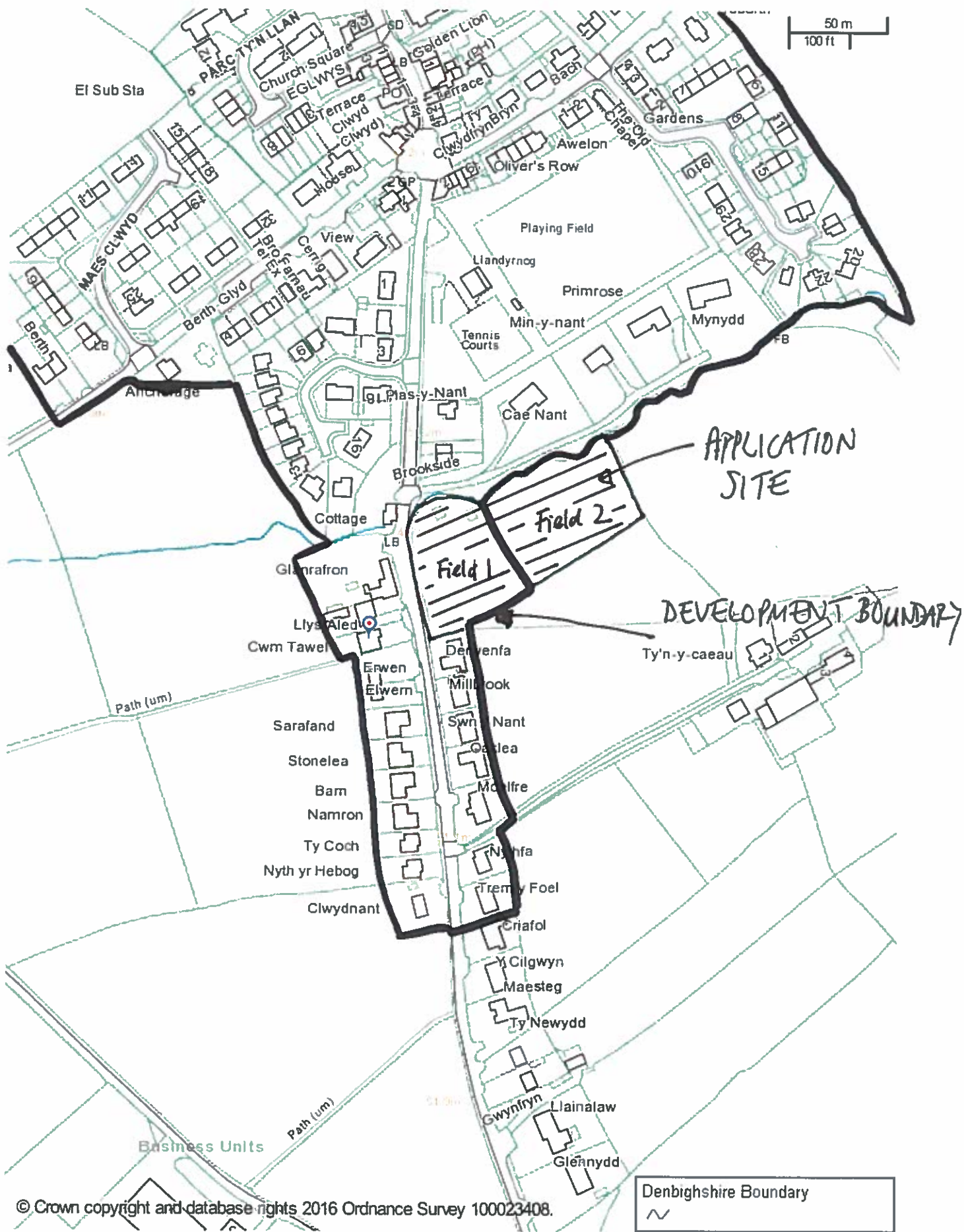


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18/2016/0224/PO

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Denbighshire Boundary




WARD : Llandyrnog

WARD MEMBERS: Councillor Merfyn Parry

APPLICATION NO: 18/2016/0224/PO

PROPOSAL: Development of 0.68ha of land for the erection of 18 dwellings (outline application including details of access and layout)

LOCATION: Land opposite Cwm Tawel Llandyrnog Denbigh

APPLICANT: Mr & Mrs E & G.H Hughes

CONSTRAINTS: C2 Flood Zone

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

"The Council held a special meeting on the 16th August to discuss the matter and it has now become evident from that information that the applicants agents wishes that the land outside the boundary to be treated as general housing and not as an exceptions site and has forwarded justification to support the application.

This was unclear at the outset and thank you for clarifying that matter.

Effectively the applicants wants the unallocated land inside the boundary to be treated as a ' windfall site' and the land outside as a ' windfall plus' for want of a better expression and has included justification as to why this land needs to be part of the application

DCC has made an allowance in their housing supply for 1,000 houses to be brought forward on ' windfall sites' and to include land outside the boundary would therefore I trust be a departure from Policy.

However Llandyrnog Community Council are unable to support the application on the following grounds:

At the outset the agent suggested that there was no evidence that the land currently allocated (behind Pen Palment) would be brought forward within the life of the LDP - in the interim between April and August this land has secured outline planning permission for fourty dwellings. The Community Council understand that the following statement may not be a material consideration however fourty dwellings is enough for Llandyrnog for the time being.

As a follow on from that point it has not been demonstrated that the need for housing in Llandyrnog justifies releasing the land outside the development boundary - the only justification offered by the agent is on financial grounds - and not local housing need grounds

The Community Council appreciates that DCC has a county wide target but feels Llandyrnog has taken it's fair share of that target and does not feel the need for any more housing within

the life of the current LDP.

The access as shown is on a dangerous bend and it does not seem to have been demonstrated satisfactorily - in a detailed plan - that the necessary visibility splays can be achieved and maintained - the additional traffic generated by this development would therefore be extremely detrimental to the free flow of vehicles along the B5429."

NATURAL RESOURCES WALES

No objection

DWR CYMRU / WELSH WATER

No objection subject to a condition requiring the submission of a detailed drainage scheme

EMERGENCY PLANNING

No objection

WALES & WEST UTILITIES

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions requiring details of a construction method statement; detailed design and standard conditions relating to parking and turning areas and the need to ensure the visibility splays are kept clear of obstruction.

Flood Risk Manager

No objection

Biodiversity Officer

No objection subject to further mitigation details at detailed application stage

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr & Mrs M Frankland, Primrose Bank, Llandyrnog
Chris Williams, 1 Tyn Y Caeau,
Llandyrnog
David Evans, Cae Nant, Llandyrnog
Mr and Mrs Evans, Nant y Mynydd, Llandyrnog

Summary of planning based representations in objection:

Principle

No objection to the development of the part of the site within the development boundary and this is expected; the majority of the site is outside the LDP boundary; 'over ride' of LDP on the basis of profitability would be very poor judgement and set a dangerous precedent for our countryside; high density housing is out of character with the rest of the village;

Since the planning permission this application was submitted planning permission has been granted for the Maes Llan site. This creates sufficient extra housing capacity within the LDP to eliminate any suggestion that the LDP should be ignored in order to fulfil the need for extra housing;

Highways

Serious implications for road traffic congestion and risk of accidents; inevitable on road parking; the proposed access is located on a 'blind bend'; the existing road is too narrow for such a development

Impact on residential amenity

The impact of 18 dwellings is bound to cause an increase in disturbance from noise, fumes, litter and visitor parking; loss of privacy and overlooking; light pollution

Flooding/drainage

The site is liable to flooding in the winter; the stream is prone to flooding and development of the site could exacerbate this situation;

Wildlife/Trees

Impact on biodiversity and inevitable loss of local wildlife and trees

Other comments

Implications of location open space/recreation space near open water;

EXPIRY DATE OF APPLICATION: 31/7/2016

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission for a residential development of 18 units on 0.68 hectares of land, including approval of the means of access and the layout. All other matters, including the appearance, landscaping, and scale of development would be the subject of a future detailed application.
- 1.1.2 The site consists of 2 agricultural fields, one field is located within the development boundary of Llandyrnog village in the Local Development Plan with the other field located outside the development boundary of the village. The site fronts the main road leading through the village, the B5429.
- 1.1.3 The application documents include a proposed Site Plan illustrating –
- The layout of 18 dwellings consisting of 5no. detached 4 bed houses, 7no detached 3 bed houses and 6no semi detached 2 bed houses.
 - Associated open space: 1224sq m in total required. The proposal illustrates 816sqm of Community Recreational Open Space (CROS) to be located along the stream to the north of the site and 408sqm of Children's Play Space (CPA) to be located to the north east of the site. The remaining balance of open space provision is proposed as a commuted sum.
 - A pedestrian access proposed to the open space area from the village road.
 - The siting of an access to be located roughly centrally along the site frontage of the main village road with provision of a 2m wide pedestrian footpath along the highway.

The site plan is attached at the front of the report along with illustrative plans.

- 1.1.4 The application is accompanied by supporting documents which include:
- A Design and Access Statement

- A Planning Statement
- A Community and Linguistic Impact Assessment
- An Ecological Appraisal
- Flood Consequences Assessment
- A Tree Survey
- Requirement of Developer Guidance Note: Sustainability Appraisal, Viability Assessment and Housing Delivery Statement.

The main points of relevance to the proposals in the supporting documents are –

In the Design and Access Statement

The proposals have been developed in recognition of the following objectives:

Reflect a village settlement location, thereby contributing to a sustainable settlement, with an overall density and layout which should reflect an efficient land use development approach;

Considers the effect on special landscape features of the area, the character and privacy of adjoining residential properties;

Achieve the maximum potential for pedestrian and cycle links, and reflect the need for open space areas;

Avoid the potential for and, mitigating against potential flooding incidents and events on site and downstream;

Respect and promote the cultural identity and linguistic needs of the community;

Minimising any adverse implications for important geological, landscape and protected species;

Consider the potential for archaeological features;

Identified the potential for a SuDS approach to water and drainage disposal, with appropriate management;

Recognises the criteria for 'Lifetime Homes' taking into consideration both the current and future local, affordable housing needs of the community, and where appropriate identifying the amount of on site affordable housing need.

In the Planning statement

Reference is made to pre-application assessment and explanation of how the scheme has developed. In respect of national and local planning policies, mention is made of

- :Planning Policy Wales, TAN1 and TAN2, (with regard to the need for authorities to ensure a 5 year supply of housing (Denbighshire's figure being below this level and the need for due weight to be given to increasing this figure), and the provision for affordable housing on rural exception sites),

- Policy BSC 8 of the Denbighshire Local Development Plan, which relates to rural exception sites. It is contended that the application is compliant with the tests of this policy.

In relation to Planning policy and guidance:

The proposal has taken full consideration of the Denbighshire Local Development Plan policies and accompanying Supplementary Planning Guidance.

In the Ecological Assessment

The site is considered to be of limited ecological interest

In the Flood Risk Assessment

The Hydraulic modelling and FCA confirm that the majority of the development site remains dry during all primary events simulated;

A small area adjacent to the watercourse and culvert in the north-western corner of the site would be flooded to shallow depth during the 1% Annual Exceedance Probability (AEP), 1% AEP and climate change, and 0.1%AEP events; Maximum water velocities during these events reach 1.6m/s adjacent to the watercourse;

If the culvert beneath the B5429 were to become blocked during such an event, the depth of flooding would increase but remain less than 300mm;

As all proposed dwellings and the access road are located outside the 0.1%AEP flood extent it is considered safe for residents to remain on site during a flood event. Safe access to the site is available during times of flood, though the B5429 would be flooded to the north of the site entrance.

In the Tree Survey

This is a survey of all the trees and hedgerows within the site. The survey identifies a mixture of tree species, mainly young to mature in age class, in predominantly fair conditions but limited quality and value. The exception is a mature oak in the eastern boundary hedge which is of high quality and is a valuable landscape feature.

In the Community Linguistic Statement

The statement concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language. The submitted assessment suggests a number of 'language and community measures' relating to the marketing of the development be carried out through local agents; bilingual sales media and staff coupled with local advertising and the placing of affordable housing with local housing associations; working closely with the local community council and other interested groups to develop distinctive identity in the design of the site, a suitable local name for the development.

Requirements of the Developer Guidance Note(In relation to Field 2 outside development boundary)

Sustainability Appraisal: The information submitted follows what is required within the Development Guidance Note and should be read in conjunction with all of the documents submitted with the application.

Viability Report: In Confidence

Housing Delivery Statement: A timeline has been provided indicating that if permitted, the new dwellings could be available for occupation by late 2018, it would be possible to complete the development within a 12 month construction period but marketing the site locally means that a 24 month 2 phase development is more likely.

The site is owned by the applicant, who are not developers. It will be sold by auction, tender or similar arrangement once planning permission is granted. There are a number of development companies that operate in North Wales who are keen to work on sites of this scale.

It has been stated that informal enquiries have been made on the applicants behalf to local housebuilders, and that inquiries have gained a favourable response.

1.2 Description of site and surroundings

- 1.2.1 The application site consists of 0.68ha of agricultural land located to the east side of the B5429 which leads through the village of Llandyrnog. There are some small

animal shelters on the site.

- 1.2.2 The site is formed by 2 agricultural fields defined by a hedgerow, field 1 consists of approximately 0.3 ha and field 2 consists of approximately 0.38ha.
- 1.2.3 The site has an existing field gate access fronting the B5429 with hedgerows forming the front boundary with the highway and other boundaries, along with some mature trees and a stream to the northern boundary. The speed limit at the point of access to the site is 30mph.
- 1.2.4 Beyond the stream to the north are residential properties accessed from a single point off the main road, these properties back on the village playing fields, tennis courts and park with community centre and car park.
- 1.2.5 To the south of the site are residential properties consisting of single properties fronting the highway. Opposite the site are residential properties also consisting of single properties fronting the highway.
- 1.2.6 The site slopes gently down in a northerly direction, where the stream is located.

1.3 Relevant planning constraints/considerations

- 1.3.1 Field 1 lies within the development boundary for Llandyrnog. Llandyrnog is identified as a village for the purposes of the Local Development Plan. It is unannotated land on the Proposals Map.
- 1.3.2 Field 2 lies outside the development boundary for Llandyrnog.
- 1.3.3 Llandyrnog is within the Historic Landscape of the Vale of Clwyd.
- 1.3.4 The north western section of the site along with the area adjacent to the stream along the northern boundary is within a C2 floodzone as defined by TAN 15: Development Advice Maps. There is also a culverted section of watercourse adjacent to the north-western boundary of the site.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The applicant's agent has been approached to assist understanding of the policy context of the proposal given the incorporation of half the site outside the development boundary.
- 1.5.2 Additional information has been provided, along with a Sustainability Appraisal, Viability Assessment and Housing Delivery Statement.

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 RD5 – The Welsh language and the social and cultural fabric of communities
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC4 – Affordable Housing
Policy BSC8 – Rural exception sites
Policy BSC11 – Recreation and open space
Policy PSE15 – Safeguarding minerals
Policy VOE5 – Conservation of natural resources
Policy VOE6 – Water management
Policy ASA3 – Parking standards

- 3.2 Supplementary Planning Guidance
SPG Recreational Public Open Space
SPG Affordable Housing in New Developments
SPG Residential Development Design Guide
SPG Nature Conservation and Species Protection

3.3 Government Policy / Guidance
Planning Policy Wales Edition 8 January 2016

Technical Advice Notes
TAN 1 Joint Housing Land Availability Studies (2006)
TAN 2 Planning and Affordable Housing (2006)
TAN 5 Nature Conservation and Planning (2009)
TAN 12: Design (2016)
TAN 20: The Welsh language – Unitary Development Plans and Planning Control (2013)

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (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.

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

- 4.2.1 Principle
- 4.2.2 Loss of agricultural land
- 4.2.3 Visual amenity
- 4.2.4 Residential amenity
- 4.2.5 Landscape
- 4.2.6 Ecology
- 4.2.7 Drainage (including flooding)
- 4.2.8 Highways (including access and parking)
- 4.2.9 Affordable Housing
- 4.2.10 Open Space
- 4.2.11 Impact on Welsh Language and Social and Cultural Fabric

4.3 In relation to the main planning considerations:

4.3.1 Principle

Please see plan at the front of the report identifying Field 1 and 2

In relation to Field 1 (within the development boundary)

The main Local Development Plan Policy relevant to the principle of new housing 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.

Development boundaries as shown on the proposals maps are basic planning tools which define clear physical limits to developed areas. Development boundaries have been drawn to allow for an appropriate level of development for each settlement and to follow clearly identifiable features. Within development boundaries, new development will, in principle, be supported provided that it meets the criteria of other policies in the Local Development Plan and material planning considerations.

The LDP makes provision for meeting housing need via specific allocations for housing and also allows for windfall housing development within development boundaries, affordable infill plots, and the conversion of rural buildings; enabling development and rural exception sites for affordable housing outside of development boundaries.

Field 1 is located within the village development boundary for Llandyrnog. It is not allocated for housing or any other use but as it is within the boundary, it would be considered acceptable in principle for residential development, as a form of 'windfall site'. An allowance for windfall sites was made in the LDP when considering the amount of housing land required in the Plan.

In relation to Field 2 (outside the development boundary)

This area of the site is located outside of the development boundary.

The proposal is for market housing with an element of affordable housing. The only Development Plan policy which may be relevant to the consideration of development on a site on the edge of a settlement is BSC 8, which provides for the possibility of affordable housing development as an exception to normal policy, provided it meets 6 tests. The tests are referred to below:

- 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 the interests of creating and maintaining sustainable mixed communities,*

Proposals will only be considered for sites of 10 units or less.

The Planning Statement submitted with the application (dated February 2016) argues that the proposal complies with the tests of BSC8 as:

- Sites are not coming forward within 5 years, there is only one allocated site for Llandyrnog
- The proposal is a logical extension to the village
- The intention is to pepper pot the affordable housing throughout the development
- The site would not form an intrusive feature in the landscape, or create traffic or access problems
- The details of the development are appropriate
- Arrangements can be made to ensure the dwellings are retained as affordable in perpetuity

Additional information has been provided by the applicants to support a 'departure' from the Local Development Plan in the form of a Sustainability Appraisal, Viability Appraisal and a Housing Delivery Statement.

The Council's Strategic Planning and Housing Section have offered comment on the situation: *In considering the additional information it is not considered that sufficient evidence has been submitted to justify a departure from the adopted LDP and its policies. The LDP is up to date and was adopted in 2013 making provision for 7,500 new dwellings over the plan period of 2006 to 2021. As previously stated, Llandyrnog is defined as a village within the settlement hierarchy in the LDP, and is allocated a level of growth to meet primarily local needs. A housing allocation was made and the development boundary for the village drawn to allow for an appropriate level of growth.*

The housing allocation in Llandyrnog has recently been granted outline consent for 40 units, 15 units above the 25 units estimated in the LDP. In line with Welsh Government regulations, the LDP will be reviewed in 2017, 4 years post adoption. It is considered that this is the appropriate mechanism for assessing whether additional housing land is required in a particular settlement to meet housing need.

The Local Housing Market Assessment (LHMA) has identified a need for 1 and 2 bed units in Llandyrnog. The proposal submitted includes layout and specifies the house sizes to be built. The scheme submitted is predominantly for 3 and 4 bed units with only 6 units being 2 bed. It is not considered that the proposal seeks to meet affordable local housing need as the range of house types does not reflect the evidence of affordable housing need in the village as identified in LHMA and required by policy BSC8. Officers are not of the opinion that evidence has been submitted that the proposal would meet local affordable housing need to a degree that would warrant a departure from the adopted LDP.

In relation to the TAN 1 requirement for Local Authorities to ensure a 5 year supply of housing it is acknowledged that the housing land supply within Denbighshire is currently 2.1 years. Local authorities that are unable to demonstrate a 5 year housing land supply are required to take steps to remedy this situation. With the review of the LDP due to commence in 2017 it is considered that appropriate steps are being taken to reassess housing need and if necessary make additional housing land allocations. The method of calculating the housing land supply set out in TAN 1 (residual method) is considered inappropriate and representations have been made to Welsh Government to this effect. If the alternative method of calculation, past completions is used then based on an average of 10 year past completions Denbighshire would have a land supply of 8.64 years.

The allocated site at Maes Llan has recently been granted outline planning permission and is being actively marketed. This current application is in outline form and the agents have confirmed that the site has not yet been marketed or expressions of interest sought from prospective developers. The development is therefore considered to be speculative in nature. Officers do not consider that the applicant has demonstrated that the proposal will meet local affordable housing need and contribute to the housing supply as there is no evidence presented that the site will be delivered.

In conclusion, Officers do not consider the case is made to justify residential development outside the village boundary. Llandyrnog is defined as a village in the settlement hierarchy in the LDP. The growth levels and specific allocations for villages in terms of housing have been set to primarily meet local needs. The allocated site at Maes Llan within the village has recently been granted outline planning consent for 40 units, a figure in excess of the 25 units that were envisaged at LDP plan preparation stage. It is considered that the development of the allocated site will deliver an appropriate level of growth for the village of Llandyrnog over a number of years. Officers understand this site is currently being actively marketed. In respecting the applicants case, there is no evidence to demonstrate that the Maes Llan site is not likely to come forward within 5 years, or that there is evidence of a demonstrable need for affordable housing to justify the release of the additional land. It is not therefore considered that the proposal meets the tests of BSC8 or that there is a clear case made here for additional housing land to be released outside the defined development boundary.

4.3.2 Loss of agricultural land

Paragraph 4.10.1 of Planning Policy Wales states that in the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

In approving the development boundary for Llandyrnog village in the Local Development Plan, the Council has weighed the need to allow for some new development against the loss of good quality agricultural land. However, very careful consideration has to be given to the implications of consenting to the release of additional high grade agricultural land outside the development boundary. It is significant in this instance that the land is classified as Grade 1, which is the highest quality agricultural land.

The 'need' case put forward within the application is based on the whole site being able to provide 10 or more dwellings including an affordable element, and is dealt with in the previous section of the report. In Officers' opinion this does not establish an 'overriding need' as is required by Planning Policy Wales, in this case to justify developing additional Grade 1 land outside the development boundary. Also in respect of the requirements of 4.10.1 of PPW, there is no information with the application to show whether there has been investigation of the availability of previously developed land or land in lower agricultural grades. It is considered that the proposal to use grade 1 agricultural land outside the development boundary is in clear conflict with the contents of Planning Policy Wales.

4.3.3 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.

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.

There will inevitably be some visual amenity impact from housing development in this location however it is not considered reasonable to oppose the application on this basis, given the pattern of development in the area. Whilst it is not possible to assess the detailed visual impact of the dwellings at this stage as the application is in outline form with no approval sought for details of appearance etc., it is not considered that the development proposed would give rise to visual impacts sufficient to merit a refusal of outline permission on this ground alone.

4.3.4 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.

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 as potentially material considerations. The impact of a development on residential 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.

There are some local concerns expressed over potential for loss of privacy, etc. from new development on the site.

The application contains an illustrative layout indicating a possible format for a development and there are some illustrative images of the development. However there are no detailed elevation details to allow assessment of the impact on adjacent properties and this would be a matter for assessment as part of any detailed reserved matters application.

In the absence of full details of the dwelling types, it is not possible or appropriate to consider specific residential amenity issues at this point. These would normally be dealt with at reserved matters stage, when the full impact of development, and proximity to existing property can be fully assessed.

4.3.5 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 general concerns expressed over the potential impact on local wildlife as a result of the development. An ecological assessment has been undertaken which concludes the site has low ecological value. There are no objections from consultees to the grant of permission on ecological grounds.

Subject to the inclusion of suitable conditions on any permission, it is suggested ecological interests can be suitably protected in relation to a development on this site.

4.3.6 Drainage (including flooding)

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.

The area of the site to the north west and northern boundary along the stream is within a Zone C2 flood risk area. These areas are intended as open space/amenity areas with no built development proposed. Natural Resources Wales, Dwr Cymru Welsh Water and Denbighshire's Flood Risk Officer have not raised any objections to the proposal subject to the inclusion of suitable conditions being imposed if planning permission is granted.

Given the comments of the technical consultees, it is considered that it is reasonable to assume that an acceptable drainage scheme can be achieved on the site. It is considered appropriate to secure the provision of an appropriate drainage scheme through condition. The proposals are therefore considered acceptable in relation to drainage.

4.3.7 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.

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The means of access to the site is included for approval as part of this outline application.

There are objections raised by the Community Council and local residents in relation to highway safety in terms of the formation of an access and increased traffic in the village. The Highways Officer has no objections to the proposal and has no concerns in respect of the adequacy of the local highway network, subject to conditions.

It is not considered, with respect to objections raised, that there are any strong highway grounds to refuse permission here. The Highways Officer is satisfied that the proposal with appropriate controls over traffic management and detailed design considerations can be included through planning conditions.

4.3.8 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.

The application specifies that the proposal will meet the Council's Affordable Housing policy, the number and tenure of which would be agreed with the Council.

In accordance with current planning policy, it is now accepted practice on outline planning applications to use a 'standard' form of planning condition to require further approval of the arrangements for provision of Affordable Housing prior to the commencement of development. Officers suggest this approach to be appropriate in this instance.

4.3.9 Open Space

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

The Council's Open Space requirement for a development of 18 dwellings requires a total of 993.6sqm comprising of 662.4sqm of Community Recreation Open Space (CROS) and 331.2 sqm of Children's Play Areas (CPA).

The applicants submission has calculated the Council's requirements incorrectly and has targeted a higher provision of 1224sqm - split as 816sqm of CROS and 408sqm CPA.

There are comments from local residents and the Community Council in relation to the location of the open space area in relation to the location of the open space area in close proximity of the stream.

The proposal is to site areas of CPA and CROS to the north and north western part of the site. Overall the approach to open space is considered acceptable with suitable conditions to secure the open space area is secure and useable to the development and wider community.

The amount of CROS shown on site actually exceeds the policy requirement, it has a footpath link from the main road which indicates that the facility would be accessible and inclusive for the wider community. A commuted sum has been suggested for the balance of open space provision required however given incorrect calculations have been used, there is no requirement to provide additional provision/contributions.

Open Space provision can be covered by imposition of a planning condition requiring agreement to the detailed layout and/or mechanism for compliance with the open space requirement

4.3.10 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 and Linguistic Impact Assessment concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language. The Strategic Planning and Housing section are satisfied that the assessment has been undertaken to a satisfactory standard. The submitted assessment suggests a number of 'language and community measures' and these measures can reasonably be secured by the imposition of a planning condition.

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.

5 SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is to develop two fields for residential purposes – one within the village development boundary, and one outside that boundary.
- 5.2 The application raises basic issues of principle in relation to the release of land outside a village boundary and the use of high grade agricultural land.
- 5.3 Having regard to the submission, Officers do not consider the case is made to justify residential development outside the village boundary. In terms of the Local Development Plan Rural Exceptions Sites policy BSC8, it is not considered key tests are met in that there is a large allocated site with permission in the village which is likely to come forwards within 5 years, and the case is not made that there is need for affordable housing development. The additional land is also of high agricultural quality and it is not considered that an 'overriding need' is established to meet the tests in Planning Policy Wales in relation to the use of Best and most Versatile land.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons for the conditions are:-

1. The application site incorporates a field which lies outside the development boundary of Llandyrnog village and it is the opinion of the Local Planning Authority that its development for residential purposes is in conflict with the housing policies of the Denbighshire Local Development Plan, which seek to concentrate new housing within defined settlements. It is not considered that the case is made to justify the development of the area outside the village boundary, including in relation to TAN 2 and Policy BSC 8 of the Development Plan, which support affordable housing development as an exception to normal policy subject to meeting detailed tests; and it is not considered that the need to increase the Council's 5 year housing supply outweighs this conflict.
2. The proposal involves development of an area of high quality agricultural land within the grades considered as 'best and most versatile' in Paragraph 4.10.1 of Planning Policy Wales, Edition 8, which Welsh Government consider is of special importance and should be conserved as a finite resource for the future. Paragraph 4.10.1 requires Local Planning Authorities to give considerable weight to protecting such land from development, and outlines considerations to be applied to proposals when determining applications. In this case, the Local Planning Authority do not consider the application demonstrates that there is an overriding need for the development of land outside the development boundary, that the need cannot be met on either previously developed land or on land in lower agricultural grades in the area, or that the application site is the most appropriate for the development, and the proposals are considered to be in conflict with the requirements of 4.10.1 of Planning Policy Wales Edition 8.

NOTES TO APPLICANT:

None