

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JUNE 2017**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF DETACHED DWELLING AT ‘BWTHYN GWYN’, SWAN LANE, GWERNYMYNYDD**

APPLICATION NUMBER: **056832**

APPLICANT: **MRS OWENS**

SITE: **BWTHYN GWYN, SWAN LANE, GWERNYMYNYDD**

APPLICATION VALID DATE: **10TH APRIL 2017**

LOCAL MEMBERS: **COUNCILLOR N. MATTHEWS (PREVIOUS) COUNCILLOR K. HUGHES (NEW)**

TOWN/COMMUNITY COUNCIL: **GWERNYMYNYDD COMMUNITY COUNCIL**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an outline application for the erection of a dwelling within part of the existing curtilage of ‘Bwthyn Gwyn’, Swan Lane, Gwernymynydd. The site is located within open countryside, just outside of the settlement limit for Gwernymynydd as defined by the Adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development.
- 1.02 Whilst the site is located outside the settlement boundary, the dwelling and the rest of the curtilage is within. Given that the dwelling and part of the curtilage is within the settlement boundary, there is no

significant harm upon the character and appearance of the area caused by the proposal is located in a highly sustainable location and would contribute to the Council's shortfall in land supply, therefore, the application is being recommended for approval.

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

- 2.01
1. Outline – Reserved Matters.
 2. Outline – Time Limit.
 3. In Accordance with Approved Plans.
 4. Outline – Drainage.
 5. Outline – Site Levels.

3.00 CONSULTATIONS

3.01 Local Member
Councillor N. Matthews (Previous)
No response received.

Councillor K. Hughes (New)
No response received to date.

Gwynnwynydd Community Council
No response received to date.

Head of Highways Development Control
No objection to the proposal and confirms do not make a recommendation on highway grounds.

Head of Public Protection
No adverse comments to make regarding this proposal.

Welsh Government (Economy & Infrastructure)
Welsh Government as Highway Authority for the A494 Trunk Road does not issue a direction in respect of this application.

Clwyd-Powys Archaeological Trust
No archaeological implications for the proposed development at this location.

Welsh Water/Dwr Cymru
Requests that if minded to grant planning permission that suggested conditions and notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's Assets.

Natural Resources Wales
No objection to the scheme.

SP Energy Networks

No plant or apparatus in the vicinity of the site.

Wales & West Utilities

No response received to date.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

No responses received to date.

5.00 SITE HISTORY

5.01 045838

Erection of a new porch to the side elevation – Granted 4th February 2009.

95/0631

Extension to form new kitchen and bedroom and internal alteration – Granted 21st December 1995.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

D1 – Design Quality Location & Layout.

D2 – Design.

L1 – Landscape Character.

AC13 – Access & Traffic Impact.

HSG3 – Housing on unallocated sites within settlement boundaries.

EWP12 – Pollution.

EWP13 – Nuisance.

National Planning Policy

Planning Policy Wales Edition 9 November 2016.

Technical Advice Note (TAN1) Joint Housing Land Availability Studies (2015).

Technical Advice Note (TAN) 12 Design (2016).

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of 1,893.00 sq. metres of the southern-most part of the garden of the existing detached, four bedroomed, two storey dwelling of Bwthyn Gwyn which is located on the eastern side of Swan Lane, Gwernymynydd. The dwelling is located in a large plot.

- 7.02 The land is flat and comprises largely of the existing single storey detached garage, hardstanding and vehicular access of the property. The eastern, southern and western boundaries of the site comprise of approximately 3 m high hedgerows and trees. The northern boundary is open whereby lies the existing dwelling. Beyond this property to the north and west lie the existing dwellings of the settlement of Gwernymynydd and beyond the other boundaries of the site lies open countryside.
- 7.03 The application seeks outline planning permission with all matters reserved for subsequent approval except for access for the erection of a new two storey, 4 bedroom dwelling. The specific design of the dwelling is for the reserved matters application, however, the size of it will have the approximate overall dimensions: length 17.2 m maximum – 16.3 m minimum, width 11.0 m maximum – 10.55 m minimum and height 7.95 m maximum – 7.75 minimum. Vehicular access to the existing and proposed dwellings will be via the existing to the property off Swan Lane.
- 7.04 Issues
The main issues to be considered within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the effects upon the amenities of adjoining residents.
- 7.05 Principle of Development
The site is located just outside of the settlement boundary of Gwernymynydd but the dwelling of Bwthyn Gwyn and its northern part of its curtilage is located within it as defined by the Adopted Flintshire Unitary Development Plan.
- 7.06 The dwelling is located within a large plot, with the site forming its southern part of the curtilage. The southern boundary comprises of an approximately 3 m high mature hedgerow with mature trees within it. It would appear that this would form a more logical part of the settlement limit of Gwernymynydd in this location.
- 7.07 In terms of housing supply, the Council falls short of the required 5 year target. This is a material consideration that should be afforded significant weight in the planning balance for residential development. The proposed site is alongside the boundary of the settlement and clearly meets some of the tests set out in Policy HSG5 as it is considered to be infill development of one dwelling outside of the settlement boundary. Although the dwelling is not specifically for a proven local need as required by Policy HSG5 as the site would form a logical part of the settlement boundary, which currently bisects the applicant's garden it is considered onerous to meet this test. In a recent appeal decision at Westacres in Lixim (055951) for a single dwelling outside the settlement boundary the Inspector

acknowledged that the appellant had not lodged any proven local need but did not give that matter significant weight against the application in the planning balance.

7.08 Importantly the site is situated in a sustainable location being on the edge of part of the built up area of the village within walking distance of a school, community centre, pubs and bus stops. This is in stark contrast to the recently dismissed appeal which was reported at the previous meeting for an infill development at Westacres in Lixwm (055951). In this decision the Inspector gave considerable weight to the unsustainable location of the site proposed which ultimately weighed against the appeal.

7.09 Highway Implications

The Head of Highways Development Control has been consulted on the application and raised no objections to the proposal given the limited increase in volume of traffic from an acceptable vehicular access and with sufficient parking and manoeuvring space within the site for the proposed and existing dwellings.

7.10 Character & Appearance

The proposed two storey dwelling will be located within part of the existing curtilage of Bwthyn Gwyn, the two storey dwelling which is well screened upon all boundaries and amongst other built development.

7.11 Given the above, it is considered that there will be no significant detrimental impact upon the character and appearance as a result of the proposals.

7.12 Amenities of Existing & Proposed Occupiers

The only property that the proposed dwelling could possibly affect is that of the existing dwelling of Bwthyn Gwyn. Due to the siting of each, it is only if any windows are placed in the proposed gable end at first floor level of the new dwelling. This detail will be resolved in the submission of any reserved matters application. Thus, it is considered that the proposal and the existing dwelling will not have any significant detrimental impact upon each other in terms of overlooking, obtrusiveness and loss of light as the required separation distances and private amenity area sizes have been met within the SPG.

8.00 CONCLUSION

8.01 Whilst the site is located outside the defined settlement boundary for Gwernymynydd, it appears that it should be included as the dwelling and the remainder of its curtilage is and it is therefore considered appropriate to apply the test set out in Policy HSG5. In addition, the proposal would cause no significant harm upon the character and appearance of the area, is in a highly sustainable location and it is considered that in this application the contribution of one additional

residential unit to the housing supply figure outweighs the need in this specific location to meet a proven local need test.

8.02 Given the above, it is recommended that the application be approved.

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

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