

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE
ATTACHED TO PLANNING APPLICATION No. 42/2012/1638**

**DEVELOPMENT OF 0.1HA OF LAND BY THE ERECTION OF ONE DWELLING
(OUTLINE APPLICATION INCLUDING ACCESS)**

MOUNT HOUSE, DYSEARTH, RHYL

1. PURPOSE OF REPORT

- 1.1. To seek a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 42/2012/1638, granted planning permission at the April 2013 meeting of the Committee.

2. BACKGROUND

- 2.1. Planning Committee on the 17th April 2013 resolved to grant conditional planning permission for the erection of a dwelling at the abovementioned site, in this case contrary to the Planning Officer's recommendation.
- 2.2. For information, the Officer report to the April meeting follows as an appendix to this report. The merits of the application are however not for consideration at this point, as the resolution of the Committee following the vote to grant permission was for Officers to draft a list of conditions to be included in the Certificate of Decision, and report these to Committee for consideration and ratification.
- 2.3. The discussion at the April meeting was based around interpretation of the current Unitary Plan policy on 'infill' development. Members took the view that the particular proposal was broadly in compliance with the policy and Supplementary Guidance, having regard to the tests contained therein, and it was considered that the development would not have any unacceptable local landscape or residential amenity impacts.
- 2.4. Officers believe the conditions as drafted in Section 3 of the report are reasonable and necessary in relation to the application, and cover standard matters relevant to outline applications, requiring full details of the layout, scale and appearance of the dwelling and associated landscaping, and up to date Sustainability Code requirements. These are consistent with similar outline permissions previously issued by the Council.

3. DRAFT CONDITIONS

3.1. The suggested Conditions are:

1. **PRE-COMMENCEMENT**

Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes [Level 3] and achieve a minimum of [1 credit] under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [2010 - Version 3]. The development shall be carried out entirely in accordance with the approved assessment and certification.

6. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [1 credit] under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [2010 -Version 3].

7. Parking and turning facilities shall be provided in connection with the development in accordance with such details as may be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the construction of the dwelling .

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. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
5. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. In the interest of the safe and free flow of traffic.