

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 28 JUNE 2017**

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

SUBJECT: **FULL APPLICATION - ERECTION OF FOUR DWELLINGS AT TOP-YR-ALLT, LLINEGR HILL, PENYFFORDD**

APPLICATION NUMBER: **056806**

APPLICANT: **MR. D. CARRISS-WRIGHT**

SITE: **LAND AT TOP-YR-ALLT, LLINEGR HILL, PENYFFORDD, HOLYWELL**

APPLICATION VALID DATE: **5TH APRIL 2017**

LOCAL MEMBERS: **COUNCILLOR G. BANKS**

TOWN/COMMUNITY COUNCIL: **LLANASA COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **APPLICATION CONSTITUTES A DEPARTURE FROM THE DEVELOPMENT PLAN**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This full application proposes the erection of 4 No detached dwellings on land at Top – Yr- Allt, Llinegr Hill, Penyffordd, Holywell. The site the subject of this application is located outside the settlement boundary at this location. As it constitutes a departure from the development plan, the application requires Planning Committee Determination.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The site is located outside the settlement boundary of Penyffordd,

Holywell where development would conflict with the Development Plan. The weight to be attached to increasing housing land supply is not considered to outweigh the harm that will arise from extending ribbon development on the edge of the settlement. This it is considered would be harmful to the character and setting of Penyffordd and contrary to Planning Policy Wales (PPW), Technical Advice Note 1, and Policies STR1, GEN1, GEN3, D1, D2, L1, HSG4, HSG5 and HSG11 of the Flintshire Unitary Development Plan.

- 2.02 On the basis of the plans submitted, it is not possible to establish whether adequate visibility can be provided to serve the development and allow the potential impact on an existing oak tree within the site to be assessed. This is therefore considered to be contrary to Policies GEN1 and AC13 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G. Banks

Request site visit if application requires determination by Planning Committee.

Llanasa Community Council

Object on the following grounds, following receipt of views from the community.

- The site is outside the village envelope.
- The site will produce a dangerous access on Llinegr Hill.

Highway Development Control Manager

Consider on the basis of the plans submitted that it is difficult to establish the extent of visibility that can be achieved on the site frontage and resultant impact on existing Oak Tree within the site.

Head of Pollution Control

No adverse comments.

Welsh Water/DwrCymru

Request that any permission includes conditions in respect of foul, surface and land drainage.

Natural Resources Wales

No objection. Confirm that the submitted ecological appraisal is acceptable and that protected species are not likely to be affected by the proposal

Housing Strategy Officer

See Main Report.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling in lieu of on-site provision. The monies would be used to enhance toddler provision at the children's play area located at Bryn Garth.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

6 letters of objection received, the main points of which can be summarised as follows:-

- Site is outside settlement boundary and would result in uncontrolled residential development.
- Inadequacy of access.
- Residential development at this location has previously been refused.

5.00 SITE HISTORY

5.01 919/88

Outline residential development – Refused 19th December 1988.

1118/89

Outline residential development – Refused 18th December 1989.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN3 – Development in the Open Countryside.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG4 – New Dwellings Outside Settlement Boundaries.

Policy HSG5 – Limited Infill Development Outside Settlement Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas.

Planning Policy Wales (PPW) – Edition 9 November 2016

Technical Advice Note 1 – Joint Housing Land Availability Studies

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 6 – Planning for Sustainable Rural Communities

7.00 PLANNING APPRAISAL

7.01 Site Description

The site the subject of this application is located on the northern side of Ffynnongroyw, Penyffordd, Holywell. It comprises approximately 0.25 hectares of gently sloping vacant land within which there are two existing mature trees. The site frontage onto Ffynnongroyw Road is defined by a well-established hedgerow. The site is located to the north east and south east of open land and to the north west by existing residential development. On the southern side of Ffynnongroyw Road are a number of existing residential properties.

7.02 Planning Policy

For Members' information the site is located adjacent to but outside the settlement boundary of Penyffordd, Holywell as defined in the Flintshire Unitary Development Plan. In such locations there is generally a presumption against new residential development, with limited exceptions to this that comprise of infill development, replacement dwellings, conversions and rural exception housing schemes.

7.03 Proposed Development

The plans submitted as part of this application propose the erection of 4 No detached 2 storey dwellings which are proposed to be constructed having facing brick external walls and concrete tile roofs. Vehicular access to serve the dwellings is proposed from four individual access points directly off Ffynnongroyw Road.

7.04 The application is accompanied by:-

- A Design and Access Statement
- A Supporting Planning Statement
- A Stage 1 Tree Survey & Indicative Arboricultural Report
- An Ecological Appraisal

7.05 In support of the application the applicant's agent has advised:-

- the proposal amounts to sustainable development in accordance with the principles set out in national policy
- the Flintshire Unitary Plan is time expired, and as such settlement limits can be given little weight
- given the current lack of a 5year housing land supply this should be given weight in consideration of this proposal
- the application is in accord with the Council's Developer Guidance Note on Speculative Housing.

7.06 Main Planning Issues

It is considered that the main planning issues can be summarised as follows:-

- Principle of development/sustainability having regard to the

national and local planning policy framework

- The inability to demonstrate a 5 year housing land supply and the weight to be attached to this.
- Adequacy of existing highways and access arrangements to serve the scale of development.

7.07 Principle of Development

The site is located outside the settlement boundary for Penyffordd, Holywell, within the Flintshire Unitary Development Plan. Penyffordd is classified as a Category C settlement with an indicative growth of 10% over the plan period 2000 – 2015. As of April 2015, the settlement had a growth rate of 6%. There were however 17 commitments on an allocated housing site/small site permissions. The settlement pattern is such that it also has a large parcel of unallocated land within the settlement boundary in addition to the allocation. The eastern part of this unallocated site has been recently completed and permission was granted in 2016 for 23 dwellings. Should this and the allocated site be developed over the Local Development Plan period, there is potentially growth of 14%.

7.08 As the proposed development is outside the settlement boundary there is a general presumption against residential development in such locations. There are limited exceptions to this that comprise new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exception schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the housing chapter on each type.

7.09 Consultation on the application has been undertaken with the Housing Strategy Officer who concludes that there is a need for affordable housing in the Penyffordd/Ffynnongroyw Ward. The applicant has not sought to meet this need or the need for a forestry or farm worker in any form and therefore the proposal does meet the exceptions as required in HSG4, HSG5 and HSG 11 with regard to specific type of occupant. Furthermore, the proposal is neither a replacement, conversion or infill and therefore cannot satisfy any of the other exceptions expressed in Policy HSG4 or HSG5.

7.10 In looking broadly at the settlement, it is clearly a rural settlement which is currently and will continue to make a contribution to meeting housing needs and also housing land supply. It is not a settlement which is failing to deliver housing and neither is it a settlement where it is necessary to look outside the settlement boundary given that there is ample provision within the boundary as referenced in paragraph 7.07.

7.11 In the applicant's Planning Statement, reference is made to the settlement audit for Penyffordd and the services and facilities are listed. The conclusion is reached that "it therefore represents a

sustainable location for modest development”. By virtue of the fact that recent development has been allocated, received permission and indeed developed in the settlement, it is clear that it is a sustainable settlement. However in taking into account the above the question to be asked is whether it is necessary or sustainable to consent a further 4 dwellings as an exception to development plan policies on greenfield land where there is ample provision for development within the settlement boundary.

- 7.12 The Planning Statement also casts doubt on the settlement boundaries in that they are unable to meet housing needs. Whilst this may be the case for some settlements which are outdated, the commitments and allocation in Penyffordd are capable of providing for the on-going needs of the settlement/community for housing. It is therefore not considered necessary that land outside the settlement boundary in this location must be developed.
- 7.13 The land within the settlement boundary is very much contained within the form/layout/pattern of Penyffordd. The white land referred to sits between a ribbon of development along Picton Road and existing development on Rhewl Fawr Road. In addition the allocated site is between development on Rhewl Fawr Road and Llys Dewi. In both instances the sites have the form of infill/rounding off where there is no extension into or harm to the open countryside. This contrasts with the application site which extends built development in a ribbon form into open countryside. This is directly in conflict with Policy GEN3 and HSG4.
- 7.14 Housing Land Supply
Planning Policy Wales & Technical Advice Note 1 requires each local planning authority to maintain a 5 year supply of housing land. The Council acknowledges that it currently falls below this requirement when using the residual method of calculation. Also the TAN prevents the Council from formally assessing its land supply until such time as the LDP is adopted.
- 7.15 Welsh Government Technical Advice Note 1 (TAN1 para. 6.2) 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 development plan and national planning policies.**”*[The Council’s emphasis in bold].
- 7.14 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.”

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

- *There is no adopted development plan 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 proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”

7.17 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 sustainability. In such case the local planning authority must clearly state the reasons for the decision.”*

7.18 Recent appeal decisions however have advised 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.”*

7.19 It is therefore key in making the planning balance therefore to consider the sustainable development ‘*key principle*’ (see 4.3) and ‘*key policy objectives*’ (see 4.4) set out in PPW.

7.20 The Council have set out how they will approach the issues of speculative development such as this proposal in line with the thrust of National Policy and guidance in its ‘Developer Guidance Note: Speculative Housing Development Proposals’. The note sets out the expected information to be submitted with an application in order for the Council to assess the sustainable credentials and deliverability of a site. This is not new policy as some developers have argued, rather it is simply designed to ‘sign-post’ developers proposing speculative sites to provide appropriate information to justify their un-planned proposals, in line with the requirements of adopted local and national policy and the principles of sustainable development and Well-Being. Notwithstanding the current position in respect of housing land supply, whether weight should attach to this depends on whether the

proposed development would otherwise comply with development plan and national policies.

7.21 Adequacy of Highways/Access

Consultation has been undertaken with the Highway Development Control Manager who has advised that having regard to the plans submitted that is difficult to assess the visibility that can be provided to serve the development and potential impact on an existing oak tree within the site.

7.22 In these circumstances and as the issue has not been satisfactorily addressed to date, the Local Planning Authority cannot be satisfied that the formation of access points can be satisfactorily secured. This should therefore form a reason for refusal in these circumstances, and should this issue be satisfactorily addressed in advance of the Planning Committee, Members will be advised accordingly.

8.00 CONCLUSION

8.01 In conclusion, it is acknowledged that in accordance with TAN1, that the Council does not currently possess a 5 year housing land supply. This is not the over-riding issue however when considering whether it is appropriate to release further land for proposed development, particularly where it is considered that development will have an adverse and detrimental impact on the character of the open countryside and setting of Penyffordd.

8.02 In these circumstances the contribution that the development could make towards the supply of housing land is significantly outweighed by the harm to the character of the landscape at this location. I conclude that the development is inappropriate development and would consolidate ribbon development at this location. I therefore recommend accordingly.

8.03 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: Mark Harris
Telephone: (01352) 703269
Email: Robert.M.Harris@flintshire.gov.uk