

Heading:

12/2013/1384/PO
Land of Crud yr Awel
Clawddnewydd

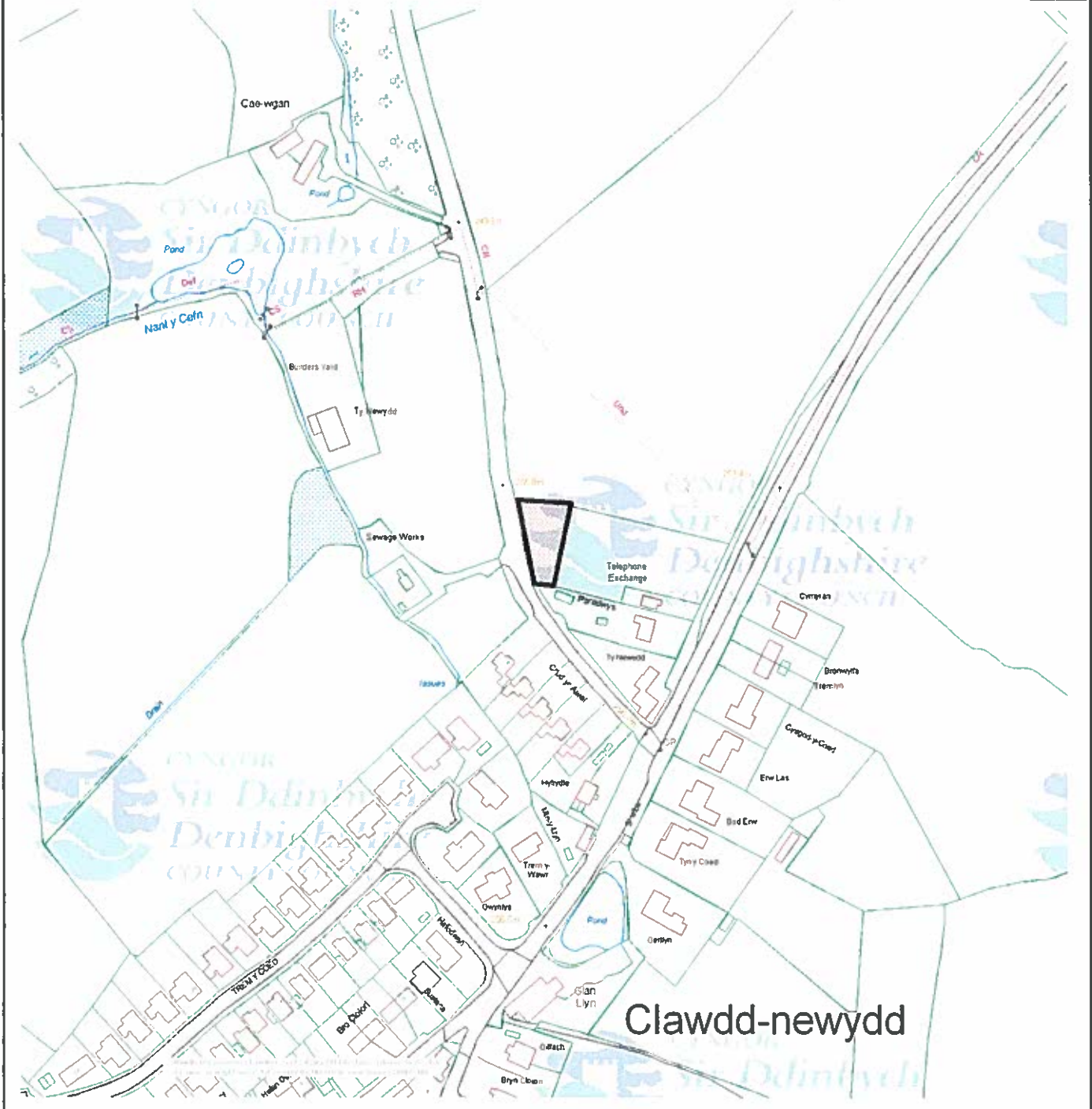
 Application Site

Date 29/4/2014
Centre = 308340 E 352647 N

Scale 1/2500



This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrthdyi © Hawlfraint y Goron. Mae atgynhychu heb ganiatâd yn tori hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sfil. Cyngor Sir Ddinbych. 100023408 2011.

INDICATIVE LAYOUT FOR
2 PLOTS

12 / 2013 / 1384 / P 0



adjoining field

existing boundary

TO
CLOCAENOG

Plot 1
(126m²)

Plot 2
(126m²)

36550 appx.

existing boundary

IMPORTANT NOTE:
existing boundary dimensions to be checked and confirmed on site.

Site measurements have not been taken in the preparation of this site layout.

Garage

existing boundary

TO
CLAWDDNEWYDD

Paradwys

AREAS (appx.):
Overall site = 700m²
Plot 1 = 400m²
Plot 2 = 300m²

NOTE:
PROPOSED UNITS SHOWN ARE FOR INDICATIVE PURPOSES ONLY AND SUBJECT TO FULL L.A. APPROVAL.



Mr D. Jones.

Proposed extent of land take on land off Crud yr Awel Rd, Clawddnewydd.

Block Plan Planning Services (FOR DISCUSSION PURPOSES ONLY)

Date: 1:250 @ A4

Date: June '13.

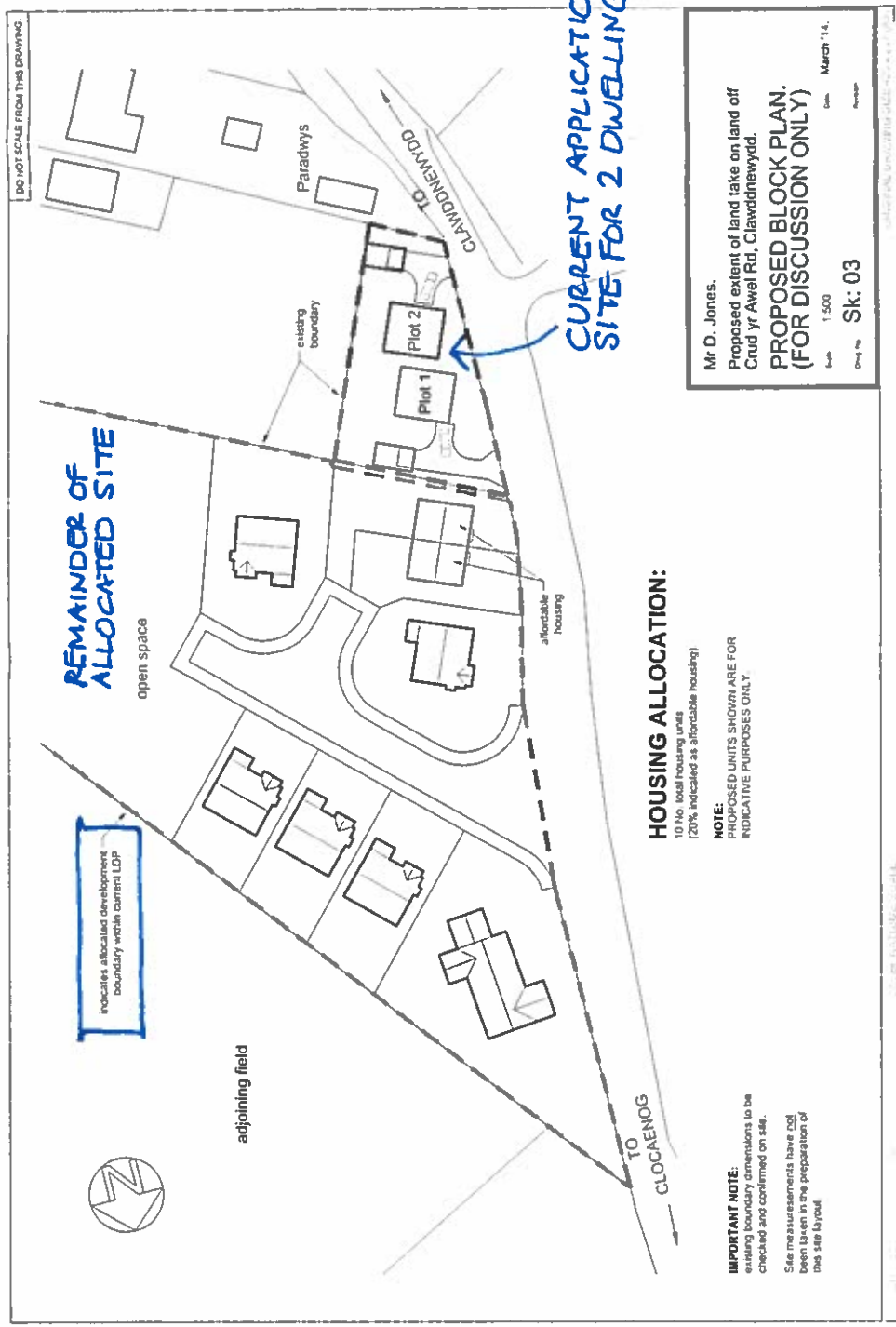
Proj No: 02

Ref: C

0 10 20 50mm NATURAL SCALE

ORIGINAL DRAWING SIZE 297 x 210 (A4)

INDICATIVE LAYOUT
SHOWING IDEAS FOR
LARGER ALLOCATED SITE



CURRENT APPLICATION SITE FOR 2 DWELLINGS

ITEM NO: 1
WARD NO: Efenechtyd
WARD MEMBER(S): Councillor Eryl Williams
APPLICATION NO: 12/2013/1384/ PO
PROPOSAL: Development of 0.07ha of land by the erection of 2 no. detached dwellings (outline application - all matters reserved)
LOCATION: Land off Crud Yr Awel Clawddnewydd Ruthin
APPLICANT: Mr Dylan Jones
CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - No Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- DC Managers discretion

CONSULTATION RESPONSES:

DERWEN COMMUNITY COUICL

"No objection".

NATURAL RESOURCES WALES (NRW)

No objection.

DWR CYMRU/WELSH WATER

No objection. However would generally recommend dwellings are not built within 150 metres of sewerage treatment works.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions relating to parking and highway detailing.

- Planning Policy Officers

Concerns raised over development of two dwellings on site allocated for ten dwellings.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

NP Daniels, Blaenwern, Clawddnewydd

Summary of planning based representations in objection:

Visual impact

Loss of amenity in the vicinity of the proposal.

Access / highways impact

Inadequate highway conditions to enable access to the site.

Sewerage system

Capacity of existing system is a concern.

EXPIRY DATE OF APPLICATION: 24/12/13

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission for a residential development on 0.07 hectares of land. All matters, including the access, appearance, landscaping, layout and scale of development would be the subject of a future detailed application.
- 1.1.2 Two illustrative plans have been submitted with the application. The first plan shows two dwellings, with individual access points off the Clawddnewydd to Clocaenog Road on the site. The other drawing has been provided to show how the larger local development plan allocated site to the north might be developed; and shows the remaining land in the applicants ownership with eight dwellings proposed alongside the application site. The illustrative plans are attached at the front of the report.
- 1.1.3 The second illustrative plan also indicates the ideas for the location of an open space area within the remainder of the allocated site. It shows eight six detached dwellings, two bed semi-detached houses, and the two detached houses proposed on the current application site.
- 1.1.4 A Design and Access Statement has been submitted in support of the application. The main points of relevance to the proposals in the Design and Access Statement are:
- The development would contribute to the housing needs identified within the village.
 - The site layout takes into account the impact on neighbours, the character of the area and the wider landscape character.
 - Foul water will connect to the existing mains.
 - Surface water from dwellings will be directed to soakaways.
 - The scheme will be designed to meet Sustainable building and accessibility standards, incorporating suitable water conservation measures.

1.2 Description of site and surroundings

- 1.2.1 The application site is located to the north of the village, on the Clawddnewydd to Clocaenog road.
- 1.2.2 The site lies opposite the sewage works, and to the west of the old telephone exchange. To the north of the site is open agricultural land and to the south is a pre-fabricated building in the rear curtilage of Paradwys, a dwelling fronting the main road.
- 1.2.3 It is a relatively flat site. The western side is bounded by a mature hedge with a mix of species and there is stock proof fencing to the eastern boundary.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Clawddnewydd village and forms part of an allocated housing site, which is identified in Policy BSC 2 of the Local Development Plan. The allocation measures 1.06 hectares and the table in the LDP indicates the figure of 10 dwellings for the site.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 The application was originally submitted in October 2012. However Officers sought additional information in relation to planning policy issues and Welsh Water concerns. Additional information was submitted in March 2014.

1.6 Other relevant background information

1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

2.1 None.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC 1 Growth Strategy for Denbighshire

Policy BSC 3 Securing Infrastructure Contributions from Developments

Policy BSC 4 Affordable Housing

Policy BSC 11 Recreation and Open Space

Policy VOE 5 Conservation of natural resources

Policy VOE 6 Water management

Policy ASA 3 Parking Standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note 4: Recreational Public Open Space

Supplementary Planning Guidance Note 8: Access for all

Supplementary Planning Guidance Note 22 Affordable Housing in New Developments

Supplementary Planning Guidance Note 25: Residential Development Design Guide

3.3 Government Policy / Guidance

Planning Policy Wales Edition 6

TAN 5 Nature Conservation and Planning

TAN 12: Design

TAN 22: Planning for Sustainable Buildings

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Highways (including access and parking)

- 4.1.5 Affordable Housing
- 4.1.6 Open Space
- 4.1.7 Sustainability including codes and water management

4.2 In relation to the main planning considerations :

4.2.1 Principle

Planning Policy Wales Section 9.2 sets out the strategy Councils should use when allocating land for new housing development, Para 9.2.9 specifically states that Councils should consider a number of criteria in deciding which sites to allocate including physical and environmental constraints. The purpose of allocating land is to ensure the provision of housing in the plan period. Welsh Government's aims for new housing and residential environments are that it is to be well designed, meeting national standards for the sustainability of new homes and to make a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

The main policy in the LDP which is relevant to the principle of housing development is policy BSC1. This policy seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries and on allocated sites. Clawddnewydd is identified within this policy as a village with housing allocations for 10 dwellings at Crud Yr Awel and an indicative number of 10 dwellings on land to the rear of Paradwys.

Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. Policy RD1 sets out general tests to be applied to all developments within development boundaries. This policy contains criteria which require proposals for new development to have adequate regard for the visual amenity of an area, amenity of neighbours etc. Development which would result in a harmful impact on the character and appearance of a site and its surroundings by virtue of inappropriate design should be resisted.

The PPW strategy referred to above has been used by the Council in developing and adopting the LDP. The LDP makes provision for 7500 new homes in the County up to 2021, of the 7500 homes to be provided an allocation for 20 dwellings was made in the village of Clawddnewydd. Derwen Community Council were involved in the development plan process and inputted into decisions relating to the allocated sites and numbers of dwellings.

As the site is located within the development boundary, the principle of development would be acceptable. However this application raises some issues which Officers feel need to be brought to the attention of Members, particularly as it proposes the development of 0.07 hectares of a 1.06 allocation and indicative plans show 2 dwellings proposed on this area. Officers have queried why the allocated site was being developed in an incremental manner and the Applicants advised that at this stage this was the part of the site they wanted to take forward. They have provided an indicative plan showing that the remainder of the site that could be developed and the provision that could be made in such a development for open space and affordable housing. However Officers remain concerned that allowing the piecemeal development of the site may have implications on the deliverability of the allocation and may impact on issues such as affordable housing and open space provision in the longer term. Whilst the application would not trigger these policy requirements, Officers question whether the opportunity might be lost if subsequent applications on the rest of the site are made for lesser numbers. Members will recall that the Council has had some experience of this type of situation in Cyffylliog on land at St Marys Church in 2012, and whilst this situation arose under the UDP, the Inspector dealing with this appeal was clear that where a site was not being brought forward comprehensively then it was essential for the local planning authority to secure affordable housing in particular at the outset. For this reason Officers would suggest if

there is support for the grant of permission here, then consideration has to be given to the inclusion of a planning condition to secure the affordable housing and open space provision at this stage.

4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales Para 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Para 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The application is for outline planning permission, and an indicative plan has been provided in support of the scheme. There are objections to the proposal based on potential visual impacts of development.

As this is an outline application it is not possible to fully assess the visual impact of the proposal at this point, however it is considered that the site can accommodate the development without appearing cramped and out of character with its surroundings. With respect to the comments received from a neighbour, due consideration can be given to matters of detailed visual impact at reserved matters stage if an outline permission were to be granted.

4.2.3 Residential amenity

Planning Policy Wales Para 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Para 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The application contains an illustrative layout indicating a possible format for a development; there are no elevation details or floor plans to allow assessment of the impact on adjacent properties. Welsh Water have raised concerns over the principle of building in close proximity to a sewerage treatment works and they recommend at least a distance of 150 metres is retained between dwellings and such works. The site is approximately 50 metres from the treatment works.

As this is an outline application a full assessment of the amenity impact of the residential development cannot be made. However at detailed plan stage, consideration would be given to the potential residential amenity impacts on adjacent properties, taking account of levels, distances between dwellings, etc. However there appears to be adequate space on site and between the dwellings to avoid detrimental visual impacts. Regarding Welsh Water's recommendations whilst the concern is a valid one and there may be odour nuisance from the treatment works occasionally, they have not formally objected to the scheme therefore inevitably this is a 'buyer beware' situation.

4.2.4 Highways (including access and parking)

Planning Policy Wales Para 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighborhood and on the environment. The acceptability of means

of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales Section 8 and TAN 18 – Transport, in support of sustainable development.

The means of access to the site is not included for approval as part of this outline application. There are objections raised in relation to highway safety and the impact the proposal would have on the local highway network. The Highways Officer has no objections to the proposal and there are no concerns in respect of the adequacy of the local highway network.

It is not considered, with respect to objections raised, that there are any strong highway grounds to refuse permission here.

4.2.5 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units is provided.

The applicant has stated that the Council's Affordable Housing requirement of 10% would be provided a part of a later scheme (outside the application site), the indicative plan provided shows two semi-detached affordable dwellings.

As mentioned in Paragraph 4.2.1, as this is an allocated site coming forward in a piecemeal manner Officers feel the affordable housing issue should be dealt with 'up front'. Therefore in accordance with current planning policy, it is now suggested practice to use a 'standard' form of planning condition, to establish the requirement for an agreed level of affordable housing or payment of a commuted sum prior to the commencement of development. Officers suggest this approach to be appropriate in this instance if permission were to be granted.

4.2.6 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The applicant has stated that the Council's Open Space requirement could be met on the larger site by provision of an open space, and the indicative layout plan shows ideas for an area of open space on the site.

Regardless of the indicative plans, policy requires all new dwelling proposals to make an open space provision/contribution. Therefore in Officers opinion this could be covered by imposition of a planning condition requiring agreement to the mechanism for compliance with the open space requirement, if permission were to be granted.

4.2.7 Sustainability including codes and water management

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales Section 4.12 sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that

buildings can meet specific standards of construction and carbon emission levels.

In the case of this submission, the application is accompanied by a Design and Access Statement and Code for Sustainable Homes Pre-Assessment which demonstrates that the requirements of TAN 12 and TAN 22 can be satisfactorily addressed.

Suitably worded conditions could be attached to ensure development is carried out in accordance with the requirements of the Sustainability Code.

5. SUMMARY AND CONCLUSIONS:

- 5.1 In the opinion of Officers the principle of residential development in this location is consistent with the Council's adopted plan; however the piecemeal development of the site raises concerns. In order to ensure the intentions of the development plan policies are met, conditions to cover affordable housing and open space are suggested to be attached to any permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the layout, scale and appearance of the building(s), the access and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
5. Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes.
6. The development shall not begin until arrangements for the provision of affordable housing as part of the development of the application site or the Local Development Plan allocated site, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority.
7. The development shall not begin until arrangements for the provision of Open Space as part of the development of the application site and the Local Development Plan allocated site in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
5. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
6. In the interest of compliance with adopted affordable housing policies.
7. In the interest of compliance with adopted open space policies.

NOTES TO APPLICANT:

Your attention is drawn to Dwr Cymru Welsh Water's consultation response.