by the developer in order to demonstrate how the development can deliver housing to help to reduce whatever is considered to be the identified shortfall in housing supply, within 5 years from the application date. This should clearly identify a timeline for the development including the expected start date, the annual completion rate, as well as the expected completion date for the whole development. This should also clearly identify which developer(s) will be building the homes, as well as a statement that the land owner (where relevant) has agreed to the sale of the land on the basis of the scheme proposed, and will complete this agreement on the grant of planning permission thereby making the land immediately available for development. This requirement is also to ensure compliance with advice in paragraph 9.2.3 of PPW: *“This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”*.

Threaded throughout the planning statement, the applicant reiterates that the development is deliverable. However, in respect of the above Development Guidance Note commentary, it is not considered that the applicant has adequately demonstrated how the site can come forward within a 5 year period to meet the identified shortfall in housing supply.

Furthermore, it is understood that the applicant is not the owner of the land subject to this application. Therefore without evidence that the sale of the land has been agreed and or transferred, the notion of para 9.2.3 of PPW in that sites must be free or readily freed from ownership constraints has not been adequately demonstrated. It is therefore considered that this application is wholly speculative in nature, and that the intention to deliver housing on this site has not been genuinely investigated as a commitment to meet the current shortfall in housing supply.

Agricultural Land Classification

7.06 An Agricultural Land Classification Survey was submitted as part of the submission. This was undertaken by Reading Agricultural Consultants Ltd in November 2017. This confirmed that the main limitations to the agricultural land quality at the site is the soil wetness and workability which therefore limits most of the site to subgrade 3b with a smaller area of subgrade 3a (best and most versatile agricultural land) to the north of the site.

Welsh Government’s Land Use Planning Unit have clarified that the submitted Agricultural Land Classification Study has been completed to a high standard, and is considered to provide an accurate indication of the agricultural land quality.

Highways

7.07 The proposed vehicular access into the site is from a proposed new central access off Vounog Hill, allowing access to both the local and wider network. The application is accompanied by a Transport Statement which demonstrates that safe vehicular access to the proposed development can be made from Vounog Hill. It also highlights that the site is sustainably located and has good links to the public transport network; promoting the use of sustainable transport means.

Further representations have been made that the proposal will give rise to a level of traffic generation which would adversely affect the safety of existing highway users and is unsustainably excessive. The Local Highway Authority have considered the proposal and raise no objections on highway safety grounds. Accordingly, there is no objection to the proposals, subject to the imposition of conditions.

Landscape and Visual Impacts

7.08 The application is accompanied by a Landscape Visual Impact Assessment (LVIA) undertaken by Ryder Landscapes Consultants in November 2017. The LVIA has considered the baseline landscape and visual environment through a desk top review of published documents and reports, supplemented and verified by fieldwork. This included the identification of a range of landscape receptors and visual receptors at fixed locations within the study area to create a series of viewpoints.

In summary, the LVIA concludes that through the aid of mitigation measures such as boundary treatments and planting, the landscape effects would generally reduce over time. It is accepted that with the exception of the built portion of the site itself, the landscape character will change permanently as a consequence of the development. In terms of visual effects, it is recognised that there will be change for the users on or close to the site, with the visual effects predominately limited to receptors local to the site; confirming that there are limited mid or long range views affected by the proposals. The LVIA notes that users of local roads adjacent to the site will experience an ongoing change in their visual amenity. However, it is considered that the change will diminish as people become familiar with seeing houses in this particular location, and that the effects would reduce over time as the development becomes established.

The proposed site forms part of a wider local and regional character area. No landscape receptors were assessed as experiencing significant effects post mitigation. In most part all trees and hedgerows of merit will be retained and enhanced as part of the landscape planting proposals; which are said to soften the built form and assimilate the development into the wider landscape context.

The submitted LVIA has not been reviewed by an independent Landscape Architect on behalf of the Council. Such reviews are only considered necessary should the Council resort to refuse the application on Landscape and Visual Impact grounds. As it is considered that the proposal fails in principle policy terms, and therefore does not comply with the development plan and national planning policies, an independent review of the submitted LVIA was not considered necessary.

However, the proposed site lies within open countryside as defined by the Adopted Flintshire Unitary Development Plan. It is therefore my opinion that the site is a constituent of its enveloping rural landscape character by virtue of its topography, openness, pasture use, vegetation and presence of settlement. It is not on the fringes of the rural character, but very much part of it. Historically, the settlement of Penyffordd/Penymynydd has an east-west layout with two historic cluster areas. This east-west form will be further accentuated through the recent appeal of 187 dwellings at Chester Road. In relation to the application site, the present pattern of development is concentrated to the west, while on east side of Vounog Hill, development is sporadic and isolated in parts by open countryside. It is considered that the location is counter to the pattern of the settlement, and will result in a block of development which will be harmful to the character and appearance of the open countryside.

Trees

7.09 The application site consists of improved agricultural grassland with species poor hedges and occasional mature trees including a Black Poplar and Horse Chestnut.

The application is accompanied by a Tree Survey Report undertaken by 'acs consulting' tree consultants in November 2017. The report concludes that the site's principle constraints on development are T43 Poplar and off site tree T2. Tree T43 is a significant specimen in the landscape with veteran potential. The remaining trees within the site are unremarkable specimens of very limited merit or in such impaired condition that they do not qualify in higher categories. They are trees offering low or only temporary/transient landscape benefits.

The proposal seeks to retain all hedgerows and trees including the trees as identified of significant merit within the scheme of development, employing tree protection measures where appropriate.

Ecology

7.10 An ecological appraisal was submitted with the application undertaken by ETIVE Ecology Ltd. dated February 2018. The report concludes that the site has the potential to support roosting, foraging and commuting bats, nesting birds and other notable species of fauna. However, the proposal layout has been designed to retain all

ecological features of potential value to include the existing hedgerow network and all mature trees, thereby avoiding and minimising ecological impacts to a minor level. Provided the habitat creation measures are implemented in full, and managed appropriately post-construction, there should be no residual ecological impacts posed as a result of the scheme.

Drainage Impacts

7.11 Welsh Water initially raised concerns surrounding the capacity of the local public sewerage network to accommodate the foul flows from the proposed development. However, Waterco Consultants have since identified a total of 310m² surface water contributing area from the roof and concrete yard areas of the adjacent Emmanuel Church is currently discharging into the 225mm diameter combined public sewer situated along Vounog Hill.

In light of the above, DCWW confirms that should the surface water flows from the connected area (310m²) be re-directed from the combined line into an existing ditch, we would be satisfied that this would offset the anticipated foul flows associated with the proposed new development.

I am advised in response to consultation by DCWW that there is no objection to the proposed development subject to the imposition of a condition that requires the removal of 310m² of surface water contributing area from the combined foul network as identified in the Flood Consequence Assessment & Drainage Strategy, to be completed in full and maintained thereafter to prevent surface water run-off from the application site and Emmanuel Church entering the combined public sewerage network.

Education

7.12 It has been suggested in third party responses to consultation that the settlement does not have sufficient capacity within the existing infrastructure to accommodate the proposed development of a further 37 dwellings. Specifically sited is the lack of capacity at local schools.

Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation established, having regard to SPG23: Developer Contributions to Education, that the development would give rise to the need for a contribution requirement at both primary school and secondary school levels.

The consultation response confirmed that nearby primary school and secondary school currently have capacity to accommodate the number of pupils that would be generated as a result of the development. This would not tip the scales in terms of the schools ability to accommodate new pupils, but the number of pupils generated would trigger the need for contribution requirements. In this

respect, the contribution sought for Penyffordd Primary would be £85,799 and £110,814 for Castell Alun Secondary.

I am advised that the sums would be used as a contribution towards providing additional toilet provision.

Open Space

- 7.13 Following discussions with the leisure services, it is proposed that a contribution of £1,100 per dwelling in lieu of on-site provision (£733.00 for any affordable housing) is secured through the proposed legal agreement. The payment would be used to improve teenage provision at Millstone Play area, Penyffordd.

Affordable Housing

- 7.14 The applicant proposes to provide affordable housing in line with UDP policy HSG10. The application is to develop 37 no. dwellings, in accordance with the provisions of policy HSG10 at 30%, 11 units have been committed as affordable housing. Housing Strategy supports the provision of 11 affordable properties on site, and recommends that the provision is delivered in the following format:

- 6 of the units should be a mix of 1 and 2 bed social rented properties, which should be delivered by one of the Council's partner Housing Associations, who would acquire the units direct from the developer; and
-
- 5 of the units should be a mix of 2 and 3 bed units for affordable rent either delivered by a partner Housing Association or North East Wales Homes.

CIL Compliance

- 7.15 Members will be aware that where it is recommended that planning permission be granted, I would set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 Agreement. However, in view of the recommendation that permission be refused, I have in this case refrained from so doing at this stage.

Other Matters

- 7.16
- Third party objections have included concerns regarding the loss of the land as a recreational facility and open space for the community. The land is in private ownership and is not designated recreational or open space for the use of the community. Concerns have also been raised regarding lack of doctors, dentist and public transport. The sustainable nature of Penyffordd and associated infrastructure has been examined by several Inspectors in recent times. The Inspectors have consistently concluded that Penyffordd is a sustainable location and no evidence has been submitted by third party objectors to demonstrate that there is a lack of

provision. There has also been no evidence submitted to demonstrate how the development proposed would create a noise issue. As the proposal is in outline form it is not possible to consider issues relating to privacy and overlooking as if the application were approved these would be examined in a later reserved matters application.

8.00 CONCLUSION

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise.

In this instance, it is considered that the proposal amounts to unjustified residential development within an area of open countryside, whereby the proposed development would be detrimental to its setting. It would result in the loss of what is currently an open, agricultural field and its replacement with built development and associated human activity. This is considered to have an adverse impact on the rural quality of the landscape, increasing the built form of development outside the settlement boundary, at the expense of the surrounding open countryside. In these terms, the proposed development would conflict with UDP policy STR7 requirement to protect and enhance the character, appearance and features of the open countryside.

Further, the proposal would result in a development which does not relate well to the existing pattern of development in the area, and would result in a fragmented form of development which does not integrate well with the existing built form. As such the proposal represents an illogical extension to the settlement which would be contrary to the provisions of Paragraphs 2.1.3, 4.6.4, 4.7.8 and 9.3.1 of Planning Policy Wales (9th Edition – Nov 2016) and UDP Policies STR1, GEN1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.

It is acknowledged that despite the changes to TAN1 para 6.2 which came into effect of the 18th July 2018, the Council cannot demonstrate a 5 year housing land supply within the broader terms of TAN1. As set out, the disapplication does not mean that a lack of land supply is no longer a material planning consideration to be weighed in the planning balance, it does however, redress the previous bias emphasised by the use of the term “considerable weight”, and also leaves the weight to be applied to this issue, for the Local Planning Authority (LPA) to determine. Therefore, the weight that should now be attributed to the need to increase supply is dependent on the planning balance providing that the development would otherwise comply with the development plan and national planning policies.

From the above, it has been demonstrated that this is not the case

and as such the lack of a housing land supply is not sufficient to outweigh the harm on the character and appearance of the open countryside. I therefore recommend accordingly.

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: Katie H Jones
Telephone: 01352 703257
Email: katie.h.jones@flintshire.gov.uk