

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **20th JUNE 2018**

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

SUBJECT: **APPEAL BY REDROW HOMES NW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 186 DWELLINGS AND ANCILLARY DEVELOPMENT AT CHESTER ROAD, PENYMYNYDD – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 055590

2.00 APPLICANT

2.01 Redrow Homes NW

3.00 SITE

3.01 Chester Road, Pen-y-ffordd

4.00 APPLICATION VALID DATE

4.01 30th June 2016

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.

5.02 The decision to refuse planning permission was made by Members at the Planning and Development Control Committee held on 12th April 2017.

5.03 The appointed Planning Inspector was Ms Joanne Burston.

5.04 The appeal was determined following a Public Inquiry which sat over 4 days on 15th, 16th and 17th November and 18th December with visit on 19th December 2017. The appeal was **ALLOWED**.

6.00 Report

6.01 Main issues

The main issues are;

- whether the proposal is sustainable development with particular landscape character and visual amenity and community cohesion and
- Absence of a five year supply of housing land.

6.02 Landscape Value

The Inspector considers the appeal site has no greater landscape value than the surrounding farmland bordering the village. She noted that the site does not comprise any national or local designation but forms an attractive area of farmland with a local landscape value.

6.03 The Inspector considered the proposal would retain many landscape features and the development would not represent a substantial intrusion into the landscape. She noted that in this edge of settlement location close to housing the features of the proposal, namely housing are not uncharacteristic.

6.04 The Inspector noted the vast majority of the hedgerow would be maintained and that the hedgerows were not unique to this landscape.

6.05 Although the Inspector agrees that there would be substantial visual impact for users of the footpath but this would be transient. Also views from traffic along Chester Road would see the development as part of the continuation of the existing settlement.

6.06 Overall the Inspector concludes that although landscape harm is limited and localised the proposal still conflicts with adopted UDP policy. Therefore landscape weighs against the proposal in the planning balance

6.07 Community Cohesion

The Inspector notes Penyffordd is a vibrant and healthy community and notes the content of Penyffordd Place Plan. In particular the Inspector highlights paragraph 3.06 of the Penyffordd Place Plan which states the will of the village is that there is no more growth but if any more developments are permitted they can't be larger than 25 homes.

- 6.08 The Inspector identifies that the emerging Local Plan proposes to accommodate 15-20% growth in Penyffordd and that the development proposed 11% growth which doesn't undermine the future planned growth.
- 6.09 Inspector notes the site is in a sustainable location, adjacent to the eastern boundary of Penyffordd, close to public transport, services and facilities. She was satisfied the development would be served by regular bus routes and within walking distance to a train station. A new footpath and bus stop would be facilitated by the development.
- 6.10 The Inspectors refers to the fact that no evidence was produced to show the range of local services and facilities could not accommodate future occupiers. Furthermore the Inspector notes the education services did not object to the development subject to the S106. Also neither the local health centres or NHS have formally made any representations to the Council providing evidence of any capacity issues.
- 6.11 Five Year Supply of Housing
- The Inspector notes a deficit in the 5 year supply of housing and increasing the available housing would be a clear benefit, providing choice and affordable housing. The Inspector has confirmed that the appellant does not have to identify a local need for housing. Furthermore, no compelling evidence has been provided to demonstrate the proposal would not be accessible to or accommodated by existing facilities in Penyffordd in terms of rendering the proposal incompatible with the Future Generations Act with regard to cohesion.
- 6.12 The Inspector concludes the proposed development would not cause significant harm to the community or undermine the principle of the creation of cohesive communities which forms the basis of Welsh Government planning policy.
- 6.13 Other Matters
Public Rights of Way and Open Spaces
The Inspector considered there was no evidence the proposal would prejudice implementation of the Active Travel Act Wales or the Active Travel Map for Penyffordd.
- 6.14 There were no objections from the Public Rights of Way officer and a condition is imposed to ensure protection of the Right of Way during construction. No objections were received from Highways Authority and the Council's Public Open Space Manager is satisfied the proposed multi-use games area., together with 1.7ha of recreation space accords with the Council's LPGN 13.
- 6.15 Flooding, drainage and biodiversity issues

There are no objections from the relevant statutory undertakers and relevant planning conditions have been imposed.

6.16 Obligations

The appellant provided a Unilateral Undertaking for seven areas;

- Affordable Housing – shared equity units;
- Affordable Housing – gifted units;
- Educations Contributions – Penyffordd Primary School and Castell Alun High School;
- Ecology Contributions;
- Highway Contributions;
- Off-site affordable housing contribution and
- Greenspace areas.

The appellant had disagreed with the contribution for Castell Alun High School stating that there was capacity at other nearby schools. The Inspector that the required contribution for Castell Alun was in accordance with the SPGN 23 Developer Contribution to Education. The remaining contributions were not in dispute and the Inspector agreed were necessary.

6.17 Condition

The Inspector considered the conditions suggested by the Council, against the guidance in Welsh Government Circular 016/2014. A two year commencement condition was imposed. Other conditions are imposed requiring agreement of materials; site landscaping, off site drainage improvements; details of levels; footpath and bus shelter details; public footpath protection; drainage details; acoustic glazing; ecological details; arboricultural impact assessment and provision of open space requirements.

7.00 CONCLUSION

7.01 The Inspector considers the proposal is sited in a sustainable location

with services, facilities and public transport in close proximity. The scheme would provide much needed market and affordable housing in Flintshire which should be given considerable weight. The proposal would provide some modest economic benefits in terms of employment and support for local shops and services. In combination these benefits carry substantial weight in favour of the scheme.

- 7.02 The proposal fails to accord with the adopted development plan as the proposal would constitute a housing development outside the defined settlement boundaries. The proposal would have a moderate impact on the local landscape character and visual amenity of the appeal site and would conflict with policies which seek to protect the landscape.
- 7.03 The Inspector finds the contribution to the supply of housing, including affordable housing, in a sustainable location to be material considerations which outweigh the conflict with the development plan and the localised landscape harm.
- 7.04 The Inspector has taken account of all the information submitted to the Inquiry and has taken account of the UU, according to its significant weight. The Inspector concludes the appeal should be allowed and planning permission

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Mandy Lewis
Telephone: 01352 703248
Email: mandy.lewis@flintshire.gov.uk