

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **20TH JUNE 2018**

REPORT BY: **CHIEF OFFICER OF PLANNING,
ENVIRONMENT & ECONOMY**

SUBJECT: **APPEAL BY THE STRATEGIC LAND GROUP &
GREEN GATES HOMES (NW) LTD AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE PLANNING PERMISSION FOR THE
CONSTRUCTION OF 32 NO. DWELLINGS
INCLUDING NEW VEHICLE ACCESS POINT,
PUBLIC OPEN SPACE, CAR PARKING AND
LANDSCAPING AT HAWARDEN ROAD,
PENYFFORDD – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 056694

2.00 APPLICANT

2.01 THE STRATEGIC LAND GROUP & GREEN GATES HOMES (NW)
LTD

3.00 SITE

3.01 LAND AT HAWARDEN ROAD, PENYFFORDD, FLINTSHIRE.A

4.00 APPLICATION VALID DATE

4.01 10TH MARCH 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning permission for the erection of 32No. dwellings, including new vehicular access, public open space, car parking and landscaping on land at Hawarden Road, Penyffordd by the Local Planning Authority.

5.02 The decision to refuse planning permission was made by Members at the Planning and Development Control Committee held on 6th September 2017.

- 5.03 The appointed Planning Inspector was Mr. C. Nield.
- 5.04 The appeal was determined following a Public Inquiry which sat over 2 days on 16th & 17th January 2018 and was **ALLOWED**.

6.00 REPORT

6.01 The Main Issues

The Inspector noted the basis for the refusal of the application by the Local planning Authority. He also noted matters referenced by interested parties and concluded that the main issues for consideration in this case were:

1. What impact there would be upon character and appearance of the area;
2. What impacts there would be upon social cohesion;
3. What need and benefits there was for housing, taking account of the lack of a 5 year housing land supply; and
4. Whether the proposal amounted to sustainable development.

Character and appearance

The Inspector noted the wording of policies within the Flintshire Unitary Development Plan aimed at protecting areas of open countryside from non-essential and unjustified development. He noted that none of the exceptions identified within policies STR1, GEN3 and HSG4 applied in this case. He noted however that the weight to be attributed to the policies, in the light of the Council's position in respect of the lack of a 5year supply of land for housing, was reduced and therefore it was the effect of the proposals upon the site and its surroundings that needed to be considered.

The Inspector considered the views expressed by residents in terms of the buffering effect of the site between existing built form and the A550 bypass. He weighed this against the categorisation of the site in LANDMAP terms and the findings of the Landscape and Visual Impact Assessment produced by the appellant, together with his own assessment of the site in visual terms.

The Inspector concluded the proposals would result in little harm to the landscape of the character and appearance of the area and whilst the proposals were nonetheless in contravention of the identified policies, he concluded there would be little harm to the aims of those policies.

Social Cohesion

The Inspector has had regard to the genuine concerns voiced by interested parties in respect of the impact of the volume of development permitted and undertaken within the community over recent years and the impact which this is considered to have upon social and community cohesion. The Inspector notes that this

proposal in isolation would have a negligible effect upon such cohesion upon its own but notes that the concern relates to the cumulative impact. He noted the growth across the community over the plan period of the UDP, and since, and notes that this is the basis for the voiced concern.

The Inspector considered that the concerns could be described as 'social and community cohesion', and although a difficult concept to attribute to the planning framework, did fall within the concept of 'well-being' and noted the weight attached to this matter by Welsh Government.

He concluded that the proposal, when read in conjunction with other development carried out or permitted, would be harmful to social and community cohesion.

Need and benefits of providing housing

The Inspector noted the common ground between parties in respect of the lack of a 5 year supply of housing land and identifies that this provides strong support for the proposals. He concluded that the proposal would make a useful contribution to meeting this shortfall in housing and also noted that the scheme made provision for 10 affordable housing units and therefore concluded that these were matter which attracted considerable weight in making a contribution to meeting well-being aims.

Sustainability

The Inspector noted that, in the absence of a 5 year housing land supply, the appeal fell to be determined in the context of the provision in favour of sustainable development. He concluded that the facilities and services within Penyffordd were such that it can be considered a sustainable settlement suitable for accommodating a significant amount of development. He noted that interested parties concerns in respect of community infrastructure and traffic were not supported by the responses of the Council in respect of these matters. The Inspector had already concluded that landscape and visual impact was very limited.

He noted that there would be a loss of a limited area Best and Most Versatile Agricultural Land (BMV). However, he noted the potential of the site to fulfil its potential as BMV was limited by size and location within an isolated field. Accordingly he attributed very little weight to this issue.

He concluded that the proposal resulted in much needed housing in a sustainable location upon a sustainable site.

Other matters

The Inspector also considered matters in relation drainage and contributions towards existing school infrastructure. In respect of

drainage matters, he considered that the proposals addressed concerns in relation to both foul and surface water concerns and concluded the same could be safeguarded via appropriate conditions.

In respect of school infrastructure, he noted that the Council's position was such that ample capacity would be available at primary school level (via proposals for a new school) to accommodate the number of pupils anticipated to be generated via this development. He also noted that the Council already had 5 contributions towards secondary capacity and therefore a further contribution via this proposals would not be in accord with the CIL Regulations 2010.

Planning Obligation

The Inspector noted that mechanisms for the provision of affordable housing were addressed via a unilateral undertaking submitted by the appellant with the appeal. The Inspector was content that the provisions of the undertaking were necessary and compliant with the requirements of The Community Infrastructure Levy Regulations 2010.

Planning Conditions

The Inspector considered the conditions suggested by the Council, the guidance in Welsh Government Circular 016/2014. A two year commencement condition was deemed appropriate to reflect the fact that scheme was seeking to address housing shortfalls across the county. Other conditions are imposed requiring agreement of materials; provision, equipping and landscaping of the play area; site landscaping, off site drainage improvements; acoustic attenuation measures; tree protection measures; land contamination investigations; scheme for external lighting; site access details; vehicle parking and turning facilities; details of the estate road and its gradient; provision of access visibility splays; provision of parking facilities; and the submission of a construction traffic management plan.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the proposal would cause little harm to character, appearance or landscape. He considered the proposals made a valuable contribution towards much need housing. He noted that whilst he was of the view that the proposals gave rise to a detrimental cumulative impact upon social and community Housing, he considered this was substantially outweighed by the needs for and benefits arising from the development.
- 7.02 Accordingly, or the reasons given above, the Inspector concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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