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10/2015/0936/PS

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1:1250 Location Plan

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**WARD :** Llanfair Dyffryn Clwyd / Gwyddelwern

**WARD MEMBER:** Councillor Hugh Evans

**APPLICATION NO:** 10/2015/0936/PS

**PROPOSAL:** Variation of condition nos. 2 and 3 of outline planning permission code no. 10/2012/0610 to allow extension of time for submission of reserved matters and date of commencement

**LOCATION:** Land adjacent to Tyn-y-Bedw Bryneglwys Corwen

**APPLICANT:** Clwyd Homes Limited

**CONSTRAINTS:** AONB

**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 – 4 or more objections received

**CONSULTATION RESPONSES:**

BRYNEGLWYS COMMUNITY COUNCIL –  
Comments awaited.

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

*“The Joint Committee has no objection in principle to development of this land within the Development Boundary of Bryneglwys subject to robust arrangements being put in place to ensure that a significant proportion of the dwellings are retained as affordable houses for local people in perpetuity, and the house types, layout, materials and landscaping are designed to be sympathetic to the rural character of the site and its setting.*

*Although all matters are reserved for subsequent approval, the committee is supportive of the applicants aspiration to retain as much of the frontage hedgerow as possible and to achieve a more sensitive layout by relaxing highway requirements. The intention to use landscaping to soften the development and to plant new hedgerow boundaries along the open south- west and south-east boundaries of the site to help integrate the development into the rural scene is also welcomed.”*

NATURAL RESOURCES WALES –  
No objection.

DWR CYMRU / WELSH WATER –  
Have provided advice indicating there are limitations on the capacity of the sewage treatment works. In response to the applicant’s agent, have indicated there is headroom for an additional 10 properties; and that there are no plans within their capital investment programme period to upgrade the works.

WALES AND WEST UTILITIES –  
Have no apparatus in the area.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Highways Officer –  
No objection subject to details relating to parking/turning and the formation of the access.

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

- (i) R Sinclair, 7 Maes Y Fedwen, Bryneglwys
- (ii) R D Killey, 9 Maes Y Fedwen, Bryneglwys
- (iii) M. Bellis, The Paddock, Bryneglwys
- (iv) M. Bellis, Meadow View, Bryneglwys

Summary of planning based representations in objection:

- (i) Number of houses is overdevelopment for the village and at 19 is more than the LDP allocation of 12 houses;
- (ii) Impact on the highway network;
- (iii) Overlooking and loss of privacy;
- (iv) Unsustainable location and lack of local facilities and public transport links;
- (v) Impact on the AONB

**EXPIRY DATE OF APPLICATION: 12/11/2015**

### **REASONS FOR DELAY IN DECISION (where applicable):**

- awaiting consideration by Committee
- format of application changed from outline to variation of condition

### **PLANNING ASSESSMENT:**

#### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

- 1.1.1 The application seeks to vary conditions imposed on a September 2012 outline planning permission for a residential development on a 0.68ha site in Bryneglwys village. The variation sought is to allow an extension of time for submission of reserved matters and the date of commencement of development.
- 1.1.2 The 2012 permission for the residential development of the site was for an unspecified number of dwellings with all matters reserved. An indicative layout plan provided (dated May 2012) depicted a total of 19 units comprised of 7 detached and 12 semi-detached, but this was for illustrative purposes only.
- 1.1.3 The application is accompanied by a Design and Access Statement which concludes that *"Development of the site meets all the requirements of a sustainable development which will provide much needed dwellings in the community. It will enhance the amenity of the area through sensitive design principles."*

##### 1.2 Description of site and surroundings

- 1.2.1 The application site is an area of agricultural land, roughly rectangular in shape. The site is generally on the same level as adjacent properties, and slopes upwards slightly to the east.
- 1.2.2 To the north and west of the site are residential properties (Maes y Fedwen and Trem y Foel) and to the south and east is primarily open countryside. The public highway, which runs through the village, bounds the site to the west and separates the site from the residential development of Trem y Foel. A field gate is located to the road frontage.

##### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Bryneglwys village and is a housing allocation under Policy BSC 1 of the Local Development Plan.

1.3.2 The site and the whole village are within the AONB.

1.4 Relevant planning history

1.4.1 The site has two previous outline consents for residential development, granted in 2009 and 2012.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 10/2004/1279 – Development of 0.68 hectares of land for residential development and construction of new vehicular access (outline application): Granted 14/05/2009.

2.2 10/2012/0610 – Development of 0.68 hectares of land for residential development (outline application with all matters reserved) renewal of outline permission 10/2004/1279: Granted 21/09/2012.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from development

**Policy BSC4** – Affordable housing

**Policy VOE2** – AONB/AOB

**Policy ASA3** – Parking standards

3.1 Supplementary Planning Guidance

SPG 7 – Residential Space Standards

SPG 8 – Access for All

SPG 21 – Parking

SPG 25 – Residential Development Design Guide

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Notes

Circulars

**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.

4.1 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 Highways (including access and parking)
- 4.1.5 Impact on the AONB
- 4.1.6 Recreation and Open Space
- 4.1.7 Affordable Housing
- 4.1.8 Drainage

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

As the proposals effectively involve the 'renewal' of the outline planning consent, it is relevant to consider the principles of the development against current Development Plan policies.

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

Policy RD 1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria.

With respect to objections in relation to the scale of development and the unsustainability of the proposals, as this is an allocated housing site in the LDP, and has been the subject of previous planning consents, it is not considered appropriate to now oppose the development in principle. The grant of permission would not convey approval of the number of dwellings indicated on the submitted illustrative site plan.

##### 4.2.2 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 (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (v) 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.

Although the submission reserves all matters of detail for further approval, it is considered that a residential development at the site could be designed in such a way to be acceptable in regard to its visual appearance and the application is consequently considered to be in accordance with these tests of Policy RD 1.

##### 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 concerns from private individuals over the potential impact on nearby properties. Whilst the indicative layout plan submitted shows the arrangement of the properties with a number in close proximity to the rear boundary of properties on Maes Y Fedwen, the submission is in outline form only with all matters reserved and accordingly the plan submitted has to be treated for illustrative purposes only.



On the basis that matters of detail can be controlled at reserved matters stage, the proposed development of the site is considered to be feasible without substantial detriment to the adjacent occupiers, and is not in conflict with the tests Policy RD 1.

#### 4.2.4 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.

In noting local objection on highway grounds, as with the matters of visual appearance and residential amenity, the layout provided is purely indicative but does demonstrate that access to the site can be created in a fashion which is acceptable as highlighted by the lack of objection from the Highway Officer.

The application is not considered to conflict with the tests of Policies RD 1 and ASA 3.

#### 4.2.5 Impact on the AONB

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The comments made by the AONB JC and private individuals are duly noted. Officers' opinion is that development of a site within a village boundary cannot reasonably be resisted in principle on grounds of impact on the AONB, but close control can be exercised over the overall design and the retention of landscape features where possible can be secured by condition.

The development is therefore not considered contrary to Policy VOE 2 as it can be achieved without detriment to the character and appearance of the AONB.

#### 4.2.6 Recreation and open space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11. Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. It states that open space should always be provided on site, and that commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement be provided onsite, or where it is impractical to provide the full requirement onsite. Where there is no identified shortfall of open space in an area, the option of a commuted sum payment may be appropriate to mitigate impact on existing open space and equipment.

If approved, a suitable condition can be attached to the consent to ensure that the development of the site proceeds in accordance with the policy and accordingly the scheme can satisfy the requirements of Policies BSC 3 and BSC 11.

#### 4.2.7 Affordable housing

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC 4. Policy BSC 4 relates specifically to affordable housing, and requires that all developments of three or more residential

units provide a minimum of 10% affordable housing either onsite on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

In recognising the points raised by the AONB Committee, the indicative layout provided for the scheme exceeds the trigger point for the provision of affordable housing as set out in Policy BSC 4 and the SPG on the subject. Accordingly, a suitable condition can ensure that the residential development of the site would satisfy the requirements of Policies BSC 3 and BSC 4 in relation to affordable housing provision.

#### 4.2.8 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.

Dwr Cymru Welsh Water initially objected to the development as they advised that it would overload the Waste Water Treatment Works, and as no improvements are planned within their Capital Investment Programme, any development prior to improvements being made would be premature. However, following dialogue with the applicants, it has been confirmed that there is current capacity for 10 dwellings. The applicant's agent has confirmed that it would be acceptable to extend the time period for submission of reserved matters details and the commencement of the development, subject to the inclusion of a 'Grampian' style condition on any permission, limiting the amount of development which can take place to 10 dwellings until the improvement of the treatment works capacity.

## 5 SUMMARY AND CONCLUSIONS:

5.1 In noting the comments raised by objectors and the AONB Committee, the principle of developing the site has been long established through the grant of planning permissions in 2009 and 2012 and it remains within the village development boundary in the Local Development Plan.

5.2 Subject to inclusion of appropriate conditions, it is considered the proposals are acceptable.

### **RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - i) Site layout and location plan (Drawing No. 2094/2) received 18 September 2015
2. 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.
3. Approval of the details of the appearance of the buildings, landscaping, scale, layout and access (hereinafter called ""the reserved matters"") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
4. 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.
5. 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 the buildings are first occupied.

6. The submitted site plan ref 2094/2 dated May 2012 has been treated for illustrative purposes only and does not convey the Local Planning Authority's consent to the number of dwellings indicated.
7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Affordable Housing. The development shall proceed strictly in accordance with the approved arrangements.
9. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Open Space. The development shall proceed strictly in accordance with the approved arrangements.
10. No more than ten dwellings shall be permitted to be developed on the site until the Local Planning Authority is provided with evidence that Dwr Cymru Welsh Water are satisfied there is adequate capacity at the sewage treatment works to accommodate the foul sewage from any additional dwellings on the remainder of the site.

The reasons for the conditions are:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 91 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 ensure satisfactory drainage of the site and to avoid flooding.
6. For the avoidance of doubt.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. In order to comply with the Council's Affordable Housing Policies
9. In order to comply with the Council's Open Space Policies.
10. In order to ensure the Sewage treatment works has adequate capacity to accommodate the discharge from the development.

#### **NOTES TO APPLICANT:**

In relation to condition 10 of this permission, you are advised to contact Welsh Water Dwr Cymru to discuss an approach to securing improvements to the sewage treatment works, as they will not consent to development additional to that controlled by the condition until relevant capacity issues are resolved.