

FLINTSHIRE COUNTY COUNCIL

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

DATE: **17TH DECEMBER 2014**

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

SUBJECT: **OUTLINE APPLICATION - PROPOSED REDEVELOPMENT FOR THE ERECTION OF 12 DWELLINGS INCLUDING DEMOLITION OF EXISTING OUTBUILDINGS AND CREATION OF NEW ACCESS AT "BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NEAR CHESTER**

APPLICATION NUMBER: **052377**

APPLICANT: **HOLTS CONSERVATORIES LTD**

SITE: **"BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NEAR CHESTER**

APPLICATION VALID DATE: **8TH JULY 2014**

LOCAL MEMBERS: **COUNCILLOR P. LIGHTFOOT**

TOWN/COMMUNITY COUNCIL: **HIGHER KINNERTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **CALLED-IN BY COUNCILLOR D.T.M. WILLIAMS & COUNCILLOR CINDY HINDS AS ADJOINING WARD MEMBERS AS THE SITE LIES OUTSIDE THE DEVELOPMENT BOUNDARY; THE PROPOSAL IS AGAINST POLICY; DOES NOT FALL WITHIN THE DEFINITION OF A BROWNFIELD SITE; WOULD HAVE A NEGATIVE EFFECT ON THE COMMUNITY OF PENYFFORDD; AND, WOULD LEAD TO THE LOSS OF TRADITIONAL BUILDINGS THAT COULD BE CONVERTED & RENOVATED.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The application seeks outline planning permission for the erection of 12 dwellings including the demolition of existing buildings and the creation of a new access at Bank Farm, Penyfford.
- 1.02 The application has been submitted in outline with all matters reserved except access. However, the application documents indicate the number of dwellings proposed to be 12 and advises that a condition could be accepted stating that no more than 12 dwellings can be erected under the outline consent. The Design & Access Statement clarifies that the amount of built form on the site would be similar to that of the existing buildings, hence the relatively low density of the scheme.
- 1.03 The main issues to be considered in the determination of this application are:-
- Whether the principle of residential development is acceptable on the site having regard to the planning history and current planning policy in respect of previously developed land;
 - Whether the site is an accessible and sustainable location;
 - Scale and form of the development proposed;
 - Whether there have been any material changes in circumstances since the refusal of previous applications for residential development of the site.

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

- 2.01 Subject to the completion of a Section 106 Obligation to cover the payment of commuted sums in respect of Education Provision (in accordance with the provisions of SPG 23), on site play provision (in accordance with the provisions of LPG 13) and the construction of a footpath link between the site and the village of Penyffordd, that Welsh Government to notified that the Council are minded to grant outline planning permission subject to the following conditions:
1. Outline – Reserved matters.
 2. Outline – Time limit – 2 years
 3. Materials to be submitted and approved.
 4. Siting, layout and design of site access to be in accordance with details to be submitted and approved, prior to the commencement of any site works.
 5. Forming and construction of means of site access shall not commence until detailed design has been approved.
 6. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and approved, prior to the commencement of any site works. Development to be

- undertaken in accordance with approved details.
7. Foul and surface water to be drained separately.
 8. No surface water to connect, either directly or indirectly, to the public sewerage system.
 9. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
 10. Details of hard/soft landscaping to be submitted and approved.
 11. Timescale for completion of landscaping scheme to be approved.
 12. Details of footpath link from the site to Penyffordd to be submitted and approved.
 13. Footpath link to be provided prior to the occupation of any dwellings.
 14. Removal of permitted development rights.

3.00 CONSULTATIONS

3.01 Local Member: Councillor P. Lightfoot

Supports the application as it will improve a site which is becoming a blight on the countryside.

Adjacent Ward Member: Councillor D.T.M. Williams

Requests planning committee determination and objects to the application as the development will have a negative effect on the infrastructure and community of Penyffordd; the land is outside the settlement boundary; the site does not fall within the definition of a brownfield site; the proposal would result in the loss of traditional farm buildings of Local Historic Interest which could be renovated and converted.

Adjacent Ward Member: Councillor C. Hinds

Requests planning committee determination on the basis that the site is outside the settlement boundary; against planning policy; and, there are enough houses within the settlement boundary for the community needs.

Higher Kinnerton Community Council

Would support the erection of one dwelling only on the site. In view of the proximity of the site to the adjoining communities of Penyffordd and Penymynydd, consultation has also been undertaken with the local members and Community Council for this area.

Penyffordd Community Council

Strongly object to the application as the site is outside the settlement boundary of Penyffordd and Kinnerton; the site does not fall within the definition of previously developed land and a previous application for residential was dismissed on appeal; an additional 12 dwellings would place further increased pressure on services in Penyffordd; and, the development would not maintain the character of this open countryside location.

Head of Assets and Transportation

Initially advised that the application warrants a recommendation of refusal as it appears that the applicants intend to provide a roadway that is not to adoptable standard.

The applicants have clarified that the scheme was amended as part of a previous application to show two access points and this still applies to the current proposal. Plots 1 to 11 will be served from one point of access. It has been confirmed that it was intended that plots 1 to 6 would be off an adopted highway with plots 6 to 11 from a private drive. Plot 12 will be served from its own private drive. This is still the case and is consistent with the plans submitted as part of the current application (drawing number A002). The scheme is in outline and this matter can be adequately controlled through the imposition of conditions.

Head of Public Protection (Contaminated Land)

No objection subject to condition requiring site investigation of the nature and extent of contamination and proposed remediation works prior to commencement of development.

Public Open Spaces Manager

In accordance with planning Guidance Note 13 the Council should be seeking £1,100 per dwelling in lieu of on-site Public Open Space.

Welsh Water/Dwr Cymru

No objection.

Natural Resources Wales

No objection.

Clwyd-Powys Archaeological Trust

Request that the applicant is required to carry out a photographic survey (comprising photographs in high resolution digital format showing each existing internal and external elevation and the site's general location) before development commences, in order to preserve a minimal record of these buildings. This can be secured by condition.

Airbus Operations Ltd

No safeguarding objection

Lifelong Learning Directorate

The nearest Secondary school is Castell Alun, and the pupil numbers on roll exceed their capacity by 131, so a contribution towards Secondary school provision would be required. This is currently calculated as £36,938.

As for the Primary schools; Pentrobin V.A. School is the nearest

school being some 0.57 miles from the development site, as this school currently has 15.20% surplus places, then no contribution would be required at primary.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification & Application has been Advertised as a Departure from the Development Plan in the Press

At the time of preparing this report one letter of objection has been received stating that 12 houses are too many and that 8 dwellings would be more appropriate. They also object to the access arrangements.

A further letter has been received raising concerns about the adequacy of proposed drainage arrangements and to the proposed footpath along Chester Road.

Four letters of support have been received.

5.00 SITE HISTORY

5.01 051648

Application for the approval of details reserved by conditions 3 (materials), 4 (access from Barracks Lane), 5 (closure of existing access), 6 (phasing of parking provision), 9 (Drainage), 10 (hard/soft landscaping), 13 (safeguarding of swallows), 15 (hedgerows/tree protection), 16 (replacement doors / windows), and 18 (vents/cowls) attached to planning permission reference 050921 - Approved 24.04.2014

050921

Variation of condition nos.6,8,9,13,15,16 and 18 imposed on planning permission ref: 048780 to allow for a phased approach for the undertaking of (a) a scheme for facilities for the parking, turning and unloading of vehicles (b) extended lighting (c) a scheme for the comprehensive drainage of the site (d) a scheme of ecological mitigation (e) the provision of tree/hedgerow protection (f) the introduction of replacement windows/doors and (g) ventilation equipment rather than the requirement for all details to be provided before the use of any part of the site commences as currently permitted – approved 26th September 2013

050003

Outline application - erection of 12no. dwellings including demolition of existing outbuildings and creation of a new access at "Bank Farm", Lower Mountain Road, Penyffordd,. Withdrawn

048780

Change of use of agricultural buildings to light industrial use. Permitted 06.01.2012

040627

Certificate of lawfulness – residential, retail and associated storage.
Refused 14.02.06

038067

Outline, Demolition of existing buildings and erection of new dwellings.
Application called in by Welsh Government and refused 13.10.05

00/00733

Outline, Erection of 12 No. detached dwellings. Refused 05.09.00

4/2/14925

Change of use of piggery to boarding kennels and cattery. Withdrawn
06.02.90

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR 2 – Transport and Communications

Policy STR 4 – Housing

Policy STR 7 – Natural Environment

Policy STR 8 – Built Environment

Policy GEN1 – General Requirements for Development

Policy STR10 – Resources

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG4 – New Dwellings Outside Settlement Boundaries

National Planning Policy

Planning Policy Wales Edition 7 – November 2014.

7.00 PLANNING APPRAISAL

7.01 Introduction

The application seeks outline planning permission for the erection of 12 dwellings including the demolition of existing buildings and the creation of a new access at Bank Farm, Penyffordd.

7.02 The application has been submitted in outline with all matters reserved except access. However, the application documents indicate the number of dwellings proposed to be 12 and advises that a condition could be accepted stating that no more than 12 dwellings can be erected under the outline consent at Bank Farm, Lower

Mountain Road, Penyffordd.

7.03 Site Description

The site which is approximately 0.9 hectares in area, is located on the south eastern side of Chester Road, at its junction with Barracks Lane and Lower Mountain Road, approximately 0.5km to the east of Penyffordd.

7.04 The site accommodates a redundant farm dwelling with associated buildings in various state of repair. These buildings comprise a mix of older brick/timber frame outbuildings and more modern buildings constructed of breeze block and corrugated sheeting external walls. The site is bounded to the north by a mature and well established hedgerow, which also exists in part to the southerly end of the western site boundary with the remainder formed by the flank wall of one of the buildings. Since the granting of planning permission for the change of use of agricultural buildings to a light industrial use an access has been formed to serve part of the site which is now in light industrial use (timber storage and treatment). This access is onto Barracks Lane and is secured and gated when not in use.

7.05 Principle of Development

The principle of residential development of this site has been subject to considerable consideration in the past as indicated in the planning history section of this report. This includes a refusal by the National Assembly for Wales on the 13th October 2005 for an outline application for residential development (ref: 04/2/38067).

7.06 Subsequently an outline application (ref: 50003) for the erection of 12 dwellings on the site was considered by the Local Planning Authority and following a resolution to approve that application Welsh Ministers Called-In the application for their own determination. The application was subsequently withdrawn but a Direction remains in place directing the Council not to grant planning permission in respect of application no. 050003; or “any development of the same kind as that which is the subject of that application on any site which forms part of, or includes the land to which that application relates”. Given that this current application is an outline application for 12 dwellings and is on the same site as application Ref: 50003, this current application is covered by the Direction.

7.07 The Direction therefore relates to the current application. Notwithstanding the Direction the Council must consider whether the principle of development is acceptable. Should the Committee resolve to approve the application it will then have to be referred to Welsh Ministers under the Direction.

7.08 The applicants make the case that there have been significant material changes in circumstances since previous the refusal in June 2005. In summary the applicants point to the following changes:

- In terms of sustainability the site now has bus-stops immediately outside the site;
- A footpath is proposed as part of this proposal to link the site with Penyffordd;
- The site now constitutes previously developed land following the implementation of the light industrial permission;
- The Council are currently unable to demonstrate a 5 year supply of housing land;
- The current proposal will be more sensitive to the character of the locality and will resemble a range of converted farm buildings rather than a “modern housing estate”.

7.09 Main Planning Issues

The main issues to be considered in the determination of this application are:

- Whether the principle of residential development is acceptable on the site having regard to the planning history and current planning policy in respect of previously developed land;
- Whether the site is an accessible and sustainable location and whether the development constitutes sustainable development;
- Whether the scale and form of the development proposed is acceptable;
- Whether there have been any material changes in circumstances since the refusal of the previous application (June 2005) for residential development of the site.

7.10 These issues were reflected in the reasons for the Direction to call-in a previous application (50003) as set out in the call-in letter of the 19th February 2013 as:

- the application raises issues which may be in conflict with national planning policies in respect of development in the countryside;
- the application raises issues of more than local importance; and,
- there are no significant differences in relevant aspects to the previous outline application for 20 dwellings on the site that was called in by Welsh Ministers in 2005.

7.11 On this previous application (50003) for 12 dwellings Members of the Planning and Development Control Committee resolved to approve the application following detailed consideration of the planning policy issues and having regard to material changes in circumstances since the previous call-in decision in 2005 as evidenced by the minutes of the Committee.

7.12 The Local Planning Authority’s resolution to approve the application was based on the assumption that the site was a previously

developed site which had been unused and had become an eyesore in the locality for a significant period; that there was no prospect of its re-use for agriculture; a consent for its re-development for light industrial use had already been granted; and, there were material changes in circumstances since the 2005 refusal, including improvements to the site's accessibility by public transport, combined with further proposed pedestrian accessibility improvements. Furthermore, there had been successful re-development of previously developed sites, such as the Meadowslea Hospital Site on the outskirts of Penyffordd since the previous June 2005 refusal.

- 7.13 The question as to whether the site fell within the definition of previously developed land was subject to interpretation in considering application ref 50003. The applicants argued that, as the site was not in agricultural use it did not fall within the exclusion covering "land and buildings currently in use for agriculture or forestry" as set out in the previously developed land definition set out within Planning Policy Wales (PPW).
- 7.14 For clarification the current PPW definition of Previously Developed Land (PDL) is as follows:
- 7.15 "Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.
- 7.16 Excluded from the definition are;
- land and buildings currently in use for agricultural or forestry purposes;
 - land in built-up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
 - land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
 - previously developed land the nature conservation value of which could outweigh the re-use of the site; and,
 - previously developed land subsequently put to an amenity use."
- 7.17 The situation as to whether the site now falls within the definition of previously developed land is much clearer as the light industrial permission (ref: 048780) has been implemented.
- 7.18 The committee report relating to the previous application for housing

on this site (50003) noted that “If the light industrial permission were implemented, it is acknowledged that this would constitute ‘development’ of the redundant agricultural buildings by way of a material change of use. The land occupied by those buildings would then be PDL, thereby rendering the site in its entirety PDL from that point onwards”.

- 7.19 There has therefore been a material change in circumstance given that the site must now be considered in its entirety as PDL.
- 7.20 Paragraph 4.9.1 of PPW advises that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. However, it also states that the Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated.
- 7.21 Despite the preference at paragraph 4.9.1 for the development of PDL there is a need to consider whether or not this location is suitable for residential development of the scale proposed and one of the principal issues must be its location outside the current settlement boundary for Penyffordd as defined in the UDP.
- 7.22 Paragraph 4.2.2 of PPW now advises that 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, by the decision-taker when:
- preparing a development plan; and
 - in taking decisions on individual planning applications.
- 7.23 Paragraph 4.4.3 of PPW then advises that planning policies, decisions and proposals should:
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites.
 - Locate developments so as to minimise the demand for travel, especially by private car.
- 7.24 Paragraph 4.9.2 of PPW advises that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites

- in and around existing settlements where there is vacant or under-used land, commercial property or housing
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

7.25 In this context the application site could be considered as a site which is “in and around” an existing settlement being within walking distance of the settlement of Penyffordd. The applicants have shown in their submission that the site is within walking distance of Penyffordd and that a new footway will be provided along the northern edge of Chester Road. As a result the site will be located within 1 mile walk from the centre of Penyffordd along a continuous dedicated pedestrian footpath.

7.26 With reference to the sustainability of the location, there are a number of material differences which distinguish the current proposal from the called-in application in 2005. Since the determination of that application two bus stops have been established on Chester Road almost immediately adjoining the site. These bus stops provide a number of services throughout the day with the principal service being Service No. 3 which connects to Mold, Buckley, Penyffordd, Broughton, Saltney and Chester. This service operates at a frequency of every 30 minutes during the day in each direction of travel.

7.27 The Inspector’s report on the previous call-in application concluded that:
 “..residents would be forced to rely on the private car....there is insufficient evidence to demonstrate that an adequate bus service is available to meet the general needs of the residents. Consequently the development would be in an unsustainable location...”

7.28 The availability of bus stops serving a ½ hourly bus service within 20m of the site is now a significant material change in circumstance since the 2005 decision.

7.29 Added to the availability of bus services immediately adjoining the site is the proposed provision of a pedestrian path from the site to link with the existing footpath network some 550 metres to the west in Penyffordd. This ensures that the site is linked safely and conveniently with the centre of Penyffordd at less than 1 mile away from the application site.

7.30 A one mile walk to the centre of Penyffordd is a reasonable distance in terms of accessibility. This was re-affirmed in a recent appeal decision issued on the 31st July 2014 (ref: APP/B6855/A/14/2216871) where the Inspector in granting planning consent for a single dwelling

in the open countryside as defined in an adopted UDP concluded that “the site is reasonably well located to the settlements of Pontlliw and Pontardullais, and connected to them by public transport. Moreover, Pontardullais is approximately one mile away and is well provided for in terms of a segregated footway for pedestrians. In my opinion the site has good accessibility that would not place unacceptable demands on the need for private transport or the provision of other services”.

- 7.31 There are clear comparisons between the current application site and the site referred to in the appeal decision of 31st July 2014 in terms of the accessibility of the site.
- 7.32 One of the additional changes in circumstances in terms of the site’s sustainability as a suitable location for housing since the 2005 call-in is the approval in 2008 of a strategic business park at Warren Hall, Broughton, Flintshire. The consent will result in the development of a business park within walking distance of the current application site. One of the key requirements of that business park consent is set out in a Planning Obligation dated 26th February 2008 and requires the agreement and provision of proposed cycle routes to connect the Warren Hall development with Broughton, Penyffordd and Penymynydd. Inevitably the link to Penyffordd will follow the most direct route along the Chester Road and past the current application site.
- 7.33 It is clear from the foregoing that there have been significant changes in circumstances since the 2005 decision in terms of sustainability, in particular the site’s proximity to a choice of means of transport. This combined with the recent appeal decision referred to above point to the fact that the site can be considered to be in a location where there are choices for future residents to travel by means other than the private car.
- 7.34 One of the other factors which point to a change in circumstances is the approval on the 12th December 2005 of an appeal by the National Assembly for Wales relating to a housing proposal on the former Meadowslea Hospital Site on an open countryside location near Penyffordd.
- 7.35 In that case the Inspector concluded that the site was within open countryside but it was “reasonably well related to local services and facilities and within walking distance of bus routes”. He further concluded that the site was a “sustainable location” Since that approval the housing development has been completed.
- 7.36 A comparison of distances from the Meadowslea hospital site to the centre of Penyffordd and to the nearest bus stops will show that the current application site is both closer to the nearest bus-stops and

closer to the centre of Penyffordd than the Meadowslea Hospital site. It follows therefore that, if the Inspector concluded that the Meadowslea Hospital site, despite being a site in the open countryside, was a sustainable location, then the same conclusion could now be applied to the current application site.

7.37 Given that the site is in a sustainable location, the presumption in favour of sustainable development set out at Paragraph 4.2.2 is a significant material consideration. However, PPW also advises a planned 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, for example;

- there is no adopted development *plan*; or,
- relevant development plan *policies* are considered outdated or superseded; or,
- where there are no relevant *policies*.

7.38 Paragraph 2.7.1 of PPW advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as *national planning policy*, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development.

7.39 Paragraph 2.7.2 of PPW advises that it is for the decision-maker, in the first instance, to determine through review of the development plan whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development.

7.40 The site lies outside the settlement boundary of both Penyffordd and Kinnerton in the Flintshire UDP. However, there are other material considerations in this case that should be afforded greater weight in making a decision on the application. Those other material considerations include the fact that PPW has now introduced a presumption in favour of sustainable development; the site is in a sustainable and accessible location; the site is previously developed land and PPW sets out a clear preference for the development of PDL in advance of greenfield sites.

7.41 The foregoing must also be considered in the context that the Council cannot currently provide a 5 year supply of housing land in

accordance with national planning policy. Paragraph 9.2.3 of PPW advises that local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. 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.

- 7.42 PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The most recent published housing land supply figure is contained in the Joint Housing Land Availability Study 2013 published in June 2014. This identifies a housing land supply of 4.1 years calculated using the residual method with a base date of April 2013. This falls below the 5 year requirement.
- 7.43 The Council has previously argued in its submissions to PINS that the residual method of calculation does not give a true picture of the actual amount of land available in the County and that the past completions method of calculation provides a more accurate measurement of land supply as it is measured against what the house building industry is actually delivering on the ground, rather than merely against what the Plan originally set out to provide. Using the past completions method over the last 5 year period this gives a supply of 14.2 years. WG however use the residual method and where in such circumstances the Council does not have a 5 year land supply the Council is required to demonstrate, in accordance with PPW and TAN1 to set out the measures by which it will seek to make good the shortfall in housing land supply.

The 2013 JHLAS Report states that to maintain a 5 year supply 'the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites'. With reference to sites outside settlement boundaries the Report states 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. 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.'

If this site is to make a contribution towards the 5 year housing supply it is therefore considered that any planning consent should be time limited to commencement within 2 years of the date of the permission with a phasing and delivery plan to ensure that any development on the site meets the current land supply shortfall. This would reflect the

fact consent would be granted only as a result of exceptional circumstances at the time of the application and the need to ensure that the site is not 'land banked' for delivery at some unspecified time in the future.

- 7.44 In addition to the consideration of the foregoing matters, the applicants were also asked to address the question of the viability of the site to continue as an employment site. Evidence has been produced to show that there is no market demand for the light industrial units as approved and, it has been clarified that the applicant's company no longer require the units for their own occupation, having invested in alternative, larger premises in Mold.
- 7.45 The evidence relating to the lack of need for commercial uses in this locality is re-enforced by the granting of planning permission for a change of use of the Old Warren Hall building from commercial/office use back to a residential use. The decision to approve that change referred to the fact that the demand for office accommodation was likely to be diverted to the larger, modern, purpose built offices which will be delivered on the new proposed Warren Hall Business Park. I have therefore have no evidence to question the applicant's agent's view on the viability of the proposed site in future for light industrial or commercial use.
- 7.46 Scale and Form of the Development
Although submitted in outline form an indicative site layout / elevation details have been submitted as part of the application to illustrate the proposed development of 12 No. dwellings at this location.
- 7.47 The applicant's agent has advised that the scheme has been designed taking into account the concerns expressed by the Assembly's Planning Decisions Committee that the previous proposal resembled a 'modern housing estate'.
- 7.48 The Design & Access Statement submitted as part of the application describes the scale and design of the proposed group of 12 dwellings as being similar to a group of farm houses and farm courtyards. The main concern with this approach however is that the character of traditional farm houses and outbuildings is based on a clear visual and functional primacy of a single farmhouse in relation to its ancillary buildings and land. Part of the development does reflect the form and function of a former group of traditional farm buildings. However, the house designs for plots 4 and 12 in particular show a great deal of complexity in terms of varying sizes and height, roof pitches and intersecting gables to break up their massing. It is considered that farm buildings usually display more simplistic linear vernacular forms of development.
- 7.49 Notwithstanding the concerns relating to the indicative scheme, given

that all matters are reserved save for access it should be possible at reserved matters submission to resolve the concerns relating to the form and design of the development whilst maintaining the acceptable points of access onto Lower Mountain Road and Barracks Lane.

7.50 Highways and Access

Consultation on the application has been undertaken with the Head of Assets and Transportation in order to assess the suitability of the highway network, site access and layout to serve the scale of the development proposed.

7.51 Clarification was sought to address concerns initially raised regarding the precise means of access into the site. It has been confirmed by the applicant's agent that the main access to serve the development is proposed from Lower Mountain Road with the internal road layout serving units 1–6 being made up to adoptable standards and units 7–11 being served by a private drive arrangement.

7.52 It is also proposed that unit 12 be served off its own private driveway onto Barracks Lane. There is no objection to the position of the proposed access points from a highway perspective subject to the imposition of conditions relating to their construction to serve residential development and the internal estate roads. In addition it is recommended that the proposed footpath link between the site and Penyffordd is completed prior to the commencement of any other site works.

7.53 Ecology

The application site has been the subject of an ecological survey to assess the impact of development on any protected species which may be present. Natural Resources Wales have confirmed that the survey has been undertaken to a satisfactory standard and it is considered that the proposal would not have a detrimental impact on any protected species which may be present.

7.54 Drainage

Concerns have been raised by a local resident about the adequacy of the proposed drainage arrangements. The foul sewage connection is proposed to be to the public main sewer. Welsh Water have been consulted in this respect and have raised no objection or concerns relating to the capacity of the existing system.

7.55 Surface water will be disposed of by means of a soakaway system. No objections have been raised to this aspect of the proposal by Natural Resources Wales or by any of the other consultees. It should also be noted that much of the site is already hard-surfaced or covered by existing buildings.

8.00 CONCLUSION

- 8.01 The application seeks outline planning permission for the erection of 12 dwellings including the demolition of existing buildings and the creation of a new access at Bank Farm, Penyffordd.
- 8.02 The site has an extensive planning history, including the refusal of a housing application following a call-in by Welsh Ministers in 2005
- 8.03 The applicants have argued that there have been significant changes in circumstances since that time which would now warrant approval of this application.
- 8.04 The material changes in circumstances have been assessed in detail in this report and can be summarised as follows:
- The site can be considered to be in an accessible and sustainable location given the fact that bus stops have been developed near the site and that the site is within walking distance of Penyffordd, using a dedicated pedestrian path
 - Other appeal decisions point to the fact that the site can be considered as accessible and sustainable
 - The site is now classed as previously developed land in its entirety
 - The Council currently has a shortfall of 5 year supply of land for housing when calculated using the residual method
 - There have been significant changes to National Planning Policy including the introduction of a presumption in favour of sustainable development
 - It has also been shown that the site is not viable, in the future, as a commercial/light industrial site.
- 8.05 On the basis of the foregoing I consider that the site is a suitable site for up to 12 houses and therefore recommend that the Committee should advise Welsh Government that they are minded to approve the application on the proviso that any consent is time limited to commencement within 2 years of the date of the permission. Should the Committee agree with the resolution the Welsh Government will have to be notified under the terms of the Direction served on the 15th January 2013 in respect of application ref 50003 or “any development of the same kind”.
- 8.06 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

Contact Officer: Rhys Davies

Telephone:

Email: rhys.davies@cadnantplanning.co.uk