

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH JULY 2020**

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

SUBJECT: **FULL APPLICATION – ERECTION OF A DETACHED BUNGALOW AND DETACHED GARAGE**

APPLICATION NUMBER: **060321**

APPLICANT: **MR CHRISTOPHER BIRCHALL**

SITE: **LAND ADJACENT TO UPLANDS, BRYNFORD ROAD, HOLYWELL**

APPLICATION VALID DATE: **4TH NOVEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR P JOHNSON**

TOWN/COMMUNITY COUNCIL: **HOLYWELL TOWN COUNCIL**

REASON FOR COMMITTEE: **DEPARTURE FROM DEVELOPMENT PLAN**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 The application consists of a full planning application for the erection of a detached bungalow including a detached garage on the garden area of a property known as Uplands, Brynford, Holywell, Flintshire. The proposal includes widening the existing dropped kerb which serves Uplands and creating a new access off Brynford Road which would lead onto two separate driveways. One driveway would serve Uplands and one would

serve the proposed bungalow. This would replace the existing narrow track which currently serves the Uplands.

1.02 The site comprises the side garden of the detached, split level bungalow known as Uplands, Brynford Road, Holywell, Flintshire. The site is grassed and rises upwards from the eastern to the western boundary of the site. The site has trees and hedging around some of the perimeter, with woodland to the west.

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

2.01 Conditions

- 1 Time limit on commencement
- 2 In accordance with approved plans
- 3 Land contamination report.
- 4 Landscaping scheme to be submitted and agreed
- 5 Highways access details to be provided

3.00 CONSULTATIONS

3.01 Local Member
Councillor Paul Johnson

No objection. The line of the settlement boundary does not seem to make any sense in respect of this property. It is clearly a property that is part of the only property along Brynford Road that is outside the settlement boundary and the fact that Pen y Bryn Cottage which stands higher up the hill on its own in Coed y Fron / Vron Woods is within the settlement boundary, makes this even more of an anomaly. I am not sure whether this is within the remit of the committee but I would welcome a recommendation that Uplands in brought within the settlement boundary for Holywell. Given issues around parking on the road, and that this is the main road from Holywell to Brynford, that there are clear views for all road users at the entrance to the drive, although I would not expect a significant increase of traffic from the drive using the junction.

3.02 Holywell Town Council

No objection

3.03 Highway Development Control

The amended plans submitted address highway concerns and if planning consent is granted conditions relating to the visibility splay provided within the highways response are recommended.

3.04 Community and Business Protection

No objections in principle, however advice is that the site is in an area where there are historical lead mining and workings. There is clearly potential for the presence of historical contamination in all or part of the site. It is recommended that this be addressed through the imposition of a planning condition

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

4.02 At the time of writing two neighbour consultation responses have been received. Whilst no formal objections have been raised, the height of the proposed dwelling in relation to neighbouring properties, the lack of information relating to landscaping and materials, the right of vehicular access and potential impact on living conditions of occupiers of existing dwellings from construction vehicles is questioned

5.00 SITE HISTORY

5.01 007492 – Outline erection of a dwelling – Refused 29.9.1983

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 and Layout

Policy D2 Design

Policy TWH1 Development Affecting Trees and Woodlands

Policy L1 Landscape Character

Policy HSG4 New Dwellings in the Open Countryside

Policy HSG5 Limited Infill Development Outside

Settlement Boundaries

Policy AC13 Access and Traffic Impact

6.02 Supplementary Planning Guidance

Supplementary Planning Guidance Note 2 Space Around Dwellings.

Supplementary Planning Guidance Note 4 Trees and Development.

Supplementary Planning Guidance Note 2 Space Around Dwellings

6.03 Supplementary Planning Guidance Note 10 New Housing in the Open Countryside

National: Guidance

Planning Policy Wales Edition 10 December 2018.

PLANNING APPRAISAL

7.00

Proposal and Site description

7.01 This full application proposes the erection of a detached bungalow including a detached garage on the garden area of a property known as Uplands Brynford Road Holywell, Flintshire. The proposal includes alterations to the current access to form two separate driveways to serve the host and proposed bungalow.

7.02 The site is located to the north of Uplands, the host dwelling and is maintained and used as garden area for the use of the occupiers of Uplands. The land slopes down to the east towards Brynford Road and is fairly rectangular. To the north there are a number of large mature trees and to the west is woodland. The site is well contained between existing dwelling.

7.03 The site is located outside but adjacent to the settlement boundary of Holywell as defined in the Flintshire Unitary Development Plan. The gardens of the two storey properties of St John's House and Musty House however, lie immediately to the east and are within the settlement boundary.

7.04 The proposed bungalow would be located fairly centrally within the plot, with the detached garage located on lower ground to the east and the majority of the amenity space located at the rear. It is clear from the streetscape view provided that the bungalow is smaller in scale than Uplands, which is raised off the ground and accommodates a garage at ground level with the main rooms are located at first and second floor levels. The scale, massing and materials proposed to be used would be acceptable in this location.

7.05 Main Issues:

The main issues to be considered in determination of this planning application relate to :-

- a) Principle of the development
- b) Previously Developed Land
- c) Sustainable Location
- d) Character and appearance
- e) Living conditions
- f) Highways
- g) Housing Land Supply

7.06 Principle of the Development.

The application is located outside but adjacent to the settlement boundary for Holywell as defined in the Flintshire Unitary Development Plan. Holywell is classified as a category A main settlement on account of its range of services and facilities and general level of sustainability to support new development.

7.07 UDP Policy HSG5 applies as this is a dwelling proposed outside the settlement boundary which can be considered as limited infill. The proposal meets the criteria of that policy as the site comprises a small gap within an identifiable group of houses, it does not create ribbon or fragmented development and it respects the siting and design of adjacent properties. However, critically the developer has not submitted any evidence that the proposal will meet a proven local housing need. Therefore the proposal does not comply with UDP Policy HSG5.

7.08 The Council needs to consider whether any material considerations exist which outweigh the conflict of the proposal with Policy HSG5.
The report will examine each material consideration in turn;

7.09 Previously Developed Land

The site forms previously developed land as defined in Planning Policy Wales (PPW – Edition 10) as the land was clearly defined within the curtilage of the host dwelling Uplands. Paragraph 3.51 of PPW specifically states that previously developed land should be, wherever possible used in preference to greenfield sites where it is suitable for development. Paragraph 3.52 of PPW actively encourages planning authorities to work with developers to bring PDL forward for development.

7.10 It is clear that PPW weighs heavily in favour of supporting development on PDL in sustainable locations and this attracts very significant weight in support of the proposal in the overall planning balance.

7.11 Sustainable Location

PPW makes it clear that a site which forms previously developed land within a sustainable location should be viewed positively by the planning authority. It is clear the site is PDL so now the sustainable credentials of the site should be considered.

7.12 The site is situated on the edge of a Category A settlement. These settlements are identified as being highly sustainable location. This development would be within walking distance of the centre of Holywell, which has a wide range of services, including shops, schools, community centres, pubs, bus stops and employment facilities. The site clearly therefore is in a sustainable location and therefore significant weight should be attached to this matter in the overall planning balance.

7.13 Character and Appearance

The proposal respects adjacent properties in terms of its design and siting and therefore accord with Policy HSG 5(c). The site is particularly well contained by neighbouring dwellings and their curtilages and relates well to the existing pattern of development. The proposal fully accords with the design context and significant weight should be attributed to that in the overall planning balance.

7.14 Living Conditions

The separation distances between dwellings and the

requisite amount of private amenity spaces for both the existing and proposed occupiers are referenced within the Supplementary Planning Guidance Note No.2 Space Around Dwellings. The site plan shows a separation distance of approximately 30 metres to the dwelling fronting onto Brynford Road. As a result the proposal would not have a significant detrimental impact upon the amenities of either the proposed or existing occupiers in the area. The applicant also proposes to provide landscaping along the eastern boundary of the site to provide additional privacy between the proposed property and those on Brynford Road. A condition is being imposed to require further specific detail of the proposed landscaping to be agreed.

7.15 The proposed property contains habitable rooms facing east, however those rooms are offset to the rear of St Johns House and Musty House and do not directly face the habitable rooms on those properties. However, officers have still checked the interface distance from the proposed lounge to the rear of Mostyn House and is approximately 33.0m and to the rear boundary it is approximately 21.5m. The distance from the proposed bedroom 2 to the rear of St Johns House is approximately 37.0m and to the rear boundary it is approximately 24.0m. As the oblique relationship has been reflected above officers consider, even with the slight variance in levels the proposed development would not affect the existing occupiers reasonable enjoyment of the homes.

7.16 Although the proposal removes a proportion of the garden which serves Uplands there is sufficient amenity space to serve the host and proposed dwelling.

7.17 Housing Land Supply

In terms of housing supply, whilst there is no longer a requirement to demonstrate a 5 year housing land supply as TAN1 has been revoked, it is clearly still a main aim of the Welsh Government to ensure that the planning system delivers the housing that Wales needs. The main way in which the Council can do this is via the Local Development but whilst the Plan has reached the deposit stage, it has yet to be examined or adopted. In the interim this means that the weight to attach to proposals that increase housing supply is a matter for the Council as decision maker to judge, based on the acceptability of the proposal in line with the overall sustainability of the proposal. Whilst the proposal is for only one dwelling, taken together with the other material factors that amount to a presumption in favour of sustainable development in the planning balance, weigh in favour of approval. The site would form a logical extension to this main settlement and

the context of the very specific site circumstances, causes no significant harm upon the landscape or open countryside.

7.18 Highways

The proposed visibility/layout is acceptable to accommodate for the proposed increased vehicular use, introduced by the additional dwelling.

7.19 Land Contamination Issues

A condition has been imposed to ensure any potential contamination matters are investigated.

7.20 **CONCLUSION**

Whilst the site is located outside of the defined settlement boundary and is in therefore in conflict with Policy HSG5 due to the absence of the proposal meeting a proven local need there are significant material considerations which weigh in favour of the proposal. The site forms previously developed land in a sustainable location forming an acceptable pattern of development and a logical rounding off of the settlement boundary. This type of development is positively supported within PPW 10 and clear direction is given to Planning Authorities to encourage such development which supports the pattern of built form within the settlement and respects adjacent properties.

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 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 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.

9.01 **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents
National & Local Planning Policy

Responses to Consultation
Responses to Publicity
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