

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 12 NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 3 NO. TWO STOREY TERRACED DWELLINGS AND ASSOCIATED WORKS AT LAND ADJOINING PENDOWER, FFORDD Y PENTRE, NERCWYS**

APPLICATION NUMBER: **051954**

APPLICANT: **MR. R. JONES**

SITE: **LAND ADJOINING PENDOWER, FFORDD Y PENTRE, NERCWYS**

APPLICATION VALID DATE: **27TH MARCH 2014**

LOCAL MEMBERS: **COUNCILLOR N. MATTHEWS**

TOWN/COMMUNITY COUNCIL: **NERCWYS COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the erection of 3 two storey terraced dwellings and associated works on land adjoining Pendower, Ffordd y Pentre, Nercwys.
- 1.02 The issues for consideration are the principle of the development in planning policy terms, housing need, the highway implications, and the effects upon the amenities of adjoining residents, setting of listed buildings and the character and appearance of the area.
- 1.03 As the applicant is unwilling to have the dwellings restricted to meet

the identified housing need in the area, the development is considered contrary to Policy HSG3 of the Flintshire Unitary Development Plan.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The Local Planning Authority considers that insufficient evidence has been submitted to demonstrate how the dwellings are to meet the identified affordable housing need in the area, thereby restricting the community's accessibility to these facilities and contrary to Policy HSG3 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor N. Matthews

Requests committee determination as the criteria regarding affordable housing be lifted in this case. Criteria require the Council to have the right to put forward people from the affordable housing register as purchasers for the proposed properties.

Applicant already has people connected to the village who have expressed desire to purchase properties and whose income puts them into the required bracket regarding small properties which they can afford. Written to planning department with details of prospective purchasers.

Requests committee site visit. This is small infill development in the middle of the village, to be built to a high environmentally friendly standard. Wishes Committee to see the site and assess the nature of this small country village.

Nercwys Community Council

No objections. All Councillors support.

Highways Development Control Manager

2.4 m x 43 m (approx) sightlines from the proposed access points may be provided without reliance on 3rd party land. Recommends that any permission to include suggested conditions.

Environmental Protection Manager

No objections in principle to this application. However, site in area with extensive lead mining history. Some justification to believe contamination could be present in all or part of site. Proposal is also for residential that could be vulnerable to the presence of contamination. Therefore recommends a site investigation contamination report be carried out as a planning condition upon any recommendation to grant planning permission.

Environment Directorate

(Rights of Way)

Public Footpath 12 abuts the site but is unaffected by the development.

The path must be protected and free from interference from the construction.

Housing Strategy Manager

Currently 7 Applicants registered on Council waiting list for rental accommodation in Nercwys, and one Applicant on the affordable housing register looking for affordable homeownership.

There is a need so would be looking for affordable rental – 80% of market rent, or Local Housing Allowance whichever one is highest.

Public Open Spaces Manager

In accordance with Planning Guidance Note 13 – Public Open Space Provision, the Council should be seeking a capital sum payment in lieu of on site provision of not less than £1,100 per dwelling. The payment would be used to enhance existing recreation provision in the community.

Welsh Water/Dwr Cymru

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

Natural Resources Wales

Development has low environmental risk, therefore standard advice applies.

Clwyd-Powys Archaeological Trust

No archaeological implications for proposed development at this location. Nearest recorded site is Ty Draw Farmhouse (PRN 41603) 40 m to the North, which is unaffected.

SP Energy Networks

Have plant and apparatus within the area and as such may be affected by the development. However, advised to contact them before development proceeds.

Wales & West Utilities

No response received to date.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

3 letters of objection received. The grounds of objection being:-

- Have the reasons for granting the house under 043643 been revisited? Design specifications were very particular as to needing space for a disabled member of the family. How does that fit with instead of a landscaped area, there will be three more houses.
- First floor accommodation of the proposals will overlook those existing properties opposite.
- Entrance to the proposals opposite the existing properties will cause a nuisance – lights from cars exiting will shine into bedroom windows. Properties at a lower level.
- Development of this sort is out of keeping with the local village environment in a low-density area.
- Would have a detrimental impact upon the listed building of Plas Fynnon and cumulatively also within the new dwelling adjacent.
- No shops or post office in village to support further development and public transport is infrequent.
- Loss of hedging, large tree and grazing land.
- Contravenes planning policy as proposals should contribute positively to making places better for people.
- No pavement on either side of the road. Pedestrians would be put at extra risk as would children going to the local school. Emerging from drives is already difficult for existing houses and would be exacerbated by the development. Would result in worse on road parking, on a road which is already narrow.

5.00 SITE HISTORY

5.01 None.

Adjacent Site

04/043643 – Erection of a two storey dwellinghouse – Granted 24th September 2007.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 STR1 – New Development.
 STR2 – Transport & Communications.
 STR4 – Housing.
 STR7 – Natural Environment.
 STR8 – Built Environment.
 STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.
GEN2 – Development Inside Settlement.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
TWH2 – Protection of Hedgerows.
L1 – Landscape Character.
HE2 – Development Affecting Listed Buildings & Their Settings.
AC13 – Access & Traffic Impact.
AC18 – Parking Provision & New Development.
HSG3 – Housing.
SR5 – Outdoor Playing Space & New Residential Development.
EWP12 – Pollution.
EWP13 – Nuisance.
EWP14 – Derelict & Contaminated Land.
EWP16 – Water Resources.
EWP17 – Flood Risk.
IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 – Space Around Dwellings.
Local Planning Guidance Note 9 – Affordable Housing.
Local Planning Guidance Note 11 – Parking Standards.
Local Planning Guidance Note 13 – Open Space Requirements.

National

Planning Policy Wales (Edition 6) February 2014.
Technical Advice Note (TAN) 2: Planning & Affordable Housing.
Technical Advice Note (TAN) 12: Design (2009).
Technical Advice Note (TAN) 16: Sport, Recreation & Open Space.

It is considered that the proposals do not comply with Policy HSG3 of the Flintshire Unitary Development Plan as the developments are not justified on the grounds of housing need.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of approximately 0.08 ha of flat grazing land with its eastern boundary comprising a hedgerow fronting Ffordd y Pentre, the southern boundary being a fence to the recently constructed property of Pendower, the northern boundary forming part of Footpath 12 and the western boundary which comprises part of the grazing land. It is currently accessed via the driveway to Pendower or from the gate off the driveway to Ty-Draw Cottage.

7.02 The land is located on the western side of Ffordd y Pentre, Nercwys in between Footpath 12 and the recently constructed property of Pendower. Opposite on the eastern side of the road lie the existing properties of Ty-Mawr, Fyfield and Llys-Gwyn.

- 7.03 The proposals involve the erection of 3, two bedroomed, two storey, terraced dwellings with the formation of two vehicular access points onto Ffordd y Pentre.
- 7.04 The terrace will measure approximately 17 m x 8 m x 7 m with the external finish to the walls being a combination of facing brick and render with the roof being slate.
- 7.05 The Applicant sees this as an ideal opportunity to provide good quality starter homes for young people from or an attachment to Nercwys. The village is in danger of becoming a retirement village as very few properties are available are in urgent need of modernisation and would require a substantial deposit with the retention of monies from a prospective lender until such work was complete.
- 7.06 It is further explained by the Applicant that great care has been undertaken in the construction of Pendower and embraced modern technology for heating and hot water. It is the intention that these dwellings will be built to such a high specification, so that fuel costs are kept to a minimum.
- 7.07 This can only be achieved, the Applicant argues with these dwellings if there is no Section 106.
- 7.08 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, housing need, the highway implications, and the effects upon the amenities of adjoining residents, setting of listed buildings and the character and appearance of the area.
- 7.09 Principle of Development
The site is located within the settlement boundary of Nercwys whereby Policy GEN2 of the Flintshire Unitary Development Plan (FUDP) directs that new development will normally be permitted. However, in the case of new residential development there are limitations imposed by HSG3.
- 7.10 Nercwys is identified as a Category C settlement in the FUDP on account of its small size and limited facilities with a growth band of 0-10%. Policy HSG3 in the FUDP is permissive of the principle of new housing development provided it is to meet proven local needs housing and cumulatively does not result in our 10% growth since the year 2000. Other requirements associated with HSG3 are that new housing development does not conflict with the FUDP housing provision for the County or result in tandem or overdevelopment of the site.
- 7.11 The 2013 Housing Land Availability Study shows that when taking into account housing completions and commitments the total growth rate

in Nercwys is 3.5% since 2000. Therefore, the principle of residential development is acceptable in planning policy terms provided it is to meet proven local needs housing.

7.12 Housing Need

Currently there are 7 Applicants registered on the Council waiting list for rental accommodation in Nercwys and 1 Applicant on the Affordable Housing Register.

7.13 Therefore there is a need in Nercwys with the dwellings having to be for affordable rental or local housing allowance whichever one is the highest to meet the need.

7.14 The Applicant has indicated that any restrictions on occupancy would be unacceptable due to cost and has submitted the budget/costs for the proposed development. It is also argued by the Applicant that due to the small size of proposed dwellings and that there are people in the village who want to buy them that the local need is being provided.

7.15 To comply with Policy HSG3, the Applicant would have to accept the restrictions on occupancy of the dwellings to meet the affordable housing need in Nercwys.

7.16 Given the above, the proposed development is therefore contrary to Policy HSG3 as it is considered that there is insufficient evidence to show how the three dwellings are meeting the identified local housing need.

7.17 Highway Implications

The dwellings will be served by two vehicular access points onto Ffordd y Pentre with six parking spaces being provided for the three dwellings within the site.

7.18 The Highways Development Control Manager has been consulted upon the application who recommends that any permission includes suggested conditions.

7.19 No objections are recommended as the required visibility sightlines can be achieved, the requisite number of off-road parking spaces are being provided and there is adequate space within the site for the manoeuvrability for vehicles.

7.20 Amenities of Adjoining Residents

The separation distances between the front and sides of the proposed dwellings and the front and sides of the nearest existing properties comply with the guidelines within Local Planning Guidance Note 2 'Space Around Dwellings'.

7.21 Given the above, it is considered that the proposals will not have a significant detrimental impact upon the amenities of the adjoining

occupiers in terms of loss of light, obtrusiveness and overlooking.

7.22 Setting of Listed Buildings

Ty-Draw Farmhouse which is Grade II lies approximately 40 m to the north west and Plas-Fynnon which is also Grade II lies 50 m to the south east of the site.

7.23 Given these distances and that Ty-Draw Cottage and Village Road lies in between Ty-Draw Farmhouse and Plas-Fynnon respectively, it is considered that the proposals will not detrimentally affect the setting of either of these two listed buildings.

7.24 Character & Appearance of Area

Residential properties lie to the north, north west, east, south east and south of the site where there is a mix of the type, style and materials of dwellings.

7.25 Given the above, it is considered that the proposed dwellings being of two storey, terraced, of a traditional design and constructed with the external finishes of the walls being a combination of facing brick and render with the roofs being slate will not appear to be out of keeping with those surrounding the site.

8.00 CONCLUSION

8.01 The proposals are considered contrary to Policy HSG3 as insufficient evidence has been submitted to demonstrate how they are to meet the identified affordable housing need in the area.

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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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