

PROPOSAL

The application seeks outline planning permission and approval of access for the construction of 8 no. dwellings. All other matters are reserved for future consideration.

HISTORY

None relevant.

DEVELOPMENT PLAN

Within designated open countryside. UDP policies PS2, GDP1, H5 and T8 apply.
LPG 16 – Parking Standards, LPG 21 – Space Around Dwellings, LPG 27 – Developer Contributions to Schools.

CONSULTATIONS

Community Council:	No reply received to date.
Local Member:	Notified 08.06.2018.
Conservation:	The application has not fully defined or analysed the setting of the Grade II listed building adjacent, or evaluated the impact of the development on it. Recommends refusal.
NRW:	No objection subject to conditions to secure mitigation and bio security risk assessment.
Highway Authority:	The required visibility splays would appear to be achievable however these have been shown incorrectly on the Site Plan. Highway Authority raises no objection to the proposed access, given the number of dwellings and that the road is subject to 20mph. Construction of a 2m wide footpath is recommended along the site frontage and submission of a Construction Traffic Management Plan. Highway Authority state it would be advisable to relocate the access to Vicarage Lane.
Welsh Water:	No objection subject to a condition to secure means of drainage from the site.
Public Protection:	No objection subject to conditions.
Education:	No reply received.
Ecology:	No comments received at the time of writing.
Trees:	No comments received at the time of writing.
Site Notice:	Expired 09.07.2018.
Neighbours:	10 no. representation objecting to the proposal. Concerns raised include there are limited services and facilities in Penley, the CP school would not be able to accommodate additional pupils, adverse impacts to highway safety, adverse impacts to biodiversity and ecology, the site is in designated open countryside, the site is not infill,

the site regularly floods, the footway along the site frontage is too narrow, the site is too close to the CP school, adverse impact on the setting of the listed school opposite, the site is not allocated for development within the emerging plan.

SPECIAL CONSIDERATIONS

Principle

Local Plan

The application site lies within designated open countryside and special landscape area as identified on Policy Map 4 INSET 26.

Policy H5 states that outside defined settlement limits new dwellings will only be permitted where amongst other criteria, they comprise conversion of existing buildings, are infilling or are exception site dwellings.

The proposal is for the construction of 8 no. market dwellings to which none of the criteria under UDP Policy H5 would allow this type of development in designated open countryside.

There is a policy presumption against the development.

Material Considerations

S.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan in force in the area unless material considerations indicate otherwise.

PPW paragraph 4.2.2 states that where relevant development plan policies are considered out of date, there is a presumption in favour of proposals in accordance with sustainable development.

Wrexham County Borough Council's Development Plan has expired and the Council has a 0 housing land supply. A presumption in favour of sustainable development therefore applies and each dimension as well as other material considerations are set out below.

Housing Land Supply

Planning Policy Wales (paragraph 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year housing land supply.

Wrexham Borough Council is unable to demonstrate that it has a 5 year housing land supply. The Council recognises that where this is the case, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise accord with both national and local planning policy.

Planning Policy Wales recommends strict control over housing on sites in the open countryside away from established settlements. Despite the age of the UDP, Policy H5 is considered remains broadly consistent with PPW and therefore can be afforded significant weight.

The proposal would conflict with both national and local policy in respect of the location of new housing development.

Sustainable Development

Environmental

The site largely comprises a greenfield parcel of agricultural land adjacent to the settlement limit. It is located approximately 500m away from the nearest shop (located on Penley Employment Park) and on the opposite side of the road to the Primary School. The secondary school is located approximately 600m away.

The nearest bus stop is located on the opposite side of the road with two other bus stops located approximately 1km away along the A539.

A footpath runs along the site frontage along the A539 which links the site to the settlement and the services and facilities within. Whilst this weighs in favour of the scheme, this factor alone is not a sole determinant of whether a site is considered to represent sustainable development.

The application site forms part of a larger agricultural field. A hedgerow runs along the southern, eastern and western boundaries. The remainder of the land forms part of an open field. The site is separated from the settlement limit and development to the east, by an agricultural field and the church.

In visual terms, residential development of this site is considered would appear discordant and disjointed in relation to the existing settlement and surrounding development, by virtue of the hedgerow boundary running along the eastern part of the site which clearly separates it from the church, the agricultural field and development beyond. There is a clear break in development west of the edge of the Employment Park, when viewing the site from the street scene along the A539.

Furthermore, the development beyond comprises the Penley Employment Park, with the bulk of residential dwellings in Penley located towards the eastern end of the settlement. The dwellings nearest the application site mainly comprise some detached dwellings located on the opposite side of the road and north of the site. These dwellings all primarily front the road, with the dwellings opposite being set back from the road and laid out in an informal manner.

The development is considered would be primarily read in conjunction with its relationship to the development along the A539 rather than the dwellings along the lane to the north and to this effect, is considered would exacerbate the incongruity of residential development on this site, in the context of its relatively formal formation which is not considered would be particularly complimentary to the existing context within the vicinity and along the A539.

A dense hedgerow runs along the road frontage of the site and a section of this would need to be removed in order to provide the site access. This is considered would adversely impact on the character of the area given the hedgerow is an established feature in the immediate area and runs along the entire width of the field comprising the application site. The hedgerow is considered helps to define the rural edge of the settlement and the loss of part of the hedge would adversely impact on the character of the area.

The impact of the development on biodiversity is considered could be mitigated against and NRW raise no objection to this effect.

Whilst the site is relatively close to the nearest bus stops and some services within the settlement limit itself, as well as being linked to the settlement by a footpath, this is not the only factor in determining the environmental dimension of the sites sustainability. The sites characteristics and features, its visual relationship to the settlement limit and built development as well as the subsequent incursion into open countryside, are considered to all weigh heavily against the

proposal and substantial negative weight is attached to the environmental dimension of sustainable development related to the scheme.

Social

No affordable housing contribution and no POS would be provided given the proposal does not meet the threshold triggers.

No reply received from Education therefore no education contribution would be provided.

The nearest bus stop is on the opposite side of the road and further east along the A5339, with services and facilities within Penley Employment Park being approximately 400m – 450m away. The site is considered to be relatively well connected to the settlement by a footpath and for this reason, moderate weight is attached to the social dimension of sustainability associated with the scheme.

Economic

The site comprises an agricultural field. No evidence has been submitted to demonstrate the classification of the field therefore an assessment as to whether the loss of the field would result in a loss of Best and Most Versatile (BMV) land cannot be undertaken and to this effect, insufficient information has been submitted.

It is accepted that economic benefits would arise as a result of granting planning permission for the development, through the construction of the dwellings themselves and the associated supply chain.

On balance, it is considered that the economic dimension of sustainable development associated with the scheme would be largely positive, given loss of BMV land is not determinative in considering whether a proposal represents sustainable development or not.

Summary

The proposed development is not considered would meet all three dimensions of sustainable development representing an unsustainable development proposal on the whole.

Local Development Plan

The site remains designated open countryside in the emerging LDP. Although this is a material consideration in the overall planning balance, limited weight is attached to this element of the scheme given the LDP has not yet reached examination stage.

Planning Balance

Local Plan Policy presumes against the proposed development. The Council is unable to demonstrate a 5 year housing land supply and the UDP Plan period has expired therefore relevant development plan policies for the supply of housing are considered to be out of date, triggering the need to assess the application in relation to the presumption in favour of sustainable development and any further materials considerations.

Whilst considerable weight is attached to the proposal having regard to the need to boost the Council's housing land supply, the site does not meet all three dimensions of sustainable development and therefore fails to meet paragraph 4.2.4 of PPW.

The principle of development of this site for residential use is considered to be unacceptable.

Design and Layout: Whilst the application is made in outline and limited regard can be had to the design and layout of the scheme, the illustrative layout is not considered to be complimentary or sympathetic to the existing built form or surrounding context.

The development is considered would be primarily read in conjunction with its relationship to the development along the A539 rather than the dwellings along the lane to the north and to this effect, is considered would exacerbate the incongruity of residential development on this site, in the context of its relatively formal formation which is not considered would be particularly complimentary to the existing context within the vicinity and along the A539

Residential Amenity: Relevant spacing standards should be adhered to as part of the final proposed site layout, as should private amenity space.

Windows should be inserted into relevant elevations to ensure overlooking of parking areas, driveways and the main access into the site.

Access and Car Parking: The Highway Authority do not object to the proposed site access in the context that the proposed number of dwellings are relatively limited and the 20mph speed of limit.

They recommend that the existing footpath along the site frontage is widened to 2m and submission of a Construction Management Plan.

Drainage: Condition to secure means of foul and surface water drainage is considered to be reasonable.

Trees: No comments received from the Tree Officer at the time of writing.

Ecology: NRW raise no objection.

Listed Building: Insufficient information has been submitted with the application to demonstrate the impact of the development on the setting of the Grade II listed Madras CP School located opposite the site. An assessment having regard to the original siting of the property, along with views to and from the property are required at a minimum, and how these elements contribute to the character of the property.

The application has failed to define and analyse the setting of the building or fully evaluate the impact of the development on it. The Conservation Officer objects to the application and recommends refusal.

CONCLUSION

The application is recommended for refusal accordingly.

The proposal for residential development lies outside Penley settlement limit and does not meet the criteria set out within UDP Policy H5 where housing outside settlement limits will be allowed. The proposal would encroach into open countryside, harming the character and appearance of the area and conflicting with UDP Policies H5 and EC5. The proposal is not considered to represent sustainable development as set out in Planning Policy Wales and there are no material considerations associated with the scheme to warrant its approval.

Insufficient information has been submitted with the application to demonstrate the impact of the development on the setting of the Grade II listed building opposite the site. The application fails to accord with UDP Policy EC9.

