

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 6 SEPTEMBER 2017**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT LAND ADJ. TO BRYNEITHIN, GORSEDD.**

APPLICATION NUMBER: **057185**

APPLICANT: **MR P ERASMUS**

SITE: **LAND ADJ. TO BRYNEITHIN, GORSEDD**

APPLICATION VALID DATE: **29.06.17**

LOCAL MEMBERS: **CLLR C DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This outline application proposes the erection of one market dwelling on land adjacent to Bryneithin, Gorsedd. The site which is subject of this application is within the settlement boundary of Gorsedd, which is a category C settlement, as such any new development would need to meet a proven local need.
- 1.02 In addition the site is adjacent to and would include part of the Gorsedd Round Barrow Scheduled Monument and is considered to adversely impact upon this and its setting.

The application site location is prominent and the illustrative details

- 1.03 indicate a development that would be prominent and of a cramped form, out of character with the immediate street frontage and would not harmonise with the plot or its surroundings

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 The site is located within the category C settlement of Gorsedd and as the development of one dwelling is not to meet a proven local housing need the development would conflict with the provisions of the Development Plan. The weight attached to increasing housing land supply is not considered to outweigh the harm that will arise from the introduction of a private market sale property which would contribute to the poor spatial distribution of affordable housing across the County which would in-turn fail to accord with the principles of sustainable development.

- 2.02 In addition the development would adversely impact upon a scheduled monument and its setting.

- 2.03 Development of the plot would lead to development of prominent and cramped form, out of character with the immediate street frontage, the plot and surroundings. As such the proposal is contrary to the provisions of policies HSG3, HE6 and GEN 1 of the Flintshire Unitary Development Plan, Planning Policy Wales Edition No 9 and TAN 24 the Historic Environment, TAN 1 Joint Housing Land Availability Studies and TAN 6 Planning for Sustainable Rural Communities.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor C Dolphin
Fully supports the application which is within the settlement boundary, large housing has been and is being built in Gorsedd and the development would be in keeping with the environment.

Requests site visit and determination by Planning Committee if officer recommendation one of refusal.

Whitford Community Council

Supports the application, requests that any consent be conditioned with regard to the existing access to the property to the highway is used.

Head of Assets and Transportation

Site visit revealed a shortfall of visibility available and requested clarification off agent with regard to rights of occupant of Pen Yr Orsedd referred to in the Design and Access Statement.

Head of Public Protection

No objection in principle to this application, however the proposed development is located in an area where there is a long history of lead mining and it is very common to find significantly elevated levels of lead and other metals in superficial soils, at a level that is capable of causing adverse effect on humans and animal health. It is recommended that any consent is conditioned with a land contaminated survey condition.

Cadw

No response received at time of writing.

Clwyd Powys Archaeological Trust

Information held within the Historic Environment Record indicates that the proposed development is located west of the scheduled monument Gorsedd Round Barrows. The new dwelling would be situated within 13m of the scheduled monument, and the garden area includes part the scheduled monument boundary. There may therefore be a direct impact to the scheduled monument which is protected by law. In addition the proposed development will have an extremely high visual impact upon the immediate setting of the monument as such CPAT **object** to the current proposal.

If Cadw have no objection to the development then we would require a pre determination evaluation of the application area to assess the potential for sub –surface archaeology related to the burial mounds and any associated prehistoric ritual or funerary archaeology that may be present around them.

Housing Strategy Officer

The application relates to one market dwelling in Gorsedd a rural location. The Local Housing Market Assessment for Flintshire identifies an annual shortfall of 246 affordable units. There is an identified level of need for affordable rented housing in Gorsedd with 2 applicants registered.

4.00 PUBLICITY

4.01 Neighbour Notification

1 letter of objection received on the following grounds;

- Visual impact on residential amenities
- The proposed dwelling would completely overlook the rear of our property, with direct view in to lounge, kitchen and children's bedrooms.(infringement of human rights)
- Loss of privacy, light and over dominance

5.00 SITE HISTORY

5.01

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 General Requirements for Development
Policy HSG3 Housing on Unallocated Sites within Settlement Boundaries
Policy HE6 Scheduled Ancient Monuments and Other Nationally Important Archaeological Sites.

Planning Policy Wales (PPW) Edition No 9 November 2016
TAN 1 Joint Housing Land Availability Studies
TAN 6 Planning for Sustainable Rural Communities.
TAN 24 The Historic Environment

7.00 PLANNING APPRAISAL

- 7.01 Site Description
The site which is the subject of this application is located within the settlement boundary of Gorsedd, a category C settlement, where any new development will need to be a proven local housing need. It comprises of a site of 0.10 hectare of level grassed land, presently forming the garden area of Bryneithin. The site frontage on to Gorsedd village road is defined by an approximately 1.5m high stone wall and mature hedgerow /trees to the side boundary. The site is located to the west of existing housing and to the east is bounded by the Gorsedd Round Barrows, a scheduled monument. The indicative plans show the new dwelling would be situated within 13m of the scheduled monument, and the indicative garden area would include part the scheduled monument boundary.
- 7.02 Planning Policy
For Members' information the site is located within the settlement boundary of Gorsedd, a category C settlement, and to be compliant with policy any new development would need to be a for a proven housing need. The applicant has not set out that the proposed development is to meet any proven housing need and is for private market sale. The Housing Strategy Officer has made it clear there is a housing need in the area for affordable rented properties. The proposal is therefore contrary to policy HSG3, Planning Policy Wales and TAN 1 and TAN6.
- 7.03 In addition the development would adversely impact upon the scheduled monument and its setting contrary to local plan policies, Planning Policy Wales and national guidance offered in TAN 24.
- 7.04 The development of the plot in its current form would lead to prominent and cramped form of development contrary to policy GEN

Proposed Development

- 7.05 The plans submitted as part of this application illustrate the size and scale parameters of development with the maximum being a width of 15m, depth of 9m and height of 10m. With the site plan indicating an indicative location of the property on the plot.
- 7.06 In support of the application the agent has advised in the planning supporting statement the personal circumstances of the applicant in relation to this application. Whilst these are acknowledged and may be considered a material planning consideration I am not satisfied that this development is the only way to meet the needs of the applicant and therefore the personal circumstances do not outweigh the conflict with planning policy and the failure to create sustainable development. It is usual for such provision to be made by either seeking alternative accommodation within the village or possibly by the addition of annex accommodation for providing accommodation for dependant relatives.
- 7.07 In addition the application has referenced various policies of the Flintshire Unitary Development Plan, inclusive of policy HSG3 which relates to development in a category C settlement. Both national and local policies and TAN advice are very specific in that in order to allow an exception to the above, the development needs to be otherwise compliant with the provisions of the UDP. This is clearly not the case as the proposal is not compliant with the provisions of HSG 3, as the proposal does not appear to be made for meeting a proven local housing need. Notwithstanding this, the proposal further conflicts with policies GEN1 and HE6 of the UDP.
- 7.08 Planning Policy Wales advises in para 3.1.2 that the development plan should provide a firm basis for rational and consistent decisions on planning applications. Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.09 Within para 4.2.5 PPW advises that it is the responsibility of the decision maker to judge whether in this case using all the available evidence for planning for sustainability. In terms of the key principles of putting people and their quality of life now and in the future at the centre of the decision making and taking a long term perspective to safeguarding the interest of future generations whilst at the same time meeting the needs of people today are important. Para 4.4.3 of PPW advises that in contributing the Wellbeing of Future Generations Act, goals, planning decisions should have regard to the wellbeing themes under the theme of a Wales of cohesive communities.
- 7.10 This site is in a category C settlement where in order to be compliant with policy HSG 3 any new development would have to be for a

proven local need.

7.11 The role of planning policy HSG3 is to implement the plans spatial distribution of housing development across the county using a three tier settlement hierarchy. This strengthens controls over spatial distribution in order to achieve a more sustainable pattern of development in order to achieve affordable housing provision in rural areas and for any development to embody sustainability principles. The application does not seek to provide for a proven local need.

7.12 The development would be within 13m of the boundary of a schedule monument Gorsedd Round Barrows and the red line of the application site includes part of the schedule monument site, which is protected as such the proposal would have a direct impact on the scheduled monument and would have an extremely high visual impact upon the immediate setting of the monument contrary to PPW, TAN 24 The Historic Environment and the provisions of the Flintshire Unitary Development Plan policy HE6.

7.13 In addition the prominent location of the proposed development on the plot and its indicative scale would in the opinion of the LPA lead to a development of prominent and cramped form, out of character with the immediate street frontage and would not harmonise with the plot or its surroundings, contrary to the provisions of policy GEN 1 of the Flintshire Unitary Development Plan.

8.00 CONCLUSION

8.01 In conclusion whilst it is acknowledged that the application site is within the settlement boundary of Gorsedd, where there would normally be a presumption in favour of development. Gorsedd is a category C settlement where any new development would be to meet a proven local need. The application has not been put forward on this basis, the justification forwarded by the applicant fails to evidence how the development meets a proven local need and for the reason cited above is considered to be contrary to the provisions of Planning Policy Wales, TAN 1 and TAN 6 and the provisions of policy HGS3 of the Flintshire Unitary Development Plan. Members attention is drawn to item 8 on the agenda which is a report regarding a recently dismissed appeal on the basis of the applicant's failure to meet the test of proven local need as set out in Policy HSG3.

8.02 It is acknowledged that in accordance with TAN 1 that the Council does not currently possess a 5 year housing land supply, however it is not considered that there is sufficient justification, in this instance to override TAN 1, TAN 6 or the provisions of policies GEN 1 and HSG3 of Flintshire Unitary Development Plan to enable the development of one property. In any regard it is not considered that

the provision of one property would make a significant contribution to the housing land supply shortfall.

8.03 The development has the potential to directly impact upon the adjacent scheduled monument Gorsedd Round Barrows and adversely visually impacts upon the setting of the scheduled monument, contrary to the provisions of PPW, TAN 24 The Historic Environment and policy HE6 of the Flintshire Unitary Development Plan.

8.04 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

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