



Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

20/2013/1545
Former Coach Park
Graigfechan

2



Application Site

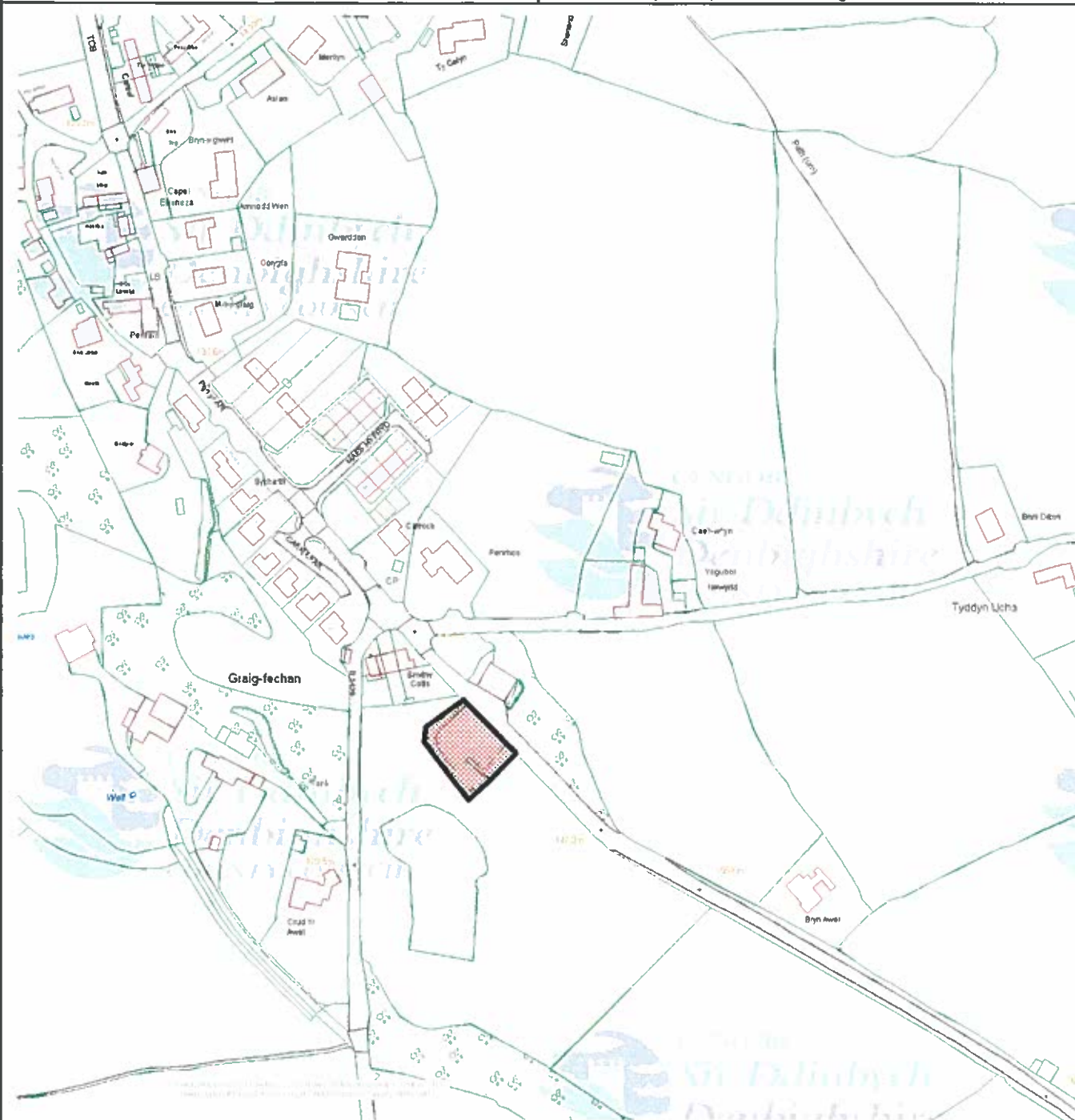


Date 3/4/2014

Scale 1/2500

Centre = 314977 E 354043 N

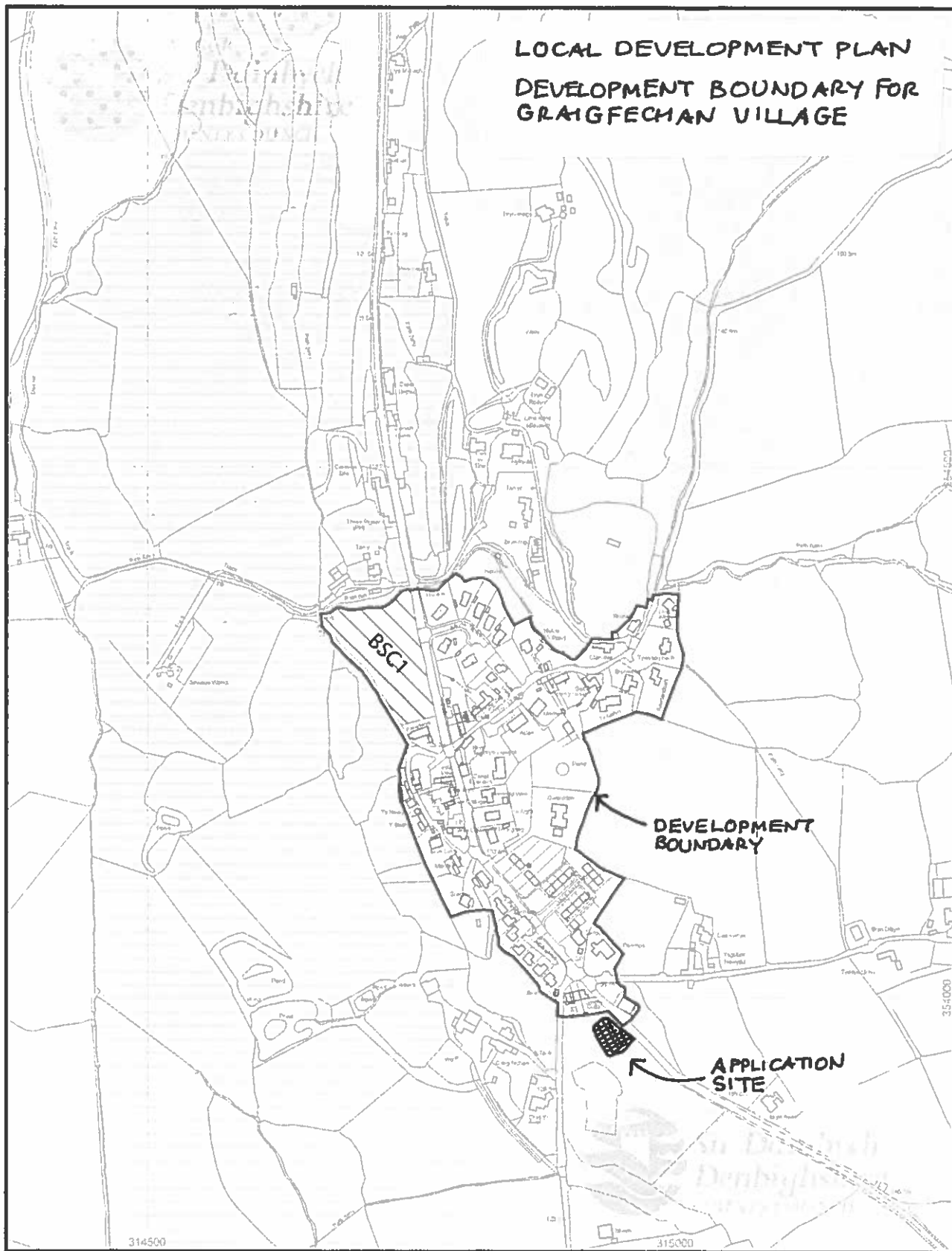
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
© Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council 100023408 2011.

Aitgynhyrchir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi
© Hawlfraint y Goron. Mae aigynhyrchu heb ganiatâd yn torri hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych 100023408 2011.

MAP 20B - PENTREF GRAIGFECHAN VILLAGE



Graddfa/Scale 1:5000



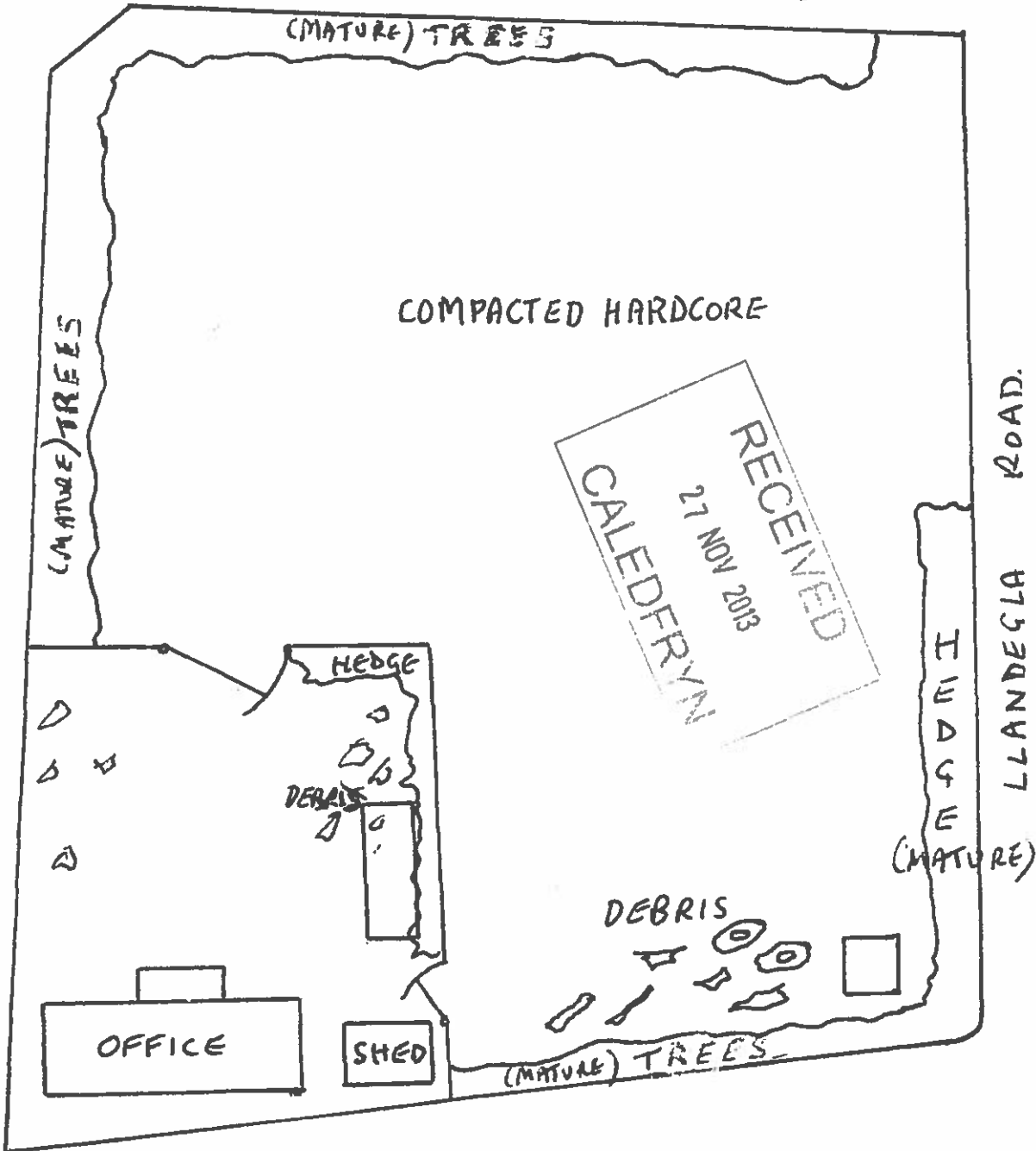
0 50 100 150 200

Medrau/Metres





ACCESS TO CRAIGFECHAN
GROWING CLUB



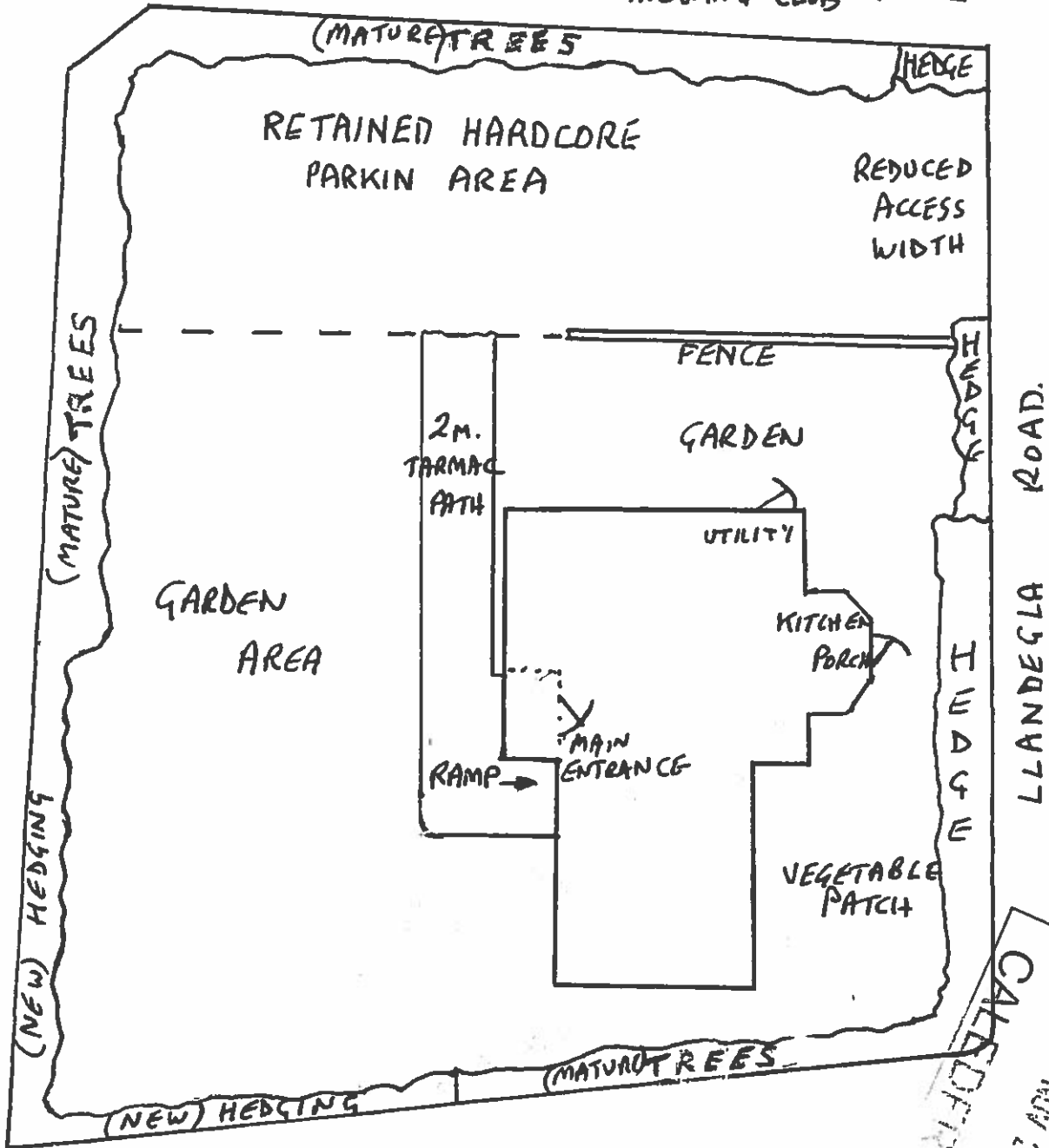
EXISTING COACH YARD
CRAIGFECHAN

ATT. N°6 TO ROGERS 015/1
SITE MAP (EXISTING)

20 / 2013 / 1545 / P0



ACCESS TO CRAIGFECHAN GROWING CLUB



RECEIVED
 27 NOV 2013
 CALDWELL

PROPOSED EX-COACH PARK DEVELOPMENT

CRAIGFECHAN

ATT. N°6 TO ROGERS 015/11:
 SITE MAP (PROPOSED)

ITEM NO: 2
WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern
WARD MEMBER(S): Councillor H H Evans
APPLICATION NO: 20/2013/1545/ PO
PROPOSAL: Development of 0.09ha of land by the erection of a dwelling (outline application - all matters reserved)
LOCATION: Former Coach Park Graigfechan Ruthin
APPLICANT: Mr Kevin Rogers Rogers Mechanics
CONSTRAINTS: AONB
PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL:

"My members considered this application very carefully. They fully supported the application in *principle*. They also considered the implications of the LDP on the local business which has already been established and would in future provide employment."

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE:

"The JAC notes that this site is outside the LDP Settlement Boundary for Graigfechan. Given that the former garage building is very close to the village, where it might be expected that opportunities exist for alternative accommodation to serve the proposed business, the JAC would emphasise the need for a particularly strong case to justify an additional new rural enterprise dwelling on this site. It is also noted that no such justification appears to have been submitted with the application, which would make the development contrary to planning policy.

Although not in the ownership of the applicant, the JAC would suggest that the modestly sized triangular site which immediately adjoins the garage and is within the Development Boundary is a preferable location for a modestly sized dwelling which is well related to the proposed new business."

NATURAL RESOURCES WALES:

No objections

DWR CYMRU / WELSH WATER:

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
- Highways Officer
No objections

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Outline planning permission is sought for the erection of a single dwelling on land outside the development boundary of Graigfechan village. All details are reserved for later consideration, should the principle of development be found to be acceptable.
- 1.1.2 As part of the submission, the applicant has put forward information to support the grant of permission.
- 1.1.3 The applicant makes the case that since 'Rogers Coaches' ceased trading, he has utilised the workshop on land across the road to run a new business, 'Rogers Mechanics'. He advised this use does not require the former coach park, (the application site), and it is submitted that the proposal would develop this otherwise unsightly and disused piece of land. It is stated the site would also afford additional security for the mechanics business, and help to develop the business further.
- 1.1.4 The applicant indicates that the dwelling would be affordable for himself and would help to accommodate his growing family; stating that premises larger than his current house are beyond his means. The applicant's current address is given as Haulfryn in Ruthin.

1.2 Description of site and surroundings

- 1.2.1 The site is located at the southern end of Graigfechan village fronting the minor road running towards Llanarmon yn Ial, outside the village development boundary as defined in the Local Development Plan.
- 1.2.2 The site was formerly used as a coach park for the business 'Rogers Coaches'. It is a flat area of approximately 30 metres by 35 metres with a compacted hardcore surface.
- 1.2.3 There is an existing dwelling, Smithy Cottage to the north west of the site boundary.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside the defined development boundary of Graigfechan and within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. The village development boundary, as approved as part of the Local Development Plan in June 2013, is shown on the plan at the front of the report.

1.4 Relevant planning history

- 1.4.1 The site was granted planning permission in 1992 (at Planning Committee) for use as a parking and turning space for public service vehicles, to support the bus business using the large building on the opposite side of the road. This business has ceased operating at the site.

1.5 Developments/changes since the original submission

- 1.5.1 Following an initial objection to the proposal from Natural Resources Wales, the applicant has submitted additional information relating to the potential groundwater pollution resulting from disturbing the ground during construction. Natural Resources Wales have subsequently lifted the objection.
- 1.5.2 Additional justification for the proposal was requested from the applicant having regard to the planning policy context set in the Local Development Plan. The response is copied as drafted below; in relation to Policy BSC 8 of the LDP:
- "i) No likely sites are to be available "within 5 years" as this is shorter than the life span of the new LDP.*
 - ii) The proposal clearly does form a logical extension to the development boundary - this was stated in the application covering letter; emphatically we queried WHY the coach park was not included within the revised LDP.*
 - iii) Graigfechan is an ageing village; the latest new-build (a monstrosity approved by your organisation) is on the market for 400,000+: is this affordable? The village needs young families; Mr Rogers can build the proposed dwelling for the price of the existing cramped home in Ruthin. This would be progress!!*
 - iv) The proposal has already been demonstrated (in the Design & Access Statement) not to be an intrusive feature or create traffic/access problems.*
 - v) No further comment is needed - see the Design & Access Statement.*
 - vi) Mr & Mrs Rogers are not planning to build for an investment- their growing family live in a two-bed house, and they want to relocate to a bigger but AFFORDABLE home, close to where Mr Rogers wants to build up his business. This is a brown-field site that needs improvement, why the obstacles?"*

1.6 Other relevant background information

- 1.6.1 The application, if granted, would constitute a departure from adopted planning policy, and has been advertised as such.
- 1.6.2 The application has been referred to Planning committee by Councillor Hugh Evans to allow discussion of the planning policy issues.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 Turning space and parking area for public service vehicles 30/12572 - GRANTED at Planning Committee 6th March 1992

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC3 – Securing infrastructure contributions from Development
Policy BSC4 – Affordable Housing
Policy BSC6 – Local connections affordable housing in hamlets
Policy BSC8 – Rural exception sites
Policy BSC9 – Local connections affordable housing within small groups or clusters

Policy BSC11 – Recreation and open space
Policy PSE 3 – Protection of Employment Land and Buildings
Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy ASA3 – Parking Standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 6 (February 2014)

Technical Advice Note 2 – Planning and Affordable Housing

Technical Advice Note 6 – Planning for Sustainable Rural Communities

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 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 Amenity Considerations/impact on AONB
- 4.1.3 Open Space
- 4.1.4 Contaminated land
- 4.1.5 Affordable Housing
- 4.1.6 Loss of employment land

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located outside the development boundary for Graigfechan. Denbighshire's adopted Local Development Plan advises, in the preamble to Chapter 6, that development boundaries are drawn to define clear physical limits to developed areas. It further outlines that development within boundaries will in principle be supported, but that the boundary exists to protect the county's landscapes and open spaces.

Planning Policy Wales also advises that development in the countryside should be located within and adjacent to those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. It goes on further stating that infilling, or minor extensions to existing settlements may be acceptable in particular where it meets a local need for affordable housing. This is amplified in Technical Advice Note 2, and Technical Advice Note 6, which relates specifically to development in rural areas and supports the concept of 'Rural Exceptions' Policies.

In terms of the LDP, the site being considered is outside the development boundary of the village of Graigfechan. The most relevant LDP policy is considered to be Policy BSC 8, Rural Exceptions Sites, which supports affordable housing development as an exception to normal policy (i.e. outside development boundaries) where the following criteria are met:

" i) evidence must be produced to demonstrate that allocated sites are not likely to come forward within 5 years. The greater the need for affordable housing demonstrated for the settlement the more likely an exception site would be permitted ahead of an allocated site; and

ii) the proposal adjoins and forms a logical extension to the development boundary whilst avoiding ribbon and fragmented patterns of development; and

iii) evidence exists in the form of a local housing needs survey that there is a genuine demonstrable need for such accommodation; and

iv) the proposal would not form an intrusive feature in the landscape or create traffic or access problems; and

v) the siting, layout, scale, design, density and materials of the proposal are sympathetic and appropriate to the size and character of the settlement and also reflect the level of local need identified; and

vi) satisfactory arrangements can be made to ensure that the dwellings are retained as affordable housing for local needs in perpetuity".

In relation to the tests of BSC 8:

In respect of criterion i) above, reference is made to a housing allocation in Graigfechan (land south of the The Three Pigeons public house). The allocation was made when the Local Development Plan was adopted in 2013, following a public inquiry. Whilst the applicant states that there are no allocated sites likely to come forward in 5 years, this is not supported with any evidence. The proposal does not therefore comply with criterion i).

In reference to criterion ii), it is considered that the proposal does not form a logical extension to the development boundary and would represent an unacceptable extension in the form of ribbon development along the minor road leading out of the village. The existing boundary to the south of the Smithy Cottages is considered to be a well established boundary that should be defended for the sake of preserving the open countryside, as per guidance in Planning Policy Wales.

Criterion iii) requires it to be demonstrated in a local housing needs survey that there is a need for the development in that location. The applicant argues that the house would be for himself and his family as he cannot afford a house in Graigfechan. No other information regarding the family's eligibility for affordable housing has been put forward. Additionally, no reference has been made to the allocated housing site in Graigfechan and whether or not that would meet any identified affordable housing need within the community. In Officers' opinion, there is clear conflict with test iii) of Policy BSC 8.

Criteria iv), v) and vi) of Policy BSC 8 are all detailed tests which can be addressed at later stages should the principle of the proposal be accepted.

In terms of Planning Policy Wales, there is reference to supporting businesses in the rural areas (chapter 7). Technical Advice Note 6 (section 4.3) expands upon this and outlines the circumstances where residential development in the open countryside to support a rural enterprise may be acceptable as a departure to normal planning policy. Such circumstances are where it is clearly demonstrated with robust supporting evidence that:

- a. there is a clearly established existing functional need;*
- b. the need relates to a full-time worker, and does not relate to a part-time requirement;*

- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;*
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- e. other normal planning requirements, for example siting and access, are satisfied.*

In addressing whether the proposal meets the above tests, it is Officers' opinion that the information submitted does not demonstrate that there is an established functional need for a mechanic to be living on the site. There are no details of the length of time the business has been running, or the profitability of the business, and no evidence that any 'perceived' need on the applicants part could not be met by seeking suitable housing elsewhere in the village.

With regard to the options where residential development may be permitted in the open countryside (local affordable needs and rural enterprise dwellings) it is considered that a case has not been made which demonstrates the proposal satisfies any of the tests outlined above.

Whilst the site history and the former use of the site as a coach park is noted, Officers are of the opinion that the site does not fall within the definition of 'previously developed land' as outlined in Planning Policy Wales, fig 4.3. The coach park was previously allowed on the basis that it was required for the day to day parking of coaches in association with the garage building opposite, as there was inadequate space to accommodate activity associated with the depot. The proposal now being considered is essentially for a private dwelling, which does not have essential functional links to the adjacent business 'Rogers Mechanics'. In acknowledging the arguments put forward by the applicant that to live there may 'assist' his business, no robust need case has been made for a dwelling in open countryside and the arguments in favour are matters of personal convenience rather than essential need.

In respecting the case advanced for a security presence for the mechanic's business, Members may appreciate that it would open an extremely wide door if it was accepted that a dwelling was justified for security reasons next to a building in open countryside, given the number of isolated commercial/agricultural buildings where equally meritorious arguments could be put. The former coach business was run for many years without a 'security' dwelling nearby. It is not an unreasonable expectation on owners of rural businesses to take appropriate measures to secure their premises from interference.

The proposal is therefore considered to be in fundamental conflict with local and national planning policies and guidance in relation to the principle of new dwellings outside development boundaries.

4.2.2 Amenity Considerations/Impact on AONB

In referring to what may be regarded as material considerations, Planning Policy Wales 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 Paragraph 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 proposal is an outline application with all matters reserved for later consideration. With regard to the nature and history of the site and its relationship to surrounding

development and land uses, there are no concerns at this point that the site could not be developed in a way that would not be detrimental to the general amenity of the area, including impact upon the AONB and highways and access considerations.

4.2.3 Open Space

Policy BSC 3 seeks to secure, where relevant, infrastructure contributions from development. Policy BSC 11 requires all new residential development to provide a contribution to recreation and open space either on site, or by the provision of a commuted sum.

The proposal is for a single dwelling. A commuted sum in the region of £2660 towards the provision of improved facilities, and the ongoing maintenance of the recreation space in Graigfechan would be required if permission is granted.

It is considered that in this instance the provision of a commuted sum is preferable to the option of on site provision, given that the proposal is for a single dwelling. It is therefore considered that the proposal is in accordance with Policy BSC 3 and Policy BSC 11, subject to a condition to agree the mechanism by which the commuted sum would be secured.

4.2.4 Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Chapter 13 of Planning Policy Wales, which requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council must require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. Otherwise, if contamination can not be overcome satisfactorily, permission should be refused.

The site is a former coach park, and in response to the initial consultation NRW raised objections on the grounds of potential contamination to the groundwater supply caused by disturbing land which may have been polluted by oil from the coaches. Following the submission of further information from the applicant, NRW are satisfied that the risk is minimal and have removed their objection.

It is not considered that the proposal would have a detrimental impact upon the ground water supply, and the proposal accords with Planning Policy Wales.

4.2.5 Affordable Housing

As discussed in the above paragraphs, even if the other key tests of Policy BSC 8 were satisfied, it would be necessary for the applicant to meet with criterion iii) which requires evidence of local housing need. As there is no detailed evidence presented to assess whether the applicants would 'qualify' as meeting local affordable housing need, it is not possible for Officers to conclude the requirements of the policy would be met.

4.2.6 Loss of employment land

Policy PSE 3 of the Local Development Plan seeks to retain employment premises not specifically allocated as 'employment sites' on the Proposals Maps of the Plan. The policy sets 3 tests for proposals, which will only be supported provided:

- i) there are no other suitable sites available for this development;*
- ii) and a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation fro*

employment purposes; and
iii) the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

There is no information in the submission which suggests the tests of PSE 3 have been addressed.

In Officers' opinion, the loss of the parking area in connection with the business premises opposite poses conflicts with Policy PSE 3. The land was consented for parking of coaches in the first place, because there was such limited external space around the buildings that the business could not function properly. If the land is now developed for a new dwelling, removing the parking required in connection with the previous use, this re-creates the potential 'problem' for a successful business operating in the buildings, leading to a possibility of vehicles being parked close to/along the road when waiting to be worked on or after completion of works. Officers believe this to be a relevant consideration in the determination of the application.

5. SUMMARY AND CONCLUSIONS:

5.1 The application involves the erection of a new dwelling outside the development boundary of a village, hence in planning policy terms, in open countryside.

5.2 To justify such development in terms of the Local Development Plan it would be necessary to comply with the tests of Policy BSC8. Officers' assessment of the applicant's submission clearly concludes that the key tests of the policy can not be met.

5.3 In terms of Welsh Government policy and guidance in Technical Advice Note 6 in relation to supporting businesses in rural areas, Officers' conclusions are that the evidence submitted does not address the key tests relating to establishing a 'functional' or 'financial' need for a rural enterprise dwelling.

5.4 Additionally, it is considered that the development would result in the loss of a valuable parking area for vehicles associated with the commercial use in the old garage building opposite, leading to potential parking/congestion problems in the vicinity of the site if the mechanics business is successful.

5.5 Officers' conclusions are that the development is contrary to policy, and would represent a clear departure from the Local Development Plan.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The proposal involves the erection of a dwelling on a site which is located outside the development boundary of Graigfechan village as defined in the Denbighshire Local Development Plan. Local and National policy and guidance advises that in such locations residential development must be strictly controlled and should only be permitted where it is demonstrated that there is a clear and essential need for the development for either local affordable housing needs purposes or to support a rural enterprise. It is the opinion of the Local Planning Authority that it has not been demonstrated that there is an essential need for a dwelling in this location, and that the proposal is therefore contrary to Denbighshire Local Development Plan Policies BSC 4 Affordable Housing, BSC 8 Rural Exceptions Sites, Planning Policy Wales 6, and Technical Advice Note 6 Planning for Sustainable Rural Communities.
2. The development would take away an important parking area originally created to meet the needs of the coach business operating in the building on the opposite side of the minor road. The garage building has very limited space around it to permit the parking of staff or customers' vehicles and the loss of the application site for such purposes is considered in conflict with Policy PSE 3 of the Local Development Plan, and is also likely to lead to an

unacceptable potential for congestion and highway dangers from the movement and parking of vehicles in connection with the garage use, in conflict with Policy ASA3 of the Local Development Plan which requires adequate parking spaces for development proposals.

NOTES TO APPLICANT:

None.