

APPENDIX 1: CASE OFFICER DELEGATED REPORT

THE SITE

The application site comprises of land adjacent to Lower Honkley Farm a Grade II Listed Building.

PROPOSAL

Erection of 5 dwellings along with access, parking, landscaping, drainage and associated works.

HISTORY

- P/2002/1333 Demolition of redundant industrial building and the erection of 3 residential units. Approved 10.01.2005.
- P/2008/0135 5 detached dwellings and detached garage. Refused 18.03.2008.
- P/2014/0589 Listed Building Consent to install internal wall / roof insulation. Granted 18.07.2014.
- P/2015/0045 Listed Building Consent for repair of defective oak beam, reinstatement of oak window lintels and installation of slimlite glazing units and other alterations. Granted 03.06.2015.
- P/2017/0072 Erection of 5 dwellings. Refused 25.4.2018

DEVELOPMENT PLAN

Outside of settlement, within Green Barrier. The site also lies adjacent to a Grade II listed building. Policies PS1, PS3, GDP1, EC1, EC4, EC9, H5 and T8 apply.

CONSULTATIONS

- Community Council: Rossett Community Council have considered the attached planning application and wish to raise an objection as they feel the development of 5 residential properties on this site would be too intensive. They are aware planning permission has previously been granted for 3 residential properties on this site and feel this is a more appropriate number/size.
- Local Member: The view of the Community Council and myself is that the original approval should be adhered to and the increase to 5 rejected.
- Public Protection: Consulted 26.4.18
- Highways: Have made the following comments:
- Visibility splays of 2.4 x 43m recommended;

	- Whilst visibility to the south-east is achievable, to the north-west it is only achievable over land outside the boundary of the application site. To achieve adequate visibility in this direction requires the boundary hedge of the neighbouring property to be reduced in height to below 1m in perpetuity; - There are two parking spaces proposed for each dwelling which might be inadequate given the site is not in the most sustainable of locations.
Education:	Primary and secondary education contributions required.
NRW:	No objection.
Welsh Water:	As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.
CPAT:	The development appears to have no direct impact on any recorded archaeology.
Civic Society:	Consulted 26.4.18
Site Notice:	Expired 23.5.2018
Neighbour letters:	The owners/occupiers of 13 nearby properties notified 3.5.18 1 joint representation received from 7 nearby occupiers and the management company of the development they occupy expressing the following comments: - In principle, welcome sympathetic development; - Concerned about loss of visual amenity; - Concerned about increase in vehicular movements; - Traffic during construction - Potential length of time that construction may take - Remain unpersuaded by the financial argument for 5 dwellings as opposed to three.

SPECIAL CONSIDERATIONS

Policy: Policy PS1 directs new residential development to sites within settlement limits. The site lies in open countryside and within a designated Green Barrier and is therefore in an area where new residential development is strictly controlled. Policy H5 sets out a limited number of cases where residential development may be supported in the countryside (subdivision, conversion, infill, small scale afforded housing developments on the edge of settlements and dwellings required to accommodate rural workers). The development does not meet any of the criteria for housing development in the countryside set out in the policy.

Green Barrier

The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales. Planning Policy Wales advises that inappropriate development should not be permitted within Green Wedges. The

construction of new buildings is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

None of the above applies to this proposal therefore it is inappropriate development. The development will occupy a larger footprint than the extant planning permission so in contrast will harm the openness of the Green Barrier.

Paragraph 4.8.15 of PPW states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to a Green Wedge. I will consider this matter in more detail later.

Housing Need: Wrexham does not have the 5 year housing land supply it is required to do so by national planning policy owing to the fact that the UDP plan period has now lapsed. In accordance with Technical Advice Note 1 the need to increase support is therefore afforded significant weight.

The Deposit LDP proposes to make provision for 8525 homes (which includes a 10% contingency allowance) for the 2013-2028 period. Taking into account existing supply of homes, an allowance for windfall developments, and completions between 2013-2017 this equates to a requirement for additional land to be brought forward for 3,375 new houses. The LDP housing requirements are informed by far more up to date information. It will not be possible to meet the County Borough's future housing requirements without the release of sites outside existing settlement limits, which is a relevant material consideration applicable in this case. Housing supply/need must however be balanced against other national and local planning policy considerations.

Weight afforded to policies PS1 and H5: Given that existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projecting, using mitigation trends from 1996. The LDP housing requirements and recognition that these cannot be delivered without the release of land outside of existing settlement limits means that policy PS1 is now outdated and therefore afforded limited weight in the determination of planning applications.

In my opinion policy H5 can continue to be afforded weight in the determination of planning applications for dwellings in open countryside given that it broadly accords with PPW advice that housing development in such locations should be strictly controlled.

Sustainability: The application site is, by virtue of the fact that it was occupied by industrial units, previously developed land. Whilst policy PS3 as well as PPW are broadly supportive of the re-use of previously developed land, paragraph 4.9.1 recognises that not all previously developed land is suitable for development, for example because of its location.

The site is remote from Rossett and Llay, the nearest settlements where there local services, public transport or employment are available. The location of development will therefore mean that future occupiers will be reliant of private cars for most, if not all of their journeys so would not be sustainable. Even taking into account the extant planning permission for 3 dwellings, the development would increase the number of private car journeys made to/from the site so performs comparably worse than the extant scheme in terms of sustainability.

Exceptional Circumstances: The development has been put forward on the basis of needing to provide the applicant with a modest return and to cover costs of works to Lower Honkley Farm, a Grade II listed building. It is therefore necessary to consider whether there is a case for enabling development that justifies departing from adopted planning policies that would otherwise seek to prevent residential development in the countryside and Green Barrier.

The principles of enabling development are set out in Cadw's 'Conservation Principles for the Sustainable Management of the Historic Environment in Wales' and which endorses the more detailed guidance produced by English Heritage, 'Enabling Development and the Conservation of Significant Places.'

Both documents define enabling development as '*development that would deliver substantial heritage benefits but which would contrary to other objectives of national, regional or local planning policy*'. Such development may be appropriate if it has public benefit of rescuing or enhancing a historic asset and that decisively outweighs the harm to other material interests – for example a conflict with planning policy. Paragraph 49 (f) of the Cadw guidance advises that enabling development is the minimum necessary to secure the future of an historic asset.

The decision to accept a case of enabling development in relation to Lower Honkley Farm was taken in 2005 when permission was granted for the erection of 3 dwellings to the rear of the listed building. A case was made at that time that this amount of development was the minimum required to provide the necessary funds to repair the listed building whilst also facilitating the removal of industrial buildings, thereby enhancing setting of the listed building and benefitting the rural landscape. The cost of the works to the listed building was anticipated as being between £105,000 to £125,000 in 2004. Using the Bank of England inflation to provide an initial estimate of the works in 2017 prices, the upper limit would be in the region of £182,451.

The submitted details suggest that the development is necessary to cover costs of works to the listed building of £439,928 whilst ensuring a sufficient return for the applicant. It is unclear what works have been included within the scope of those costs, however the owner of the listed building has previously carried out unauthorised and damaging works to it that had to be subsequently remediated. These will have added to the initial costs identified to justify the granting of

permission in 2005. The submissions also fail to take account of the fact that because 5 dwellings are now proposed, school contributions are required which will increase the overall cost of the development by £19,800 based on the current version of LPG27.

Paragraphs 5.4.3 and 5.44 of the English Heritage guidance referred to advice advises that

There is no mechanism for claw-back if the financial outcome is better than anticipated; similarly there can be no expectation of further enabling development if it is worse than anticipated.

Taking an incremental approach to enabling development, in which additional enabling development is sought once the scheme is under way or completed, as a means of recovering unforeseen or underestimated costs, is not an acceptable practice. Such an approach distorts the process, because it is necessary to consider the effects of the enabling development proposals in their entirety before deciding whether the benefits outweigh the harm. The developer bears the risk – there can be no ‘second bite of the same cherry’.

In my opinion the applicant has not advanced credible or valid reasons for additional development at the site. Irrespective of whether the costs associated with works to the listed building have increased as a result of the applicant's own actions or simply as a result of inflation, in my opinion it is clear that the above guidance does not envisage applicants being able to revisit the amount of enabling development proposed to recover such costs. The financial risk of cost inflation lies with the development. Furthermore in cases where an applicant has incurred costs by carrying out works over and above those initially envisaged – particularly when those works are unauthorised, it would be perverse if that provided a case to grant planning permission for additional enabling development.

Design: The general form of the buildings is similar to a typical range of rural outbuildings associated with farmhouses. Nevertheless, the external appearance of the proposed dwellings, particularly the front elevation which will be viewed in conjunction with Lower Honkley Farm from public vantage points, is relatively bland and does not provide the level of detail or variation that would be expected in a traditional range of farm buildings. The overall massing of the development is also greater than the extant permission. In my opinion these factors mean the development does not serve to preserve the setting of the listed building and will also detract from the rural character and setting of the site.

Amenity: The development will be 16m to the rear of Lower Honkley Farm at its nearest, although the distance is 20m between windows serving habitable rooms in the north-east elevation of the listed building. Unit 1 includes a first floor bedroom window facing towards the property. The separation distance is slightly below the 22m referred to in the LPG21 however taking account of the position of Lower Honkley Farm's garage I do not believe this shortfall will unacceptably reduce the standard of privacy afforded to the occupiers of that property. The distance is also sufficient to ensure the development does not adversely impact upon amenity by way of loss of light or by being overbearing.

The application site boundary is in around 25m away from the next nearest dwelling, with the distance to the proposed dwellings even further. The separation distances involved therefore far exceed those recommended by LPG21 and as such I am satisfied the proposals will not adversely impact upon the standard of amenity afforded to occupiers of other dwellings in the vicinity.

Highways: Highways have commented that adequate visibility to the south-east but to provide it in the opposite direction, the reduction in height of the hedge along the frontage of Lower Honkley Farm to below 1m and its subsequent maintenance at that height is required. The frontage of Lower Honkley Farm lies outside of the application site although the submitted location plan confirms it lies within the same ownership as the application site. In my opinion this matter can be addressed by planning condition. The reduction in height of the hedge is a requirement of condition 03 of the extant planning permission – although the farmhouse was included with the application area on the plans submitted for that proposal.

The LPG16 maximum parking provision for the development is 3 spaces per dwelling or 15 spaces for the development as a whole. Given the rural location of the site I consider it reasonable to expect the maximum provision to be provided.

The submitted layout plan only provides 5 parking spaces although the driftway to unit 3 could conceivably be used as an additional space. Whilst the submitted plans also make provision for 5 open frontage garages, LPG16 advises that garages do not count towards on-site parking provision. This advice is, in my opinion, fair given that domestic garages are often used for other purposes such as domestic storage. However in this instance given the communal nature of the garages and their degree of separation from the dwellings it is reasonable to conclude that they are more likely to be used as a parking area. Nevertheless this only brings the total on-site parking provision to 10 spaces, or 11 if the driftway is considered.

I do not believe the shortfall provides sufficient grounds for refusal given that there is sufficient space within the site to provide additional parking without significant amendment to the development. Were permission granted it would be reasonable to impose a condition to require a revised layout of the parking and turning area overcome deficit between the on-site provision and the LPG16 maximum.

Whilst noting the concerns expressed in the representations received, the level of traffic associated with the development is unlikely to be significantly greater than under the extant permission. Traffic volume is not a matter of concern to Highways therefore I have no reason to believe it provides a valid reason to refuse planning permission.

Trees: There are a number of trees along the site boundary. The application is accompanied by a tree report dated January 2017, however the tree protection plan is based on a previously proposed site layout rather than the one subject to this application. Despite this discrepancy, the Council's Tree Officer has advised that the report is adequate and agrees with its conclusions. Requirements for an Arboricultural Method Statement and landscaping scheme to include new tree planting could be secured by condition.

Education: Contributions to both primary and secondary education are required. These would need to be secured via a planning obligation.

CONCLUSION

The development does not accord with planning policies regarding development in the countryside and represents inappropriate development that will harm the openness of the Green Barrier. The scale and appearance of the development will detract from the setting of Lower Honkley Farm and the rural character of the site. The proposals therefore do not accord with policies PS1, GDP1, EC1, EC9 and H5 of the UDP and in my opinion the applicant has failed to demonstrate exceptional circumstances to justify granting planning permission despite the policy conflict.