

Heading:

REFERENCE 28/2014/1204
TY COCH FARMHOUSE,
TY COCH STREET, HENLLAN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

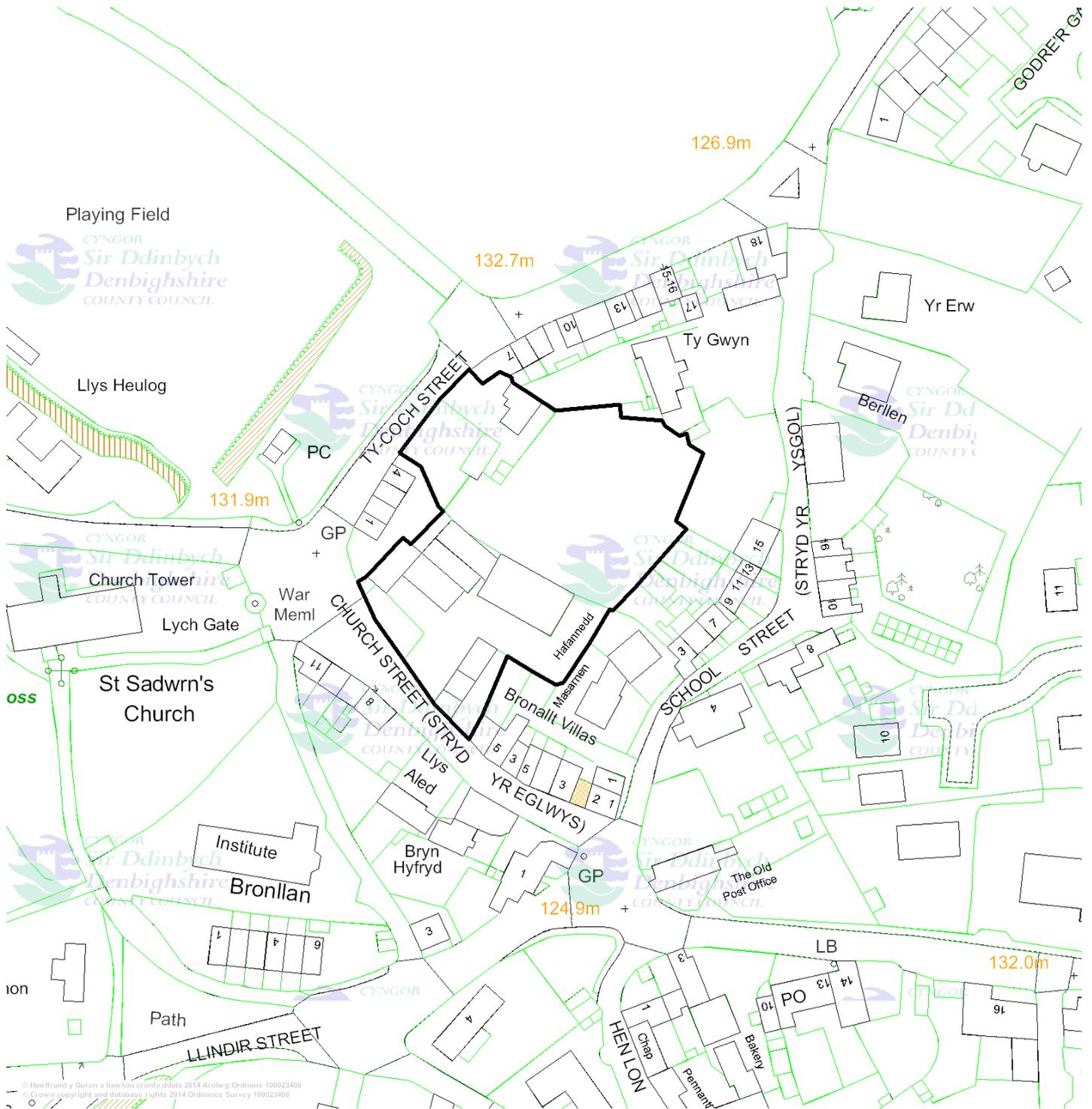
 Application Site



Date 2/3/2015
Centre = 302335 E 368194 N

Scale 1/1250

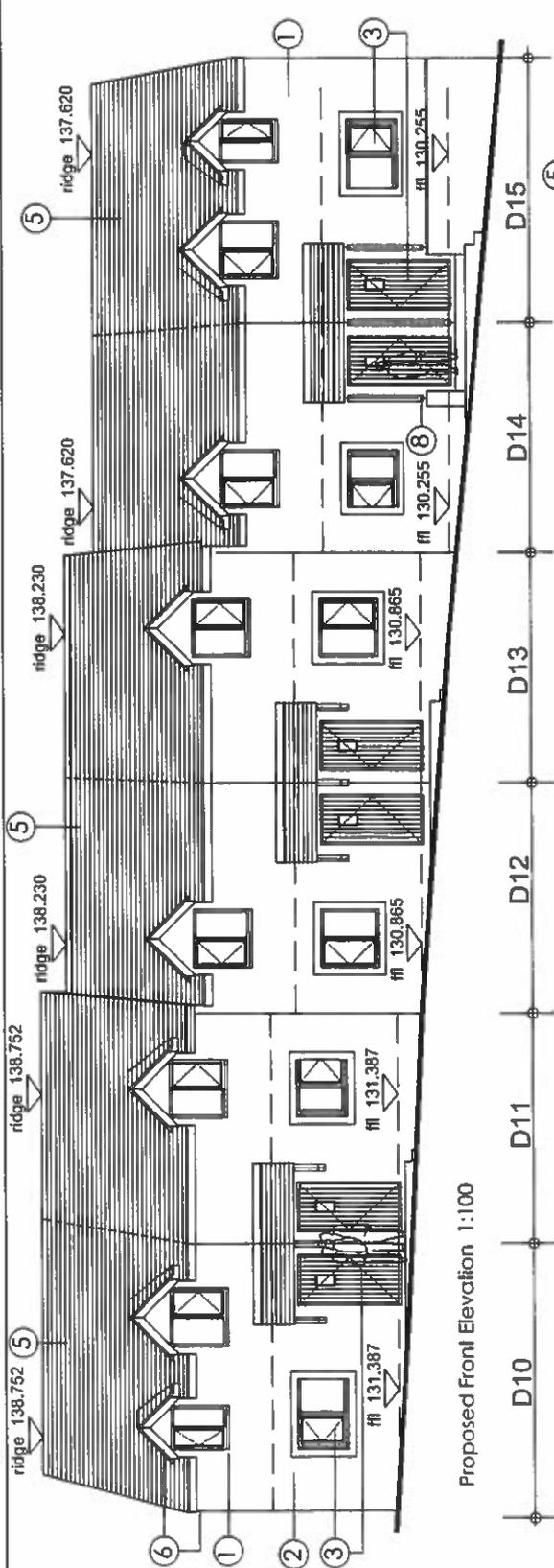
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



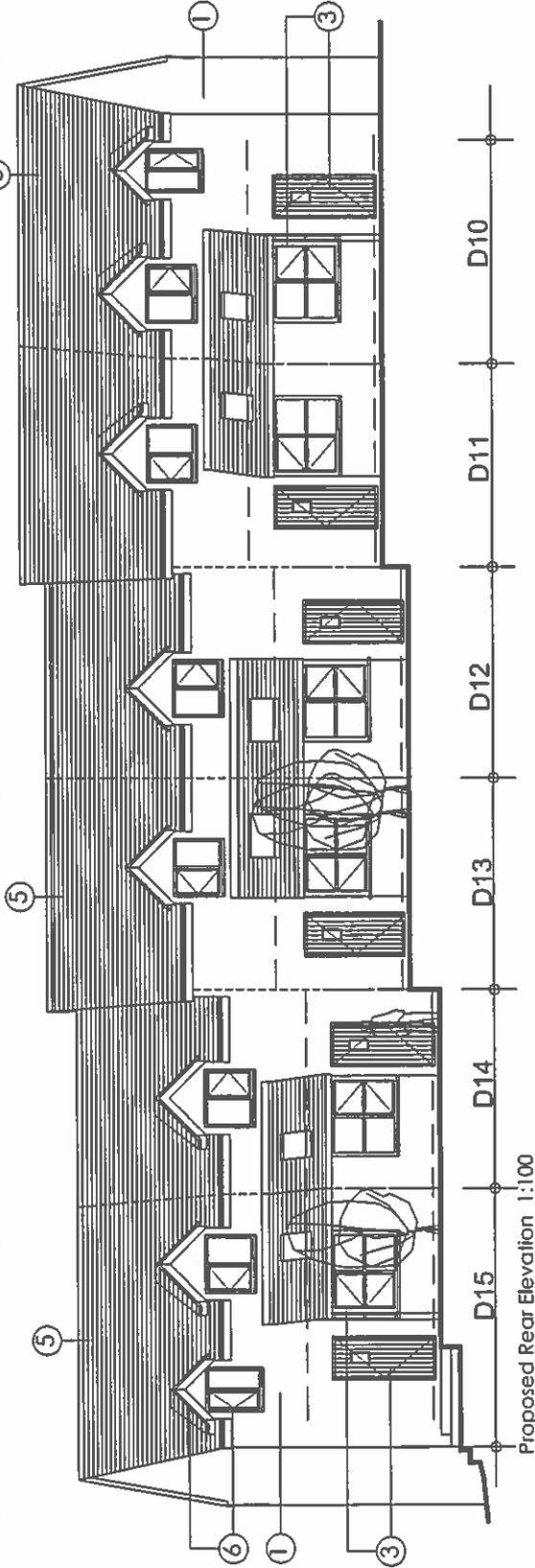
UNITS FRONTING CHURCH STREET

Proposed Finishes:-

1. external walls - generally, finished with through colour acrylic render in contrasting colours (to be confirmed)
2. windows/doors - windows to be painted softwood (paint finish - colour to be battleshop grey RAL 7035)
3. roofing material - natural slate to LA approval
4. joinery (doors etc) - painted timber finish (colour to be battleshop grey RAL 7035)
5. rainwater goods to be black cast iron



Proposed Front Elevation 1:100



Proposed Rear Elevation 1:100

Dwelling units D10-15

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Proposed Residential Development
Swayne Johnson
Old Agriculture Centre, 54a, South Street,
St. John's, St. Helier, Jersey

Elevations - Dwelling Units D10-15

DATE: 10/05/2014
DRAWN: RG
SCALE: 1:100 & A3
PROJECT: D10-15

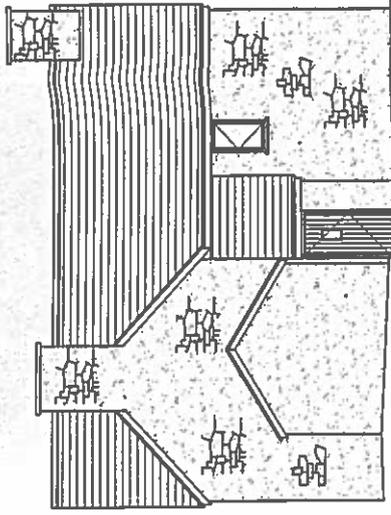
DATE: 10/05/2014
DRAWN: RG
SCALE: 1:100 & A3
PROJECT: D10-15

DATE: 10/05/2014
DRAWN: RG
SCALE: 1:100 & A3
PROJECT: D10-15

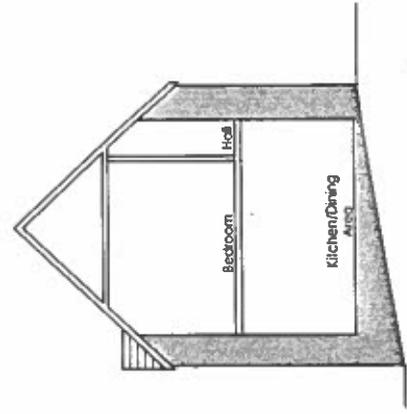
DATE: 10/05/2014
DRAWN: RG
SCALE: 1:100 & A3
PROJECT: D10-15

FARMHOUSE DETAILS

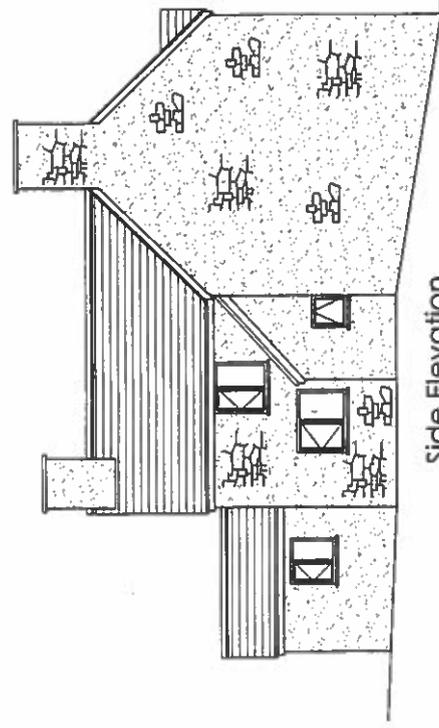
23 OCT 2014



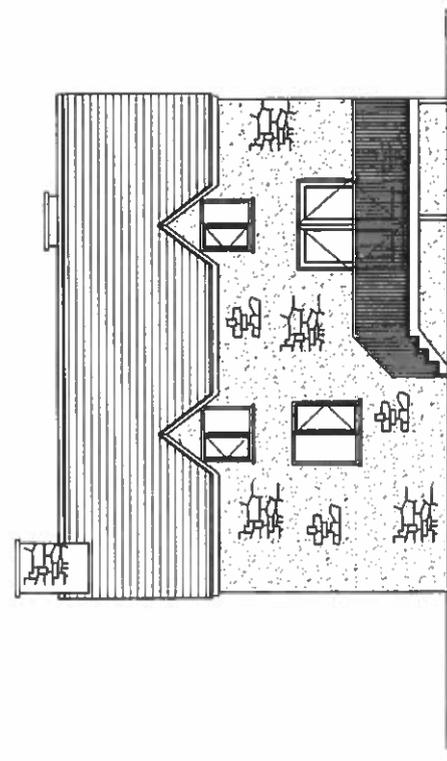
Front Elevation



Section Through



Side Elevation



Rear Elevation

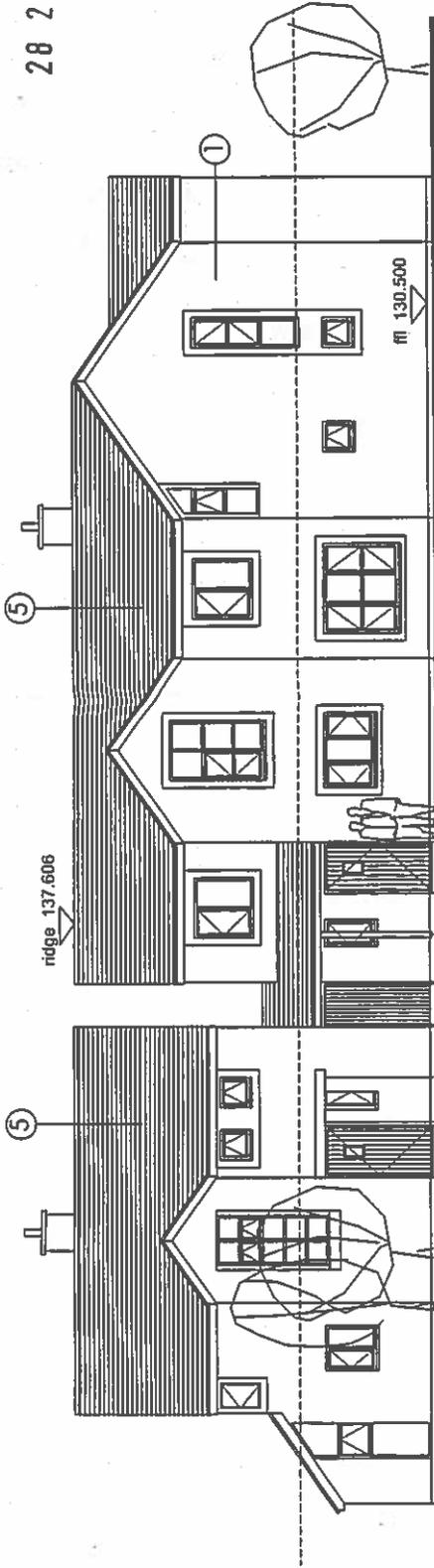
Architectural drawings are not responsible for any dimensions shown on drawings. The client must obtain the necessary permissions from the relevant authorities for all work shown on drawings. All dimensions must be taken from the drawings.

Ty Coch Farmhouse		Ty Coch Farmhouse, Ty Coch Street, Henllan, Denbigh		DATE	July 2014
Swayne, Johnson		Proposed Elevations & Section		SCALE	1:100 @ A3
		QUANTITY NUMBER	D7460507-P21	PLAN	CJ
				CONTRACT NUMBER	01472 55334
				CONTACT NUMBER	01745 817187
				www.swaynejohnson.co.uk	

23 UNIT

Proposed finishes:

1. external walls - generally, finished with through colour acrylic render in contrasting colours (to be confirmed)
2. windows/doors - windows to be painted softwood and doors to be treated hardwood (paint) finish - colour to be battleship grey RAL7035
3. roofing material - natural slate to LA approval
4. joinery (kitchen, etc.) - painted timber finish (colour to be battleship grey RAL7035)
5. rainwater goods to be black cast iron

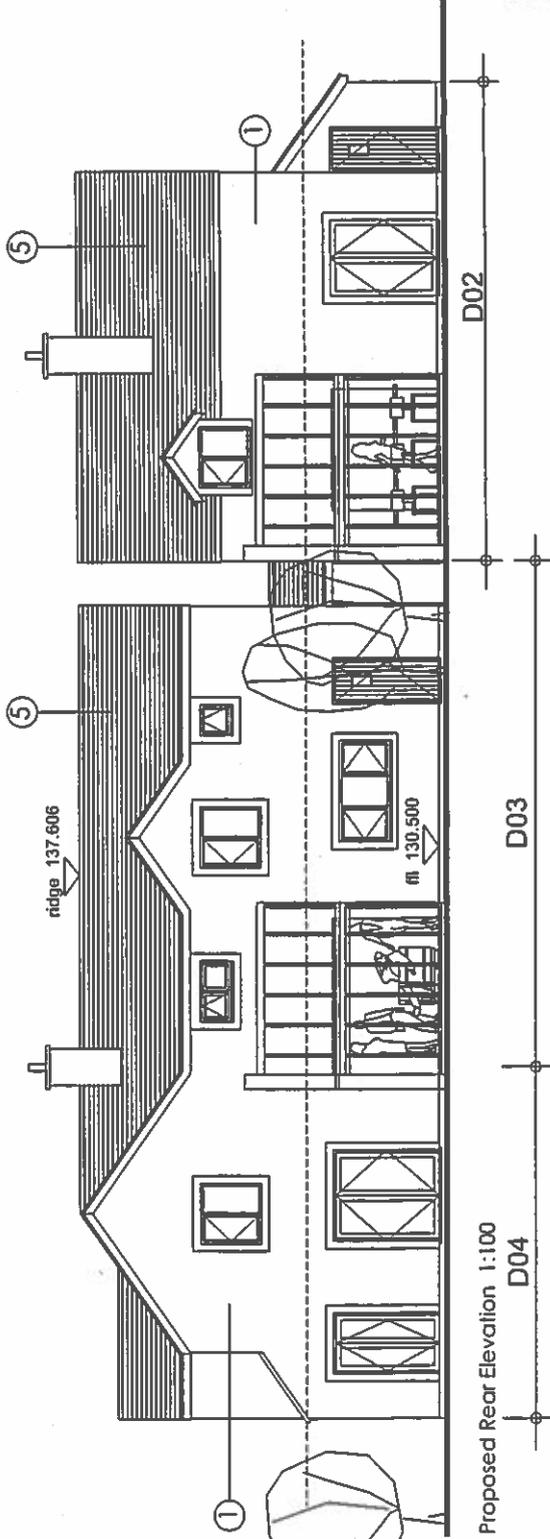


Proposed Front Elevation 1:100

D02

D03

D04



Proposed Rear Elevation 1:100

D04

D03

D02

Dwelling units D02-04

ARCHITECTS ACCEPTS NO RESPONSIBILITY FOR ANY DISCREPANCIES BETWEEN THE DRAWINGS AND THE SPECIFICATIONS. THE CLIENT MUST CHECK THE DRAWINGS AND SPECIFICATIONS CAREFULLY BEFORE THE COMMENCEMENT OF WORK. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES BETWEEN THE DRAWINGS AND THE SPECIFICATIONS. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES BETWEEN THE DRAWINGS AND THE SPECIFICATIONS.

Proposed Residential Development

Shayne Johnson

By Agreement Under the provisions of the Building Act 2004

Proposed Elevations (Units D02, D03 & D04)

PLANNING NUMBER

D17480507-PL06

SCALE

1:100 EA3

DATE

July 2014

PROJECT

CONY 01492 533238

CLIENT

01745 817149

CONTACT

01745 817149

matthewjonesarchitects

UNITS 5-9



- Proposed Finishes:-**
1. external walls - generally finished with through colour acrylic render in contrasting colours (to be confirmed)
 2. windows/doors - windows to be painted softwood and doors to be treated hardwood (paint finish - colour to be battleship grey RAL 7035)
 3. roofing material - natural slate to LA approval
 4. joinery (fascia, etc.) - painted timber finish (colour to be battleship grey RAL 7035)
 5. rainwater goods to be black cast iron

23 OCT 2014

Dwelling units D05-09

Proposed Residential Development Swayne Johnson		Oil Agricultural Centre Site adjacent to Ty Cash Farmhouse, Herndon Proposed Elevations (Dwelling Units D05, D06, D07 & D09)		DRAWING NUMBER D/746/05/07-PL09	SCALE 1:100 @A3	DRAWN RG	DATE July 2014
matthewjonesarchitects				CONWY 01492 583036 DENBIGH 01745 817169 or admin@matthewjonesarchitects.com web: www.matthewjonesarchitects.com			

28-2014-1120-1-1-P

WARD : Denbigh Upper / Henllan

WARD MEMBER(S): Cllr Colin Hughes
Cllr Geraint Lloyd Williams

APPLICATION NO: 28/2014/1204/ PF

PROPOSAL: Demolition of existing agricultural centre buildings and erection of 15 dwellings, alterations to existing vehicular access and associated car parking (renewal of planning permission code no. 28/2008/0578)

LOCATION: Ty Coch Farmhouse Ty Coch Street Henllan Denbigh

APPLICANT: Mrs L Wright

CONSTRAINTS: Conservation Area

PUBLICITY UNDERTAKEN: Site Notice – Yes
Press Notice – Yes
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee
-

CONSULTATION RESPONSES:

HENLLAN COMMUNITY COUNCIL

The Community Council sent a detailed response in December 2014 requesting consideration of a number of points relating to highways and parking issues:

1. “On the Church Street side of the new development we feel a footway should be constructed in front of the houses to ensure that pedestrian safety is improved, the planning application does not show that this is the case. This is an extremely busy road (in the context of its width and location) with significant traffic from within Henllan and from the outlying villages of Llansannan and Llanfeydd as well as the hamlets of Cefn Berain and Bryn Rhyd Yr Arian, as well as other traffic from Denbigh, Trefnant and Groes. Church Street has inherent problems with parked cars, speed and volume of traffic and a lack of pedestrian footways.
2. It is also felt that the entrance to the new development should have a footway on both sides of the new junction, rather than just on the left hand side as you exit.
3. Consideration should also be given to introducing suitable traffic calming features, potentially in the form of a priority scheme, in Ty Coch Street, that will reduce traffic speeds and make this part of the village safer for pedestrians. The road leading into Ty Coch Street from Lon Garn has some serious road speeds (as

shown by a traffic survey in 2013), added to this another 20 houses are likely to be built at Cil Y Coed in 2015/16. Any scheme of this type should link the requested footway on Church Street so that safer routes to the village amenities can be accessed. Please also be aware that this part of the community provides access to the Church (which can be especially busy on Sundays as well as other days due to Weddings, Funerals and Christenings) and Top Park Playing Field which has a significant influx of cars and pedestrians (many of whom are children) throughout the year for matches and training.

4. Within the new development we also feel that the following alterations should be considered:
 - i) To enable Numbers 2 & 3 Ty Coch Street to have their own rear entrance we would like the path behind the new properties on Church Street to be extended to the rear of these properties.
 - ii) Should the owners of Hen Efail, Church Street request vehicular access to their property via the new development consideration should be given to this in the planning approval. This is key as the development will remove at least 1 parking place as it currently uses what will be the pedestrian access to the development.
 - iii) The developer should consider negotiating with the owners of 1 Ty Coch Street to provide some additional parking places (possibility of 1 or 2 in this area).
 - iv) Should any properties on School Street that are able to access their properties via the new development consideration should be given to them in the planning approval.

The Community Council would like to be able to communicate with any developer both prior to the planning application and thereafter. This potential development plays an important part in shaping the future vehicular and pedestrian safety within our community and once permission has been granted it will be difficult to ensure that road safety is improved. We urge you to work with Highways Development, Traffic Safety, the developer and the Community Council to provide a safe community environment for our residents now and in the future. An option to provide off street parking in an adjacent field (this could also assist with the community building project which is in the early stages of consideration) must also be considered prior to any application being granted.

Finally, the Community Council supports the general principle of this application, we just feel that other considerations must be made prior to any work commencing, as stated it can greatly influence the future traffic issues in Henllan.”

The Community Council’s comments were duly forwarded to the applicant’s agents, and a response with revised plans was submitted in late January 2015 (see Sections 1.5 and 4.2.6 of the report). The Community Council have subsequently forwarded the following comments:

“ We appreciate the response in relation to the footways that border the development on both Church Street and Ty Coch Street and welcome a further update on any speed calming measures on Ty Coch Street.

In relation to the other issues we accept there are difficult situations / problems and as such we would be grateful if the Community Council's representatives could meet (on site) with the Planning Department to discuss our thoughts on a couple of issues.

Finally we would be grateful if you could provide the Community Council with details of any potential open space commuted sum, e.g. amounts, conditions etc."

NATURAL RESOURCES WALES

Confirm there are no flood risk objections. Advise of the need to address any contamination which may be found to be present during development. Defer to the Council's Ecologist in relation to bat and protected species issues.

DWR CYMRU WELSH WATER

No objections to the proposals on sewerage, sewage treatment, or water supply grounds, subject to imposition of conditions.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer
- No objections. Is aware of the Community Council's comments and the applicant's response, and suggests the imposition of conditions in relation to detailing of the development, including provision of suitable 'build – outs' on the footways at the point of access onto Ty Coch Street to address safety concerns over visibility.

Archaeologist

Requests imposition of similar archaeological condition to the one on the previous permission.

Biodiversity Officer

No objections to the proposal. Sought clarification of issues relating to bats and is happy at the conclusions of the ecology report, so suggests the recommendations of the report are conditioned, including mitigation for house martins, house sparrows, and the timing of works.

Local Housing Strategy and Development Officer

Advises that the latest Glyndwr University study demonstrates a demand for affordable housing, with waiting lists indicating a demand for one and two bedroom properties. Supports the development subject to provision of one unit on site and a contribution for the residual requirement.

RESPONSE TO PUBLICITY:

Joanne Hughes - 10 Ty Coch Street, Henllan
Janet Ralphs (by email)

In objection

Highways / parking

Additional traffic would exacerbate issues residents have with parking on Ty Coch Street / already busy and narrow village street used by buses and farm vehicles / loss of hardcore area used by existing residents would give rise to parking problems on the street / need for speed restrictions/ Council should tarmac land by the playing fields as alternative parking for existing residents.

Visual impact

Effect on Conservation Area

Other matters

Concern over water pressure and potential of the development to make this worse

Council should engage with local community in open meeting

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal seeks to 'renew' a full planning permission granted in January 2009 for the demolition of existing buildings and the redevelopment of land for residential purposes for 15 dwellings, with associated gardens, car parking areas and alterations to the existing main vehicular access, off Ty Coch Street in Henllan.
- 1.1.2 The basic details in the application are the same as those submitted in late 2008 when planning Committee resolved to grant permission subject to a legal agreement to secure the relevant open space contribution.
- 1.1.3 Amendments have been made to the layout in response to the original comments from the Community Council and include provision of footways in front of the terrace proposed along Church Street and around the main vehicle access into the site.
- 1.1.4 Members are referred to the plans at the front of the report which show the proposed layout and elevation plans of some of the units.
- 1.1.5 Access to the site is proposed in the same location as the existing access to the property, between Nos 4 and 7 Ty Coch Street. Proposed units 1 – 9 are designed in a courtyard type arrangement with units 10- 15 in a terrace fronting on to Church Street. There are 30 off road parking spaces shown on the plans, including 2 spaces for the retained dwelling (the former Ty Coch farmhouse) .
- 1.1.6 A separate application seeking Conservation Area consent for demolition of the outbuildings has been submitted and is being dealt with under application 28/2014/1205/CA.
- 1.1.7 The Design and Access Statement submitted with the application highlights the previous grants of permission for residential development at the site and that the proposals now submitted are the same as granted permission

by Denbighshire in 2009. It suggests the development would bring about a number of improvements for nearby residents and the village including the removal of a non conforming use, and significant visual and residential amenity improvements in character with this part of the settlement.

1.1.8 The supporting documents indicate that the applicants are intending to provide one dwelling on the site as an affordable unit with a financial contribution for the equivalent to the remaining 0.5 of a dwelling, in accordance with the Local Development Plan policy and supplementary guidance. A commuted sum is proposed in lieu of provision of on site open space as it is indicated it is necessary to make best use of the site and to provide a viable scheme for redevelopment (as accepted previously by the Council).

1.1.9 There is a Community and Linguistic Statement with the application, concluding that the development would strengthen the identity of the local community, and will not cause significant harm to the character and language balance of the community.

1.2 Description of site and surroundings

1.2.1 The application site is located in the 'old' centre of the village of Henllan, and has been in use previously as a farm and a mix of uses involving agricultural machinery / garden centre, storage and workshops.

1.2.2 The site has been served by existing vehicular accesses, off Ty Coch Street and Church Street, and it is occupied by a collection of buildings including corrugated sheet workshops, and stored plant and machinery.

1.2.3 The site is surrounded by residential properties, on the west by Ty Coch Street, to the south and south west by Church Street, and to the east by School Street . A number of cottages on School Street are listed for their architectural or historic interest. To the north west, across Ty Coch Street, is the main village Playing Field.

1.2.4 The majority of dwellings in the vicinity of the site are of two storey height, with a mix of limestone, render and pebbledash on the walls, and slate on the roofs.

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the development boundary of Henllan, which is identified as a village for the purposes of the policies in the Local Development Plan. It is annotated as a Housing Allocation on the Proposals Map, and under Policy BSC1 of the Plan is referred to as Ty Coch with an indicative number of 15 dwellings, reflecting the 2009 permission.

1.3.2 The site is within the village Conservation Area.

1.4 Relevant planning history

1.4.1 The land has been the subject of a number of applications in the past. Outline permission for development for residential purposes was granted as far back as 1998, with a renewal in 2000; and the most recent has been the full planning permission granted in 2009.

1.4.2 Conservation Area Consent has been granted previously in 2009 for the demolition of buildings on the site, this consent being necessary as the proposals involve demolition in a Conservation Area.

1.5 Developments/changes since the original submission

1.5.1 The application has been revised since submission to incorporate a footway in front of the terrace proposed along Church Street, and footways on both sides of the main vehicular access off Ty Coch Street. The applicant's agents have considered other points raised by the Community Council, including requests for providing rear access to existing properties for existing residents and parking spaces for two properties, but have respectfully advised that this is not considered reasonable and would lead to legal, management and maintenance complications.

1.6 Other relevant background information

1.6.1 None

2 DETAILS OF PLANNING HISTORY:

28/2000/0036/PO – Demolition of existing buildings and redevelopment of 0.40ha of land for residential purposes and construction of new vehicular and pedestrian access (renewal of outline application previously approved under code no 28/540/98/PO). - GRANTED 16 March 2000

28/540/98/PO - Demolition of existing buildings and redevelopment of 0.40ha of land for residential purposes and construction of new vehicular and pedestrian access. - GRANTED 2 March 1998

28/2008/0578/PF - Demolition of existing agricultural centre buildings and erection of 15 dwellings, alterations to existing vehicular access and associated car parking. GRANTED 21 January 2009

28/2008/0579/CA. Conservation Area consent for demolition of existing agricultural centre buildings. GRANTED 21 January 2009

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 RD 1 Sustainable Development and good standard design
 - Policy RD 5 The Welsh language and the Social and cultural fabric of communities
 - Policy BSC 1 Growth Strategy for Denbighshire
 - Policy BSC2 Brownfield Development priority
 - Policy BSC3 Securing infrastructure contributions from development
 - Policy BSC 4 Affordable Housing
 - Policy BSC 11 Recreation and Open Space
 - Policy VOE1 Key areas of importance
 - 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 - Recreational Public Open Space
Supplementary Planning Guidance - Access for all

Supplementary Planning Guidance - Affordable Housing in New Developments
Supplementary Planning Guidance - Residential Development Design Guide

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 2014

TAN 1 Joint Housing Land Availability Studies
TAN 2 Planning & Affordable Housing
TAN 5 Nature Conservation and Planning
TAN 12: Design

TAN 15 Development and Flood Risk

TAN 16 Sport and Recreation
TAN 18 Transport

4 **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 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 Ecology

- 4.1.5 Drainage
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Sustainability
- 4.1.10 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.11 Contaminated land
- 4.1.12 Archaeology
- 4.1.13 Density

4.2 In relation to the main planning considerations :

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages.

The site is located within the development boundary of Henllan, which is designated as a village in the adopted Local Development Plan, and it is allocated as a housing site on the proposals map accompanying the Plan. The development therefore remains consistent with policy BSC1.

The site has been in intensive use in the past and would fall under the Planning Policy Wales definition of 'previously developed land'. As Policy BSC2 of the Local Development Plan seeks to direct development proposals in villages towards previously developed land, the application would clearly be compliant with this policy.

Given this background, and the history of permissions for residential development at the site, Officers would respectfully suggest the acceptability of the particular proposals therefore has to rest on the specific impact assessments detailed in the following sections of the report.

4.2.2 Visual amenity / Conservation area impact

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 VOE1 looks to protect sites of built heritage from development which would adversely affect them, and for proposals to maintain and enhance the character of such areas.

There is one representation expressing concern over the visual effect of development on the Conservation Area, but this does not elaborate on the reasons. The Community Council have raised no comments on this aspect of the scheme.

Officers' view would be that the development offers a clear opportunity to

improve the visual amenities of this area at the heart of the village. It involves the removal of a jumble of incongruous buildings and uses which make a negative contribution to the visual character of what is otherwise an attractive core of the village. Careful attention will be necessary with the use of materials on the proposed dwellings, and in particular the front elevation of the terrace proposed along Church Street, where it is suggested the use of stone would seem appropriate in the context of immediately adjacent property and the Church. In general terms, the carrying out of the demolition and the redevelopment would bring about significant visual improvement and is worthy of support.

4.2.3 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.

There are no local concerns expressed over the residential amenity implications of the development, including potential for loss of privacy, overlooking etc. from new dwellings on the site.

In Officers' opinion, the layout plans show a development which has been detailed with some sensitivity to relationships with surrounding property, and it is not considered that there would be adverse residential amenity implications, subject to control over minor points of detail, in particular in relation to the elevations of the units backing on to the property Ty Gwyn (to avoid overlooking from first floor windows into the private rear garden area of the existing dwelling). Overall, the removal of the mix of commercial uses from the site represents a clear amenity gain for occupiers of the majority of surrounding residential properties.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

There are no objections expressed over the impact on ecological interests from the proposals. The Biodiversity Officer has clarified issues relating to bats and is satisfied that there would be no adverse impacts as a result of development.

On the basis of the comments of the Biodiversity Officer it is not considered that there are any significant ecological issues of concern in this instance, subject to the inclusion of relevant conditions.

4.2.5 Drainage

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

There are no issues raised from consultees in relation to drainage issues. Natural Resources Wales and Dwr Cymru Welsh Water express no objections to the proposals.

The proposals are considered acceptable in relation to drainage considerations.

4.2.6 Highways (including access and parking)

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.

There are objections raised by local residents in relation to highway matters. The concerns are that additional traffic would exacerbate issues residents have with parking on Ty Coch Street, which is referred to as an already busy and narrow village street used by buses and farm vehicles; and it is indicated that the loss of a hardcore area used by existing residents would give rise to parking problems on the street. The Community Council's original response raised a number of issues including a request for consideration of providing a footway in front of the terrace along Church Street, footways on both sides of the Ty Coch Street entrance, traffic calming along Ty Coch Street, consideration by the developers to negotiations with residents of existing property for providing rear access to their dwellings and provision of some parking spaces for 2 existing properties as part of the development.

Earlier sections of the report refer to dialogue with the applicant's agents following receipt of the Community Council's comments, and the representations from residents. In Officers' opinion this has been a positive process, and has resulted in revisions to accommodate the suggestions for inclusion of footways in front of the units fronting Church Street, and on either side of the main entrance onto Ty Coch Street. The Highways Officers have encouraged these improvements and are suggesting in addition that at the entrance onto Ty Coch Street the footways are extended further into the highway to improve visibility along that street for drivers of vehicles entering the road from the development, and to allow drivers of vehicles travelling

along Ty Coch Street from the east in particular to see cars emerging from the site.

The applicant's agents have explained that they are unable to accommodate suggestions for provision of access to the rear of existing properties through the application site, or the provision of parking spaces within the site for existing residents. They indicate this is not practical on a legal or management basis and would be an unreasonable imposition for any developer. It is also not considered reasonable that the Council should be held responsible for providing parking facilities for existing residents displaced from parking on land within the application site, as this is essentially private land which could be fenced off by the owners at any time. Significantly in this respect, the application before the Council is a renewal of the permission granted in 2009 with the same layout and dwelling numbers, and there were no requirements imposed on that permission for 'replacement' parking spaces for existing residents. Officers would therefore recommend strongly against withholding the grant of permission on access and parking grounds.

In respecting the position of the Community Council, it would be a matter for the Highways Section to consider whether there is a need for additional parking provision for residents in the centre of the village, and it is suggested that in response to the Community Council's request for a meeting, that Officers take this up as a separate matter, as it is not one which should affect the determination of the current application. Officers would strongly recommend against delaying further the determination of the planning application pending meetings with Officers on matters which are not of direct relevance to the proposals in front of the Council.

Officers conclusions on the highway issues is that the applicant's agents have shown commendable willingness to incorporate revisions to the scheme, which will bring about sensible improvements as suggested by the Community Council. Respectfully, it is not considered in any way reasonable to oblige a developer to provide access or parking within a development site for existing private properties, or for the Council to provide compensatory parking for private vehicles in the particular circumstances. Given the above and the fact the proposal is for a renewal of an existing permission, Officers would recommend there are no highway grounds to resist the grant of permission here.

4.2.7 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, i.e. in the form of a single dwelling on the site and a contribution for the remainder of the requirement. The Council's Housing officer has advised there is demand in the locality for affordable housing, and accepts the proposed provision and commuted sum payment.

In accordance with current planning policy, it is now accepted practice to use a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions in recent years, to cover the mechanism for

provision of affordable housing. Officers suggest this approach to be appropriate in this instance.

4.2.8 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.

There are no representations in relation to open space issues. The applicant has stated that the proposal is to offer a commuted sum payment in lieu of on site provision of open space, which has been accepted previously by the Council in granting permission in 2009.

In Officers opinion, there is some sense in pursuing the commuted sum option in lieu of on site provision of open space in this instance, having regard to the existence of a recreation facility immediately to the north west of the application site. This can be covered by imposition of a planning condition requiring agreement to the mechanism for compliance with the open space requirement.

4.2.9 Sustainability considerations

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 and associated Technical Advice Notes have previously set out specific requirements in relation to standards of construction in development as part of planning proposals, but as a consequence of changes in approach from Welsh Government, it is no longer necessary to include Sustainability Code requirements which were embodied in TAN 12 Design and TAN 22 Sustainable Buildings into planning permissions. Revisions to the Building Regulations in 2014, in particular into Part L now place the onus on developers to embody the relevant sustainability standards into Building Regulation submissions, so there is no need for consideration of these matters in relation to buildings proposed as part of the application.

4.2.10 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Policy RD 5 in the Local Development Plan.

The Community Linguistic Statement submitted with the application concludes that the proposals would have no material impact on the needs and interests of the Welsh Language.

In Officers' opinion a residential development on this site would not by virtue of its size, scale, and location give rise to significant harm to the character and language balance of the community. The site has been accepted as suitable for development previously by the Council and is identified as an allocated housing site in the development plan in order to meet the County's growth targets. As part of the allocation process due account would have been taken of the potential for impact on the language and social fabric.

4.2.11 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.

In this instance, there are no representations received which raise issues relating to contaminated land.

Given the history of the site, there is a potential for the presence of contaminated material and it would be necessary to attach standard conditions on any permission requiring suitable investigation and details of proposals for remediation in the event of contamination being found.

4.2.12 Archaeology

Policy VOE 1 of the Local Development Plan seeks to protect areas of archaeological historic importance from development which would adversely affect them, reflecting general advice in Planning Policy Wales (Section 6.5) which sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provided earlier advice on the importance of archaeological matters in the planning process, stressing the need for due assessment of the nature and importance of any features and their setting.

There are no individual representations raising archaeological issues. The Archaeologist has requested the imposition of the same condition as the one imposed on the 2009 permission in relation to a programme of archaeological works in connection with the development.

Subject to inclusion of the type of condition suggested by the archaeologist, it is concluded that archaeological interests would not be adversely affected by the development.

4.2.13 Density

General guidance on residential density is contained in Local Development Plan Policy RD1 test ii), which seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate differently.

There are no representations in relation to the density of development.

The site extends to approximately 0.4 hectares and the density of development would therefore equate to some 40 dwellings to the hectare. Officers consider this is an acceptable level given the tight knit nature of development in the area.

Other matters

Provision of alternative parking

Comments on the application indicate that parts of the application site have been used by local residents for off street parking and that the proposals should make alternative provision for residents. Respectfully, it is likely that

any use of what is private land for the parking of vehicles is not authorised and conveys no obligation on the owner or the Council to provide alternative spaces in connection with the planning application.

Water supply issues

Concerns over water pressure are matters residents should properly address to the relevant water supply authority. It would not be reasonable to withhold planning permission on water pressure issues with private properties. Dwr Cymru Welsh Water have raised no concerns over water supply to serve the development.

5 SUMMARY AND CONCLUSIONS:

- 5.1 The site has been the subject of previous planning permissions for residential development and a full permission for 15 dwellings in 2009. The current plans are virtually identical to those approved in 2009. The site is also included as a housing allocation within the development boundary of Henllan as part of the Denbighshire Local Development Plan. This background clearly establishes the acceptability of the principle of the development and proposals for 15 dwellings.
- 5.2 The report sets out the main planning issues which appear relevant to the consideration of the application. There are concerns raised over highway implications, but there has been useful dialogue with the applicant's agents following comments from the Community Council. The proposals have been scrutinised by the Highways Officers, and it is considered that subject to agreed amendments and suitable conditions, the proposals are worthy of support.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Notwithstanding the submitted details, no external wall or roof materials shall be applied on any of the dwellings or associated buildings until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used. No materials other than those approved shall be used.
3. The gable end and street elevations of the units fronting Church Street, numbered D10 – D15 shall be clad in natural limestone in accordance with such sample stone and mortar as are submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on those walls.
4. The materials to be used on the roofs of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

5. 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, including screen walls and fences
- (f) The timing of the carrying out of the planting, landscaping, erection of screen walls and fences
- (g) 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,

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

6. PRE-COMMENCEMENT CONDITION

Full details of the access and highway works on Ty Coch Street as shown on the approved drawing, shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details to be approved shall include the detailed design, construction, street lighting, drainage and the works shall be fully constructed in accordance as the approved details before any dwelling is occupied.

7. In relation to the carrying out of the demolition and highway works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to details of the site compound location, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes. The works shall be carried out strictly in accordance with the approved details.

8. No dwelling shall be occupied until the vehicular access and parking spaces have been laid out/constructed in accordance with the approved plans.

9. PRE-COMMENCEMENT CONDITION

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before any dwellings are first occupied. The proposals shall ensure that no development takes place within 3 metres either

side of the public sewer which crosses the site, and that all foul drainage is directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

10. PRE-COMMENCEMENT CONDITION

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute of Field Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological Trust for approval.

11. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

12. Prior to occupation of any dwelling, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site

remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring program a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

14. PRE -COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's Policies and Supplementary Planning Guidance in relation to the provision of Open Space in connection with the development.

15. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's Policies and Supplementary Planning Guidance in relation to the provision of Affordable Housing in connection with the development.

16. The development shall be carried out strictly in accordance with the Recommendations in Section 6 of the Cynefin Consultants Bat and Bird Survey Report.

The reason(s) for the conditions(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 interests of visual amenity.
4. In the interests of visual amenity.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

6. In the interests of highway safety.
7. In the interests of safeguarding the amenities of the locality.
8. To ensure the provision of suitable access and parking for each dwelling.
9. To ensure the proper drainage of the site and to minimise the risk of pollution.
10. In the interests of archaeological investigation and recording.
11. In order to ensure there is adequate consideration of potential contamination on the site and measures to address it any present or discovered during site works.
12. In order to ensure there is adequate consideration of potential contamination on the site and measures to address it any present or discovered during site works.
13. In order to ensure there is adequate consideration of potential contamination on the site and measures to address it any present or discovered during site works.
14. In order to comply with the Council's policy and guidance in relation to open space.
15. In order to comply with the Council's policy and guidance in relation to affordable housing.
16. To ensure appropriate steps are taken to address ecological matters.

NOTES TO APPLICANTS

You are advised that a suitable legal agreement will be required in relation to the highway works and you should contact the Highway Section to discuss the requirements of the highway improvements at an early stage.

Your attention is drawn to the following Advisory Notes.

- (i) Highway Supplementary Note Nos. 1, 3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991 – Part N Notice.

Your attention is drawn to the attached suggestions from the Biodiversity Officer in relation to the planting scheme.