

Heading:

REFERENCE NO. 12/2014/0611/PF
LAND TO SOUTH EAST OF MAES LLAN
DERWEN

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

Tel: 01824 706800 Fax: 01824 706709

 Application Site



Date 27/8/2014

Scale 1/1250

Centre = 307191 E 350726 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.



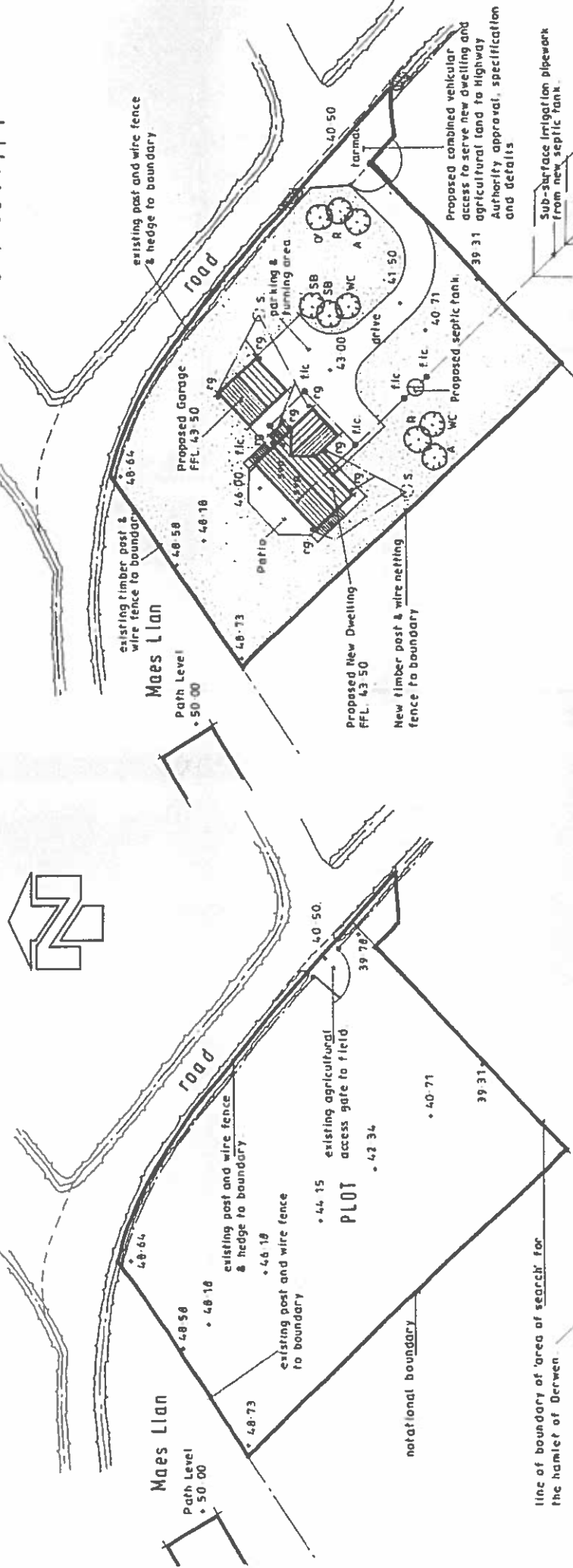
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SITE PLAN

12 2014/0611 / PF



PROPOSED SITE LAYOUT PLAN
1:500

EXISTING SITE LAYOUT PLAN
1:500

From new combined vehicular access to serve the new dwelling and the agricultural land off the existing public road, as shown on plan, and to be constructed fully in accordance with the Highway Authority's approval, specification details & recommendations.
The new vehicular accesses to be a min. 4.00m wide with gates set back a min. 5m from the edge of the road.
New solid timber gates to the new access positions to open in to the site to client's details and approval.
The new spaded entrance area from the edge of the existing road up to the entrance gate position is to be surfaced with a tarmac finish to the Highway Authority's approval and specification.

The proposed new private driveway parking and turning area to serve the proposed new dwelling is to be finished in a permeable paving system, to client's specification and approval. e.g. limestone chippings, grasscrete open-cell type paving or other approved surface finish.
Proposed New Septic Tank Installation
The new septic tank to serve the proposed new dwelling is to be by Enric, Klugester or other approved. The tank capacity to be min. 3500 litres to cater for a max. 7 full time residents.
The tank to be fixed a min. 7m from all buildings and public roads. The tank to be fixed with RECYCLED Sub-surface irrigation pipework to be laid in accordance with manufacturer's details, installation instructions and recommendations. Length of drain runs depends on soil porosity test results.

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- 100mm dia. four drainage runs - min. fall to pipes to be 1 in 40.
- 100mm dia. surface water drainage runs - min. fall to pipes to be 1 in 50
- Soak-away constructions - sited a min. 5m from any building or road.
- Turfed/Seeded Grassed Areas.

Tree Planting
Native tree planting to be 3.0m to 3.6m tall and to be sited a min. 5m from any buildings.
O - Oak, WC - Wild Cherry, SB - Saver Birch, R - Rowan, A - Ash.

New paths and patio areas to be finished in stone/slate flags to client's specification and approval.

All existing timber post & wire netting fences and hedges/rows to the application site boundaries are to be retained.

New timber post & wire netting fence to the western and southern boundaries - to be a min. 1200mm high.

All planting, seeding, turfing, fencing or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development.

Any trees or plants which, within a period of five years of completion of the development, die, are removed or seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

All existing trees and hedgerows shown to be retained to be protected during the course of development by the erection of a timber chestnut paling fence to the perimeter of the crown of the tree.
The fence is to be kept in place to the completion of the building works.

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MATISCHOK & ROSS
architectural services

project title
Land to south-east of Maes Llan, Derwen, Conwy.

drawing title
Drawing this

project no.
Existing and Proposed Site Plans.

drawing no.
1

scale
1:500

date
15/05/2014

drawn by
P M

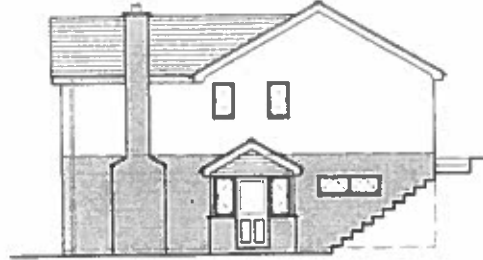
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PROPOSED ELEVATIONS

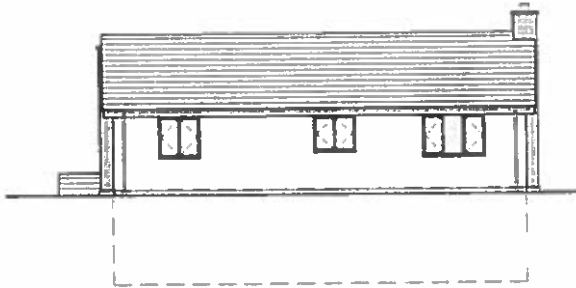
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Front Elevation



Side Elevation



Rear Elevation



Side Elevation

External Materials - all to local authority approval

Roof - Redwood Composite rainwatered slates (blue/grey colour)

Walls - Facing brickwork with smooth render finish (E-Rend or other approval) where shown. Horizontal boarded cedar cladding where shown.

Roofscape/Chimney - where applicable gutters and down pipes

Windows & External Doors/Frames - where applicable upvc windows & external doors

Fascia, Soffit & Barge Boards - where applicable fascias, barge boards & soffit boards

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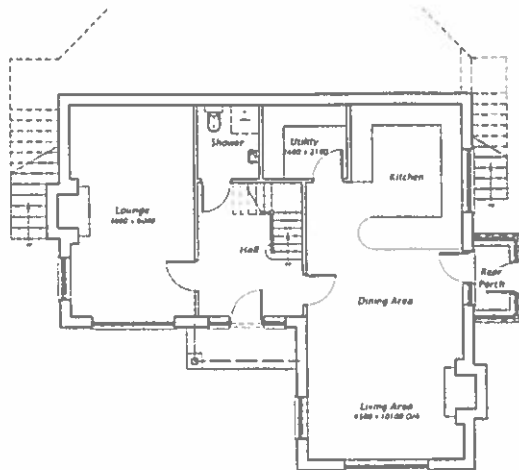
drawing title
Proposed Elevations

project no. 0562	drawing no. 3	revision
date 15/05/2014	scale 1:100	drawn by SR

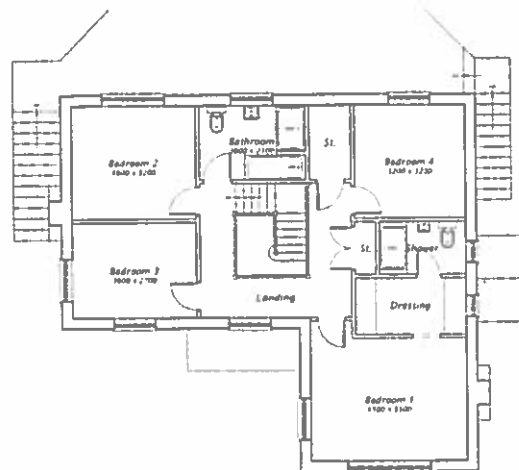
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PROPOSED FLOOR PLANS



Ground Floor Layout Plan



First Floor Layout Plan

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project title
Land to south-east of Maes Llan, Derwen, Corwen.

drawing title
Proposed Ground & First Floor Layout Plans.

project no. 0562	drawing no. 2	revision
date 15/05/2014	scale 1:100	drawn by SR

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ITEM NO: 1

WARD NO: Efenechtyd

WARD MEMBER(S): Cllr Eryl Williams

APPLICATION NO: 12/2014/0611/ PF

PROPOSAL: Erection of a detached dwelling together with a detached single garage, formation of a new vehicular access and installation of a new septic tank

LOCATION: Land to south east of Maes Llan Derwen Corwen

APPLICANT: Mr & Mrs Robin & Manon Jones

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

DERWEN COMMUNITY COUNCIL:

"Whilst the Members of Derwen Community Council has no objections to the above planning application and plans only to ask a question on the application form where does the fact that Yes is answered to question 18 on the application form (Residential Units) agrees or not with the Denbighshire County Council's Local Development Plan Policy BSC 6 on Local Connections Affordable Housing in Hamlets."

NATURAL RESOURCES WALES:

No objections

GRWP CYNEFIN:

Confirm the applicant is eligible to be registered for affordable home ownership.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer:

No objections

- Public Protection:

No response received

RESPONSE TO PUBLICITY:

In objection

Representations received from:

G. Mann, Yr Hen Dy Ysgol, Derwen

S. & A. Reese, Hen Ysgol, Derwen

Summary of planning based representations in objection:

Principle

Questions over the eligibility of applicants for affordable housing / applicants already own an open market dwelling which has been modernised and enlarged / are not living in unsuitable conditions / house can be adapted / new dwelling would not be affordable to majority of those in affordable housing need but only to the applicant / process must be made fair and consistent / Grwp Cynefin process is weak or robust and does not meet DCC's criteria.

Impact on visual amenity

Scale and form of proposed dwelling excessive / plot is excessive for an affordable house / inefficient use of land

In support

Representations received from:

L. Roberts, Ysgubor Lelo, Derwen

R. Jones, Maes Llan, Derwen

Summary of planning based representations in support:

- Proposals meet LDP policies / would assist a young family to move into the community / dwelling would be tied to affordable need in perpetuity

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a detached dwelling together with a detached single garage, formation of a new vehicular access and installation of a new septic tank.
- 1.1.2 The dwelling would have an 'L' shaped footprint, with a frontage approximately 12m wide, and a maximum depth of 11m, and 6.5 metres, at it shallowest. On the ground floor there would be a kitchen/dining/living area, hall, wc and lounge. On the first floor there would be 4 bedrooms, and a bathroom.
- 1.1.3 Externally the dwelling would feature a large amount of glazing to the front (south facing) elevation, and more traditional fenestration to the rear. The external materials are proposed as facing bricks, and render on the walls with a slate roof.
- 1.1.4 The dwelling would be partially 'sunk' into the ground, to adapt to the sloping nature of the site. From the rear, the dwelling would appear as a single storey building.
- 1.1.5 As the site is located on the fringe of the hamlet of Derwen in the Local Development Plan, the applicant has provided supporting information to assist consideration of the proposals in relation to the tests of local connections affordable housing.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the south east of the hamlet, Derwen. It is currently an open agricultural field. A minor road runs along the eastern boundary of the site, and access to the site would be from this road.
- 1.2.2 To the north west of the site are dwellings within the hamlet. Development in this area is of mixed form, with both two storey and single storey dwellings of varying ages,

with some older traditional types of buildings (including converted school buildings) sitting adjacent to former Local Authority houses.

1.2.3 Site boundaries are defined by mature hedgerows.

1.3 Relevant planning constraints/considerations

1.3.1 For planning policy purposes, Derwen is identified as a hamlet in the Local Development Plan. Policy BSC6 of the Plan is of specific relevance to proposals for new dwellings in hamlets.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 None

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:

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 BSC11 – Recreation and open space

Policy ASA3 – Parking Standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 7 (July 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 7, July 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 Eligibility of applicants for Local Connections Affordable Housing
- 4.1.3 Impact on visual amenity
- 4.1.4 Impact on residential amenity
- 4.1.5 Highways

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located adjacent to the hamlet, Derwen, on land which is shown in the Local Development Plan as being a 'search area' for local connections affordable housing. In the preamble to Chapter 6, the LDP states that development boundaries are drawn to define clear physical limits to developed areas. It explains that development within boundaries will in principle be supported, but that these boundaries exist 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. 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, supporting the concept of 'Rural Exceptions' Policies.

In terms of the LDP, the most relevant policy is considered to be BSC 6, Local Connections Affordable Housing, which permits local connections affordable housing development where the following five criteria are met:

"i) the proposal would provide an affordable dwelling to meet local needs; and, ii) the proposals would help to secure the viability of the local community, and strengthen the community and linguistic character; and, iii) new housing is located within the defined area of search of the hamlet and overall growth levels restricted to that indicated below; and, iv) the proposal is in keeping with traditional building styles and is sympathetic in design, scale and materials to other traditional buildings in the locality; and, v) satisfactory arrangements are made to ensure the dwelling is retained in perpetuity as an affordable dwelling for local need and this is contained in a Section 106 agreement."

Officers suggest the above tests are significant to the determination and these are reviewed in turn below:

In respect of criterion i) the applicants eligibility for an affordable dwelling to meet local needs is discussed in detail in Section 4.2.2 below. On the basis of the Grwp Cynefin assessment of the applicants circumstances, it is suggested the proposals comply with criterion i) of Policy BSC 6.

In reference to criterion ii), the proposal would allow a local welsh speaking family to return to their home community. It is difficult to quantify what impact this will have on the viability of the local community and linguistic character of the community, but it is not considered that there would be conflict with criterion ii) of Policy BSC 6.

Criterion iii) requires the proposed dwelling to be within the defined area of search of the hamlet. The site, as mentioned previously is within this area (as defined on the proposals map) and constitute one of the 5 dwellings for Derwen indicated as permitted over the plan period. The proposal is considered to comply with criterion iii) of Policy BSC 6.

Criterion iv) relates to the visual impact of the proposal. This issue is in paragraph 4.2.3 of the report. The Officer view is that the proposals are acceptable in terms of design, scale and materials.

Criterion v) requires satisfactory arrangements to be put in place to ensure the proposed dwelling is retained in perpetuity as an affordable dwelling for local need and this is contained in a Section 106 agreement. The applicants are willing to enter into such an agreement.

Having regard to the above, it is considered that the principle of a dwelling in this location is acceptable in terms of the tests in Local Development Plan Policy BSC 6.

4.2.2 Eligibility of applicants for Local Connections Affordable Housing

As stated above, the LDP policy requirement is that any dwelling built on this site should be for local connections affordable housing only and that this should be controlled through a section 106 legal agreement. To assist consideration of the Local Connections eligibility issue, an assessment of the applicant's circumstances has therefore been undertaken on behalf of the Council by Grwp Cynefin.

For Members information, the Council's Supplementary Planning Guidance Note on Affordable Housing (May 2014) expands upon the definition of local connections affordable housing and provides additional criteria that households must meet in order to be considered eligible. Appendix 3 of Supplementary Planning Guidance Note on Affordable Housing states that:

“Where the provision of Affordable Housing is to be provided through granting planning permission a Section 106 agreement (or similar) is required to ensure that the household meets all 3 of the following criteria :

- is an eligible affordable household,*
- comprises a household in unsatisfactory accommodation, and*
- comprises a household with a genuine or strong local connection.”*

The fundamental principles within the concept of local connections affordable housing are whether the applicant has a need (connection) to live in the locality, and can afford a dwelling in the locality.

The applicants have submitted details of their household income, current mortgage and outstanding loans, which have been assessed by Grwp Cynefin.

Factually, the applicants have previously resided within the Derwen community for 22 years, and now wish to return. Their parents still reside in Derwen. With regard to the local connection criteria test of SPG Affordable Housing (Appendix 3) it is considered that the applicants have a genuine and strong local connection to Derwen.

The applicants currently reside in Clocaenog in a 3 bedroom dwelling. They have three children and it is stated that the 3rd bedroom is too small to be fit for purpose. The property is currently on the market. It is suggested by Grwp Cynefin that the sale of the property would fund the development of the plot in Derwen. Consideration has been given to extending the Clocaenog dwelling, but it is understood that the applicants can not afford to do this. Whilst this may seem contradictory given the applicants are pursuing a new build dwelling, it is relevant that the new build is to be funded by the sale of the dwelling in Clocaenog.

Assessment of the housing market in Derwen suggests that at the time the application was made, there were no houses for sale within the applicant's price range. (There was one property on the market for £370,000, and since 2008, 6 properties have been sold in the price range £250,000 to £400,000.)

With due respect to the representations received, the above information suggests the applicants are eligible for local connections affordable housing in Derwen. It is not considered that there is a suitable or affordable open market house for sale within the

locality. The proposal is therefore considered to accord with the aims and intentions of Policy BSC 6.

4.2.3 Impact on visual amenity:

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. Policy BSC 6 requires local connections for affordable housing dwellings to be in keeping with traditional building styles and is sympathetic in design, scale and materials to other traditional buildings in the locality

The proposed two storey dwelling would be located in an area characterised by a number of substantial dwellings in large plots, and a mix of dwelling types. The dwelling would be constructed of brick, render and slate roof. Within the surrounding area there is a wide range of building materials evident. The proposed dwelling would be set back from the highway with a parking and turning area located to the front. The site is visible from distance views in Bryn Saith Marchog.

It is considered that the scale and form of the dwelling are in keeping with the character of the area. The choice of materials is considered acceptable in this location, and the layout of the site would not appear at odds with the surrounding area. Within the scheme there is scope for suitable landscaping to help assimilate the development into the area. The dwelling would not appear overly prominent in distant views, benefitting from the site topography which slopes up behind it. The proposal is therefore considered to be acceptable in terms of visual amenity and its impact upon the character of the area, and is in accordance with Policy RD 1 tests, and BSC6 test iv, iv, and v.

4.2.4 Impact on residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The proposed dwelling would be located to the south east of Derwen. The nearest dwelling would be located 30 metres north west of the proposed dwelling. The proposed dwelling would be orientated so that the principal windows would be looking away from the existing dwellings towards the open countryside. Only three windows are proposed to the rear elevation – one bathroom window, and two bedroom windows. These would face onto the rear garden of the proposed dwelling and adjacent highway. There would be over 100 sqm of garden area.

Given the separation distances involved, and the location of windows, it is not considered that the proposed dwelling would result in a loss of amenity for surrounding properties. With in excess of 100 square metres of garden space, the proposed dwelling would have sufficient amenity space for occupants. In terms of residential amenity the proposed dwelling is considered acceptable and in accordance with the relevant planning policies and guidance.

4.2.5 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 Derwen 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 agreement to payment of the relevant commuted sum, which can be dealt with a Section 106 Agreement.

4.2.6 Highways

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network 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 proposal involves a new access onto the highway, and the closure of the existing field access. It would provide visibility splays, and a low boundary wall at 750mm. There is a parking and turning area proposed to the front of the dwelling, along with a garage. No objections have been received from the Highway Officer.

With regard to the requirements of Policy RD 1 and TAN 18, it is considered that the proposal is acceptable, and would not have an adverse impact upon highway infrastructure.

4 **SUMMARY AND CONCLUSIONS:**

- 4.1 The application involves the erection of a new dwelling within the local needs affordable housing search area of Derwen. The applicants have submitted evidence to demonstrate that they are eligible for affordable housing and are willing to enter into a legal agreement with the Council to secure the dwelling as affordable for local needs in perpetuity.
- 4.2 Officers' conclusions having regard to the relevant considerations are that the development is in accordance with planning policy, and it is recommended that permission be granted subject to completion of a s106 legal agreement setting out the requirements relating to future occupancy (including sales price) and an open space contribution.
- 4.3 The recommendation is therefore to GRANT permission subject to the completion of a Section 106 Obligation.
 - a) Securing the dwelling as affordable for local needs in perpetuity.
 - b) Securing the relevant commuted sum payment for Open SpaceThe Certificate of Decision would only be issued on completion of the Section 106 Obligation and in the event of the Obligation not being completed within 12 months of the date of the resolution of Planning Committee, the application will be re-presented for determination by Committee against policies and guidance relevant at that time.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. **PRE-COMMENCEMENT CONDITION**
The access shall be laid out and constructed as shown on the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.
4. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
5. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the development being brought into use.
6. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs before it is brought into use.
7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned, domestic gardens, shall be submitted for the consideration of the Local Planning Authority prior to the occupation of any dwellings and the landscape management plan shall be carried out as approved in accordance with such time scale to be agreed 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. In the interests of visual amenity.
3. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.