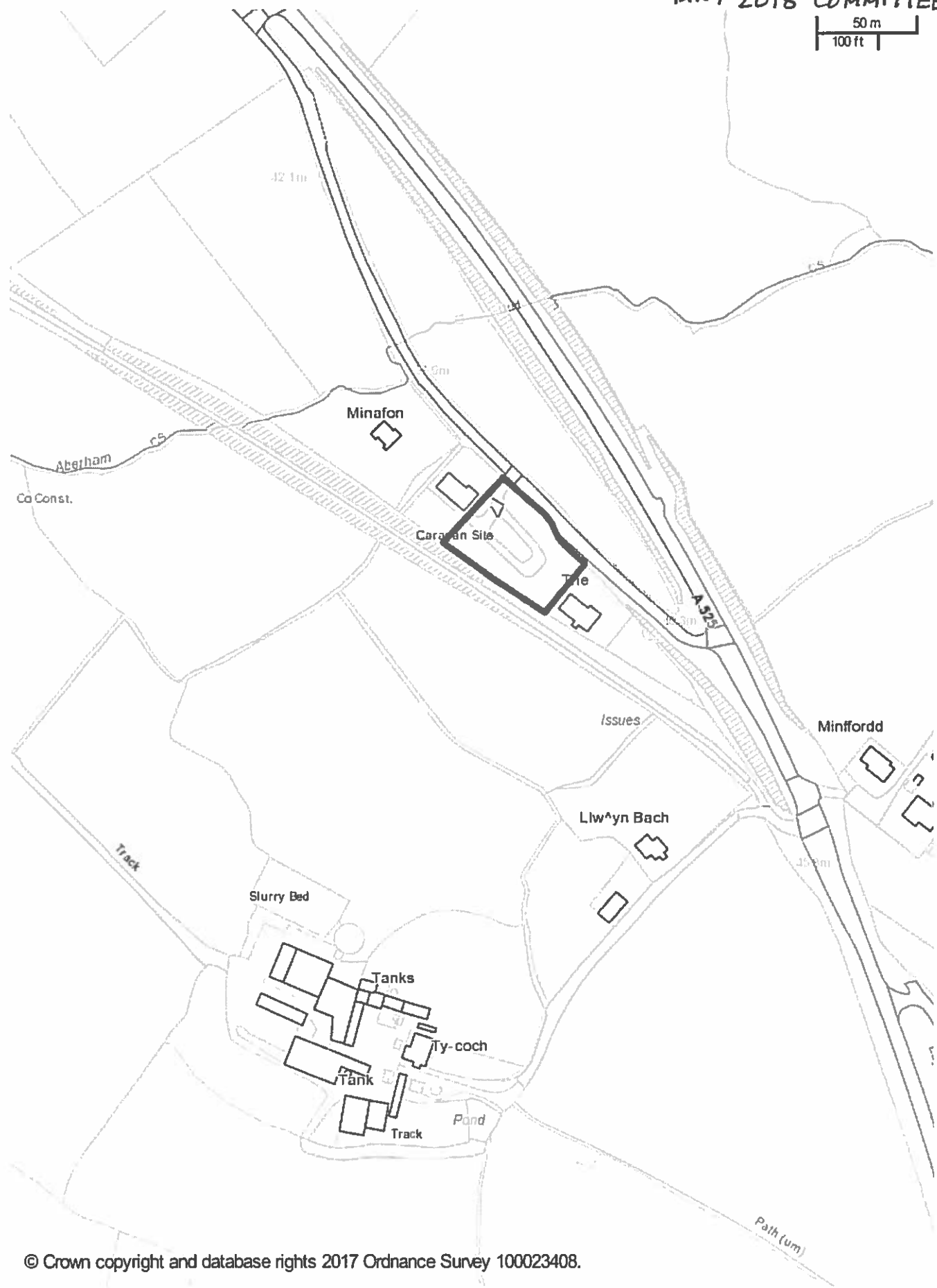
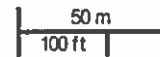


OFFICER REPORT TO
MAY 2018 COMMITTEE



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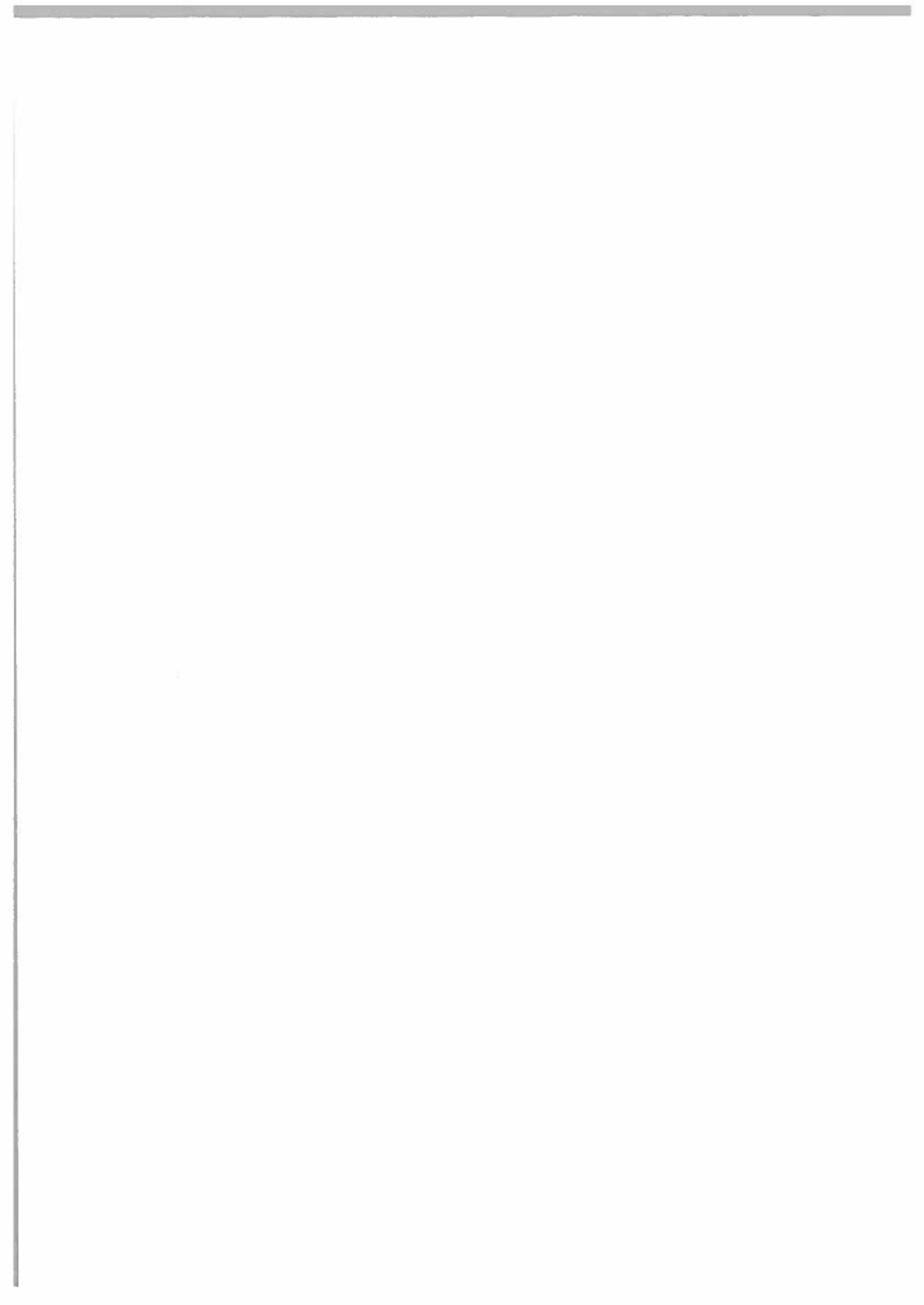
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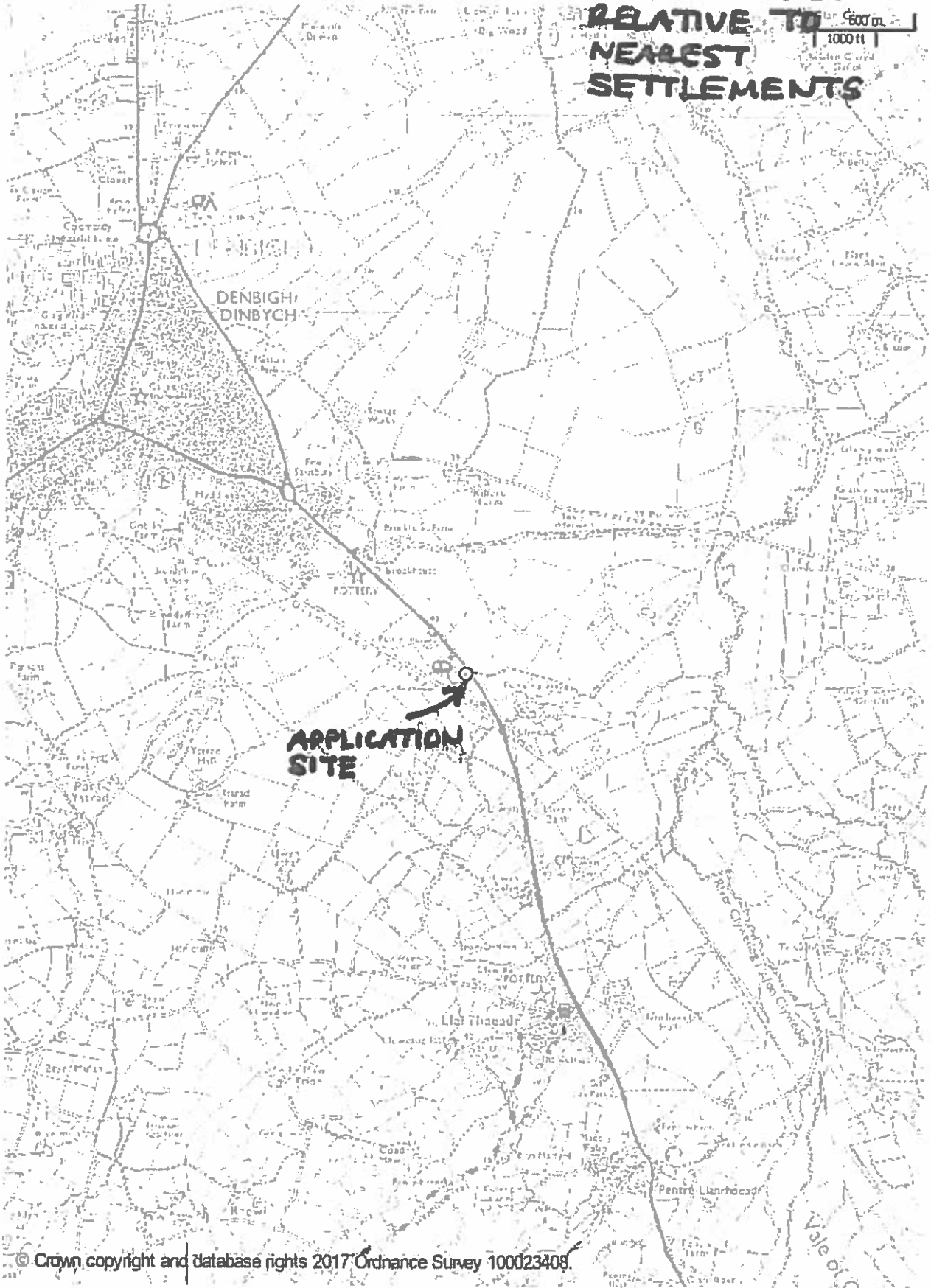
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SITE LOCATION RELATIVE TO NEAREST SETTLEMENTS



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siŷ ddinbych
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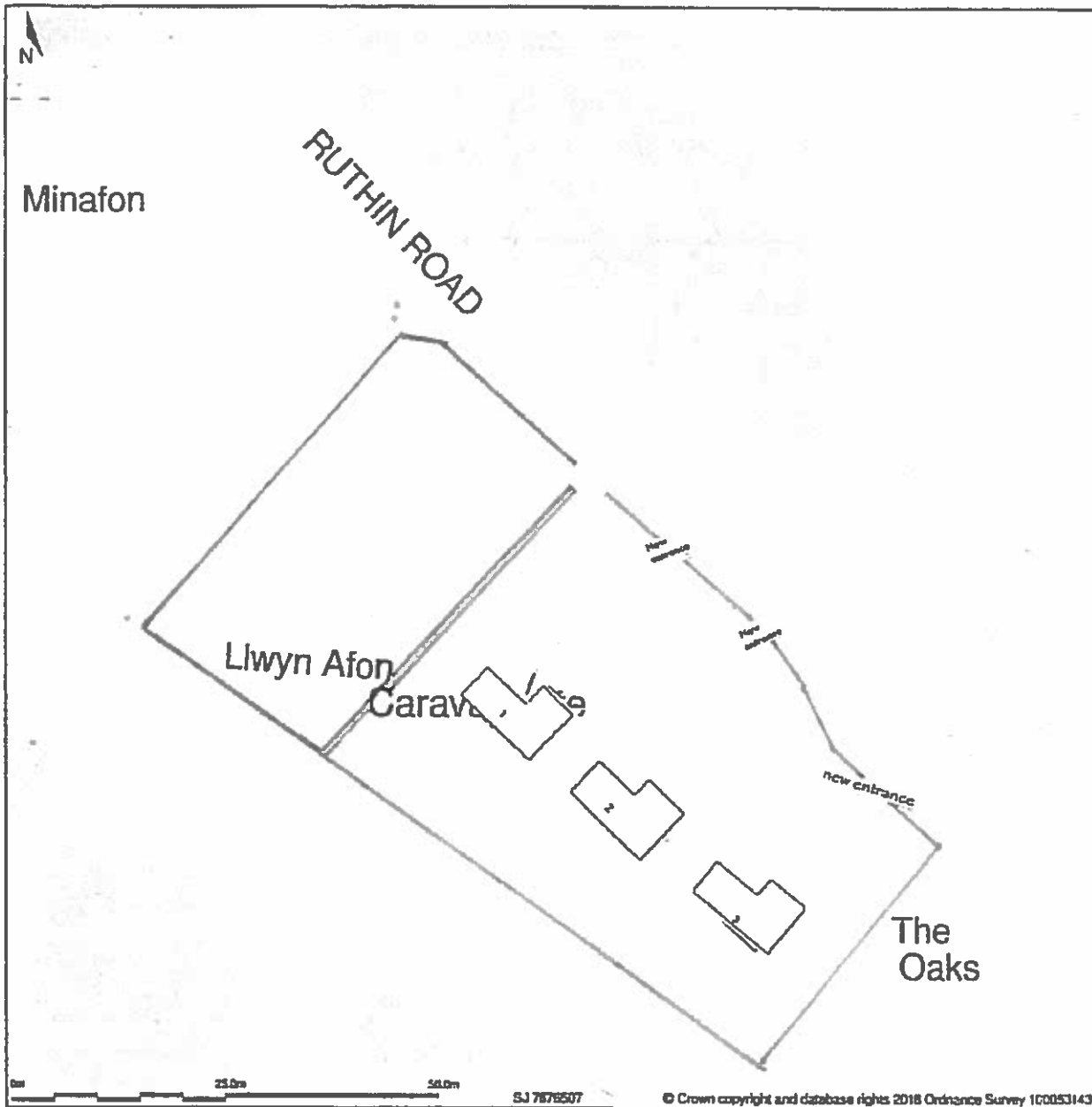


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Llwyn Afon, A525 Pantre Llanrhoadr Xrds To Brookhouse Mill Jct, Llanrhoadr, Denbigh, Denbighshire, LL16 4NG



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The approximate layout of the of the properties;
not drawn to scale for reference only.

15 APR 2018

Llwyn Afon Caravan Park
Llanrhoadr
Denbigh
Denbighshire
LL16 4NG

28 March 2018

The approximate layout of the of the properties;
not drawn to scale for reference only.

..

There are no existing structures on the caravan park

Upper and lower limits for proposed dwellings
Height: 5.5m
Width: 10m
Length: 18m



Ian Weaver

WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER: Councillor Joseph Welch (c)

APPLICATION NO: 23/2018/0268/ PO

PROPOSAL: Development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved)

LOCATION: Land at Llwyn Afon Llanrhaeadr Denbigh

APPLICANT: Mr & Mrs G. Jones Llwyn Afon Caravan Park

CONSTRAINTS: None

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

LLANRHAEADR COMMUNITY COUNCIL

"Llanrhaeadr Y.C. Community Council objects to the above planning application as the application does not apply with the Denbighshire County Council Planning Policy that all three proposed dwellings at this location must be affordable homes."

NATURAL RESOURCES WALES

Recommend that the Council should only grant planning permission if conditions are attached to deal with potential impact on bats, i.e. details of lighting and ecological enhancement measures. Consider the ecological survey and assessment to be satisfactory for the purposes of informing the planning decision making process. In relation to foul Drainage, draw attention to relevant legislation / process to be followed dependent on the proposed means of disposal.

DWR CYMRU / WELSH WATER

Note the developer proposes to dispose of surface water runoff via a Sustainable Urban Drainage System. However, it is unknown how the developer proposes to dispose of foul flows. In light of the above, hence request that if the Council are minded to grant Planning Consent, condition (s) and Advisory Notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
The case officer has advised there are no highway objections. The detailing of the access arrangements can be agreed at reserved matters stage.
- Strategic Planning and Housing Officer
Confirms as the site lies outside of any settlement development boundary or hamlet area of search in the adopted Denbighshire LDP, the principle of development on the site can only be

considered under LDP Policy BSC 9 – Local Connections Affordable Housing within small groups or clusters. The policy allows for the development of one or two dwellings within a gap in an otherwise continuously developed frontage for local connections affordable housing. The proposal is for 3 dwellings; 2 being open market housing and 1 affordable. Policy BSC 9 allows for a maximum of 2 local connections affordable dwellings, 3 dwellings is in excess of this maximum and the proposal fails to meet the requirements of the policy, and as there is no policy provision for open market housing in this location. The applicant has provided no evidence of local affordable housing need and it is not therefore possible to assess whether the proposal meets this policy requirement. It is considered that the proposal does not meet the relevant policy requirements in the adopted LDP and is not supported.

RESPONSE TO PUBLICITY:

Neither in support or in objection

Representations received from:

M. Robinson, Minafon, Llanrhaeadr, Denbigh

Seeks to correct contents of the Design and Access Statement in relation to the responsibility for fences and hedges between the application site and adjoining property.

EXPIRY DATE OF APPLICATION: 10/06/2018

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission for the development of 3 dwellings on land at the Llwyn Afon Caravan Park, which is located between Denbigh and Llanrhaeadr.
- 1.1.2 The description of the application on the submitted forms is 'Change of use from Caravan Park; Outline Planning for two residential dwellings and one affordable home'.
- 1.1.3 All 'reserved matters' (access, scale, layout, landscaping, and appearance) would be the subject of a detailed submission if outline permission is granted.
- 1.1.4 The submitted plans identify the site and show illustrative ideas for the location of the three dwellings, and indicate that these would be served by separate vehicular accesses. The plan is at the front of the report.
- 1.1.5 The application includes a Planning Support Statement, a Design and Access Statement, and a preliminary Ecological Appraisal.
- 1.1.6 The supporting documents contain a volume of information of relevance to the consideration of the application:

The Planning Support Statement

This 5 page document provides a background to the application and highlights:

- The site is outside the defined LDP boundary, but there are factors to support the proposals
- The land is 'Previously Developed Land', as defined in Planning Policy Wales; Section 2.7 makes a strong case to develop brownfield sites over greenfield

- The LDP Review report (December 2017) confirms:
 - o housing completions have not reached the annual requirements; the annual growth levels are unrealistic and will not meet initially projected growth over the remaining lifetime of the plan; there is reference to a limited contribution which can be made to housing needs through infill development
 - o there is an identified need for affordable housing across the County; in relation to infill policy, BSC9 expands on national policy allowing for development of very limited new housing within existing small groups and clusters; all infill developments were to be restricted to affordable housing to meet local needs; but this policy has delivered very few houses and should be reviewed for the replacement LDP; affordable housing delivery since 2006 is well below the target in policy BSC4.
- Pre-application advice has been sought from the Development Plan section of the Council.

The Conclusion of the Support Statement is as follows:

'The proposal is for two Market Dwellings and one Affordable Home, the site has previous planning permission and uses dating back from 1980 when consent was granted for a garden centre, consent was granted for 12 touring caravans 2001 and most recently 2004 a static caravan park.

As part of the two residential units we are offering one affordable home (in total three dwellings) this is a generous offer, in just over two years the revised draft LDP will be adopted and the infill policy BSC9 now restricted to affordable homes will be reviewed. The Local Planning Authority agrees that policy BSC9 has delivered very few houses as infill and should be reviewed in the replacement LDP.

During Pre Application Advice it has been settled by Lara Griffiths senior planning officer that the site would be acceptable as infill in accordance with BSC9

The site is previously developed land/brownfield as it was occupied by a permanent structure i.e. a glasshouse. It was also considered to be brownfield during an appeal decision 24th June 2008 by R G Gardener BSc (Townplan) MRTPI. Appeal Ref: APP/R6830/A/08/2071072, again he made reference to the glasshouse as a permanent structure.

It is noted within the appeal decision that the sustainability of the site in principle was considered acceptable by virtue of its links via public transport together with cycle routes and public footpaths close by. As there are no numerical figures on infill now the site accords with BSC9, this was the main issue raised in the previous appeal that the site did not meet the essential group of six properties in accordance with policy HSG5 in the then UDP.

Dwellings would be more in keeping with the area rather than static caravans as they are visually intrusive, this is a small site with planning for eight lodges granted 2004, we question the viability of the park long term as there is no land available to expand. The site is under-used brownfield.

Enquiries have been made with 3 Registered Social Landlords in regards of the Affordable Homes being of interest to them, their response has been negative.

We would enter into an s106 agreement with the Local Planning Authority to secure the Affordable Home for local needs.

We sense that what we have on offer is beneficial to local people and the LPA housing needs, the application is worthy of the support of the LPA and committee members.'

The Design and Access Statement

The 5 page Statement provides commentary on the Site and Constraints, Accessibility, Character, Community Safety, Environmental Sustainability, and movement to, from and within the development.

Points of relevance to the application include:

- o The site forms part of an established Caravan park. It is underused for mobile homes. All essential services are present. Enquiries made by local people have been for permanent use of the mobile homes/ chalets, i.e. residential use.
- o The site is surrounded by a number of properties and is amongst a cluster / line of dwellings albeit it is in open countryside.
- o There are no contamination or flood risk issues
- o New dwellings would be designed to fit comfortably to reflect existing properties
- o Dwellings would be more complementary on the site rather than mobile homes
- o The site is not suitable as a holiday park and has no future.

The Preliminary Ecological Appraisal

The appraisal concludes that the development will have minimal impact on any protected or notable species or habitats. It states most habitats within the site are of low ecological value, the loss of which will have no impact on the wider green infrastructure. It notes the most significant features of concern are the oak tree on the east corner and the hedgerow on the north east boundary, both of which would be retained, albeit with gaps created in the hedge (for new vehicular accesses). It is suggested there is considerable scope for ecological enhancement in the form of bat and bird boxes, with the addition of native tree and hedgerow species.

1.2 Description of site and surroundings

- 1.2.1 The site lies in open countryside on the west side of a spur road off the A525 as it approaches the town of Denbigh from the south. It is located between this spur road and the land which was formerly part of the Denbigh – Ruthin railway line.
- 1.2.2 The site is some 1.5km from the outskirts of both Denbigh and Llanrhaeadr village.
- 1.2.3 It is a flat area of land sitting between the applicant's dwelling Llwyn Afon (to the north west), and The Oaks, a private dwelling in separate ownership to the south east. There is a further dwelling, Minafon, immediately to the north west of Llwyn Afon, and a loose scattering of dwellings further to the south, the nearest of which is Llwyn Bach, some 130 metres from the nearest part of the site.
- 1.2.4 The location of the site relative to Denbigh town and Llanrhaeadr village, and the respective relationship between the site, highways, and the dwellings in this locality can be appreciated from the plans at the front of the report.
- 1.2.5 Measured off the submitted location plan, the site has a road frontage of some 60 metres.
- 1.2.6 The site itself consists of areas of mown grass with a number of ornamental trees, a service track loop off an access onto the highway, with a long established hedgerow along the majority of the highway boundary and the boundary with The Oaks. The site backs onto the old railway embankment.

1.3 Relevant planning constraints/considerations

- 1.3.1 None.

1.4 Relevant planning history

- 1.4.1 There is a considerable planning history relating to the application site, dating back to the development of a garden centre in the early 1980's, detailed in section 2.1 of the report.
- 1.4.2 The dwellings at Llwyn Afon and The Oaks were consented during Glyndwr District Council days, and built in connection with the garden centre. Following closure of the garden centre, permission was granted in 2001 to use the land as a touring caravan site, and in 2004 for use as an 8 van static caravan site. Permission was granted on appeal in 2010 for the 12 month occupation of the static caravans for holiday purposes.
- 1.4.3 Applications to develop the site for residential purposes were submitted in 1998, 2006 and 2007. All were refused permission on the 'in principle' grounds that the site was in open countryside, outside defined development boundaries, in an unsustainable location, there were no 'essential need' or planning policy justification. The 2008 refusal was the subject of an appeal, but this was dismissed by the Planning Inspectorate. Issues raised in that appeal which have some relevance to the current application are referred to elsewhere in the report.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application is reported to Committee at the request of the Local Member so that the policy around infill and affordable housing can be discussed.

1.6.2 Informal Officer advice has been given by the Development Management team in response to a pre-application enquiry in relation to a 4 dwelling development on the site in October 2017.

2. DETAILS OF PLANNING HISTORY:

Earlier applications in the sequence below relate to land previously developed in conjunction with a garden centre and a caravan site.

2.1 34/4129

Development of land by the erection of a bungalow and establishment of a garden centre and construction of vehicular access and septic tank (outline application)
REFUSED 19th February 1980 (Sporadic form of residential development, no essential need / special circumstances)

2.2 34/4244

Erection of garden centre
GRANTED 3rd June 1980

2.3 34/4631

Development of land as garden centre GRANTED 14th July 1980

2.4 34/4932

Development of land by the erection of a bungalow and garage, construction of vehicular accesses and septic tank (outline application)
GRANTED 7th April 1981

2.3 34/8237

Development of land by the erection of an agricultural worker's bungalow, construction of septic tank and alteration of existing vehicular access (outline application)
REFUSED 17th October 1986

2.4 34/9279

Development of land by the erection of a bungalow and alteration of existing vehicular access (outline application)
REFUSED 11th March 1988 (Sporadic residential development outside any recognisable settlement, no proven essential need for a dwelling)
Subsequent appeal DISMISSED

2.5 34/9460

Development of land by the erection of a bungalow and alteration of existing vehicular access
REFUSED 24th June 1988 (Sporadic form of residential development outside any recognisable settlement, no essential need for a dwelling).

2.6 23/894/98

Development of 0.2 hectares of land for residential purposes and installation of septic tanks (outline application).
REFUSED 17th December 1998 (No special circumstances to constitute a special need in Green Barrier and open countryside; sporadic development impacting on open character of area; precedent)

- 2.6 23/2000/1016
Use of land as touring caravan site including erection of amenity block and alterations to existing vehicular access
GRANTED 8th May 2001
- 2.7 23/2003/1238
Change of use of land from 12 touring caravan site to 12 van static caravan site
REFUSED 25th February 2004
- 2.8 23/2004/0749
Change of use of land from 12 van touring caravan site to 8 van static caravan site
GRANTED 1st September 2004
- 2.9 23/2006/1480
Development of 0.27ha of land for residential purposes (outline application)
REFUSED 11th April 2007 (Outside settlement limits, not within a group of dwellings as defined in planning policy, no essential need, unsustainable location, inadequate drainage detailing)
- 2.10 23/2007/1351
Development of 0.25 ha of land by the erection of 3no. dwellings and installation of private treatment plant (outline application)
REFUSED 14th March 2008 (Outside settlement limits, sporadic development, no essential need, not infilling, no affordable need case justified, unsustainable location)
Appeal DISMISSED
- 2.11 23/2009/1368
Variation of condition 4 of permission 23/2004/0749 to allow 12 month occupation of static caravans for holiday purposes
REFUSED 17th March 2010
Appeal ALLOWED

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 BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC9 – Local connections affordable housing within small groups or clusters

Policy BSC11 – Recreation and open space

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

* Residential Development SPG

• Affordable Housing SPG

• Planning Obligations SPG

• Recreational Public Open Space SPG

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

Circulars

3.4 Other material considerations

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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.

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

- 4.3.1 Principle
- 4.3.2 Visual amenity / landscape
- 4.3.3 Residential amenity
- 4.3.4 Ecology
- 4.3.5 Drainage (including flooding)
- 4.3.6 Highways (including access and parking)
- 4.3.7 Affordable Housing
- 4.3.8 Open Space
- 4.3.9 Previously developed land
- 4.3.10 Sustainability considerations

4.4 In relation to the main planning considerations:

4.4.1 Principle

The main Local Development Plan Policy relevant to the principle of residential development in the County 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, and it states developers will be expected to provide a range of house sizes, types and tenure. In relation to residential development outside settlements with defined development boundaries, there are 'exceptions' policies setting out circumstances where affordable housing may be acceptable. These relate to Local Connections Affordable Housing in hamlets (BSC6); Rural Exception sites (BSC8); and Local Connections Affordable Housing within small groups or clusters (BSC9). BSC 6 and 8 are not relevant to the circumstances at Llwyn Afon, as the collection of dwellings is not recognised as a hamlet in the Development Plan, and the site is not immediately adjoining a development boundary. The applicants are not suggesting these are applicable. The policy against which the applicant is suggesting the proposal should be assessed is BSC9. This is quoted in full below:

'In open countryside, local connections affordable housing development of one or two units will be permitted within small groups or clusters, provided that the proposal meets all the following criteria:

i) comprises infilling of a small gap between buildings within a continuously developed frontage; and
ii) does not result in ribbon development or the perpetuation of existing ribbon development; and
iii) is of comparable scale and size to, and is sited so as to respect adjacent properties and the locality; and
iv) satisfactory arrangements can be made to ensure that the dwelling(s) are retained in perpetuity as affordable dwelling for local need and this is contained in a Section 106 agreement. '

Section 4 of Planning Policy Wales deals with Planning for Sustainability and deals with development in rural areas. Paragraphs 4.7.7 and 4.7.8 are of particular relevance to proposals for new dwellings outside designated settlements:

'4.7.7 For most rural areas the opportunities for reducing car use and increasing the use of walking, cycling and public transport are more limited than in urban areas. **In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes** when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.
4.7.8 **Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.'

The Community Council have objected to the proposal on the basis of conflict with Planning Policy, pointing out that all three proposed dwellings at this location must be affordable homes.

The Strategic Housing and Planning Officer comments on the tests of policy BSC9 of the Development Plan and concludes the application cannot be supported - Policy BSC 9 allows for a maximum of 2 local connections affordable dwellings; 3 dwellings is in excess of this maximum; there is no policy provision for open market housing in this location ; the applicant has provided no evidence of local affordable housing need and it is not therefore possible to assess whether the proposal meets this policy requirement. It is concluded the proposal does not meet the relevant policy requirements in the adopted LDP and is not supported.

The basis of the proposals and the applicant's case is summarised in section 1.1.6. It clarifies that the application is for two market dwellings and one affordable home; that the revised draft LDP will be adopted in just over 2 years and the infill policy (BSC9), now restricted to affordable homes will be reviewed; the Council has accepted in pre-application advice that the site is acceptable as infill in accord with BSC9; it is previously developed / brownfield land and is sustainable, as accepted by a previous appeal inspector; dwellings would be more in keeping with the area than caravans; enquiries with local Registered Social Landlords in regard to interest in affordable homes generated negative interest; a S106 agreement would be entered into to secure the affordable home for local needs.

In relation to the Development Plan, the wording of BSC9, and the contents of Planning Policy Wales, Officers' comments in relation to the principle of the development are :

- The site is located in open countryside, being some 1.5km from the nearest part of the development boundaries of Denbigh and Llanrhaeadr village. It is not within any Hamlet area of search in the Local Development Plan.

- The premise of BSC9 emphasises the Development Plan and PPW approach to residential development in open countryside, which is that this should be strictly controlled and will only be acceptable as an 'exception' where it meets a local need for affordable housing. The submission does not argue a case for three affordable dwellings. As the proposal is for two open market dwellings and one affordable home, it is in fundamental conflict with the main requirement of the policy, as two of the dwellings are not intended as local connections affordable housing. There is no planning policy provision for open market dwellings in open countryside.
- BSC9 provides only for local connections affordable housing developments of one or two units within small groups or clusters. The proposal is in conflict with this element of the policy as it is for three dwellings, as noted, two of which would be open market units.
- There is no definition of 'small groups or clusters' or 'infilling of a small gap between buildings within a continuously developed frontage' (test i) of BSC9), either in the Development Plan, Supplementary Planning Guidance on Affordable Housing, or Planning Policy Wales. The Planning Inspector dealing with the 2008 appeal against refusal of planning permission for 3 dwellings on the site noted that the proposal had some of the characteristics of infill development, but having regard to the Unitary Plan and Supplementary Guidance which permitted infill opportunities only within cohesive groups of at least 6 dwellings, it was concluded the appeal site formed part of a 'dispersed, loose assembly of dwellings, which did not have the essential group cohesiveness required'. It remains a matter of opinion whether there is a continuously developed frontage here as there are only three dwellings spread over a road frontage of some 160m.
- In respect of test ii) of BSC9, it is not considered that the proposal would result in ribbon development or the perpetuation of ribbon development, as the site would not extend development out beyond the three existing dwellings along the spur road off the A525.
- In respect of test iii) of BSC9, the application is in outline form, so it is only possible to make basic comment on whether the development would be of a comparable scale and size, and would be sited so as to respect adjacent properties and the locality. The illustrative plans submitted suggest that the nature of development on the site would appear more cramped than is characteristic of existing development in the locality. The three existing dwellings along the old Ruthin Road are all bungalows set in relatively generous plots, and are well spaced out from one another. The approximate distances between the dwellings are 30 metres between Minafon and Llwyn Afon, and 70 metres between Llwyn Afon and The Oaks. The size of the footprints of the dwellings on the illustrative plan suggests these would be 2 storey units, and to fit the width of the site, would be approximately 7 metres apart.
- In respect of test iv) of BSC9, the applicant has confirmed willingness to enter into a S106 agreement with the Council to secure what the submission refers to as the affordable home for local needs. The proposal is however in conflict with test iv) as the two open market dwellings would not be subject to the arrangements necessary to retain them in perpetuity as affordable dwellings.

4.4.2 Visual amenity / landscape

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. These are basic development control considerations to be applied to applications, as highlighted in section 9.4 of the 2016 Development Management Manual.

There are no consultation responses raising issues in relation to the visual amenity and landscape impacts of the proposals.

It is clearly 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, layout, house types etc.. However, as set out in the previous section of the report in relation to test iii) of Policy BSC9, it seems likely the erection of 3 dwellings on the site will appear more cramped than surrounding development and this could impact on the visual impression of what is a loose / scattered pattern of development in this open countryside location. Additionally, the provision of three separate access points to serve the dwellings would inevitably involve the removal of sections of the well-established frontage hedgerow, further opening out views of the site from the east (A525).

4.4.3 Residential amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. 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, are considerations highlighted in section 9.4 of the 2016 Development Management Manual.

There are no consultation responses raising issues in relation to the residential amenity impacts of the proposals.

Whilst the application contains an illustrative layout indicating a possible format for a development, given the application seeks only outline planning permission with all matters reserved for later approval, there are no elevation details or floor plans to allow assessment of the impact on adjacent properties. It is not possible or appropriate therefore to consider such matters at this point. Full consideration would be given to the details of dwelling types, siting, and proximity to existing property at detailed plan stage, taking account of levels, distances between dwellings, etc..

4.4.4 Ecology

Policy VOE 5 of the Local Development Plan 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.

There are no objections from consultees in relation to ecological impacts. NRW have asked that conditions be attached if permission is granted, to mitigate impacts on bats.

Having regard to the above, it is not considered there are any adverse ecological impacts likely to arise from the proposed development. Conditions could be attached to a permission to oblige submission and approval of details of lighting and enhancement measures in relation to bats.

4.4.5 Drainage (including flooding)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. The drainage impacts of a development proposal are a material consideration.

Dwr Cymru Welsh Water raise no objections but request inclusion of conditions requiring details of the drainage proposals to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. NRW have drawn attention to the need to comply with legislation and guidance in relation to the means of disposal of foul water.

In respect of an outline application and the responses from the main consultees, it is not considered there are any drainage grounds to oppose the development. Conditions would need to be attached to any permission to oblige submission of full drainage details at reserved matters stage.

4.4.6 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. The Highway impacts of a development proposal are a material consideration. 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 Highway Officer has indicated there are no objections to the proposal.

It is not considered that there are any basic highway concerns over the proposals. Details of the proposed accesses to serve the dwellings would need to be submitted for consideration at reserved matters stage.

4.4.7 Affordable Housing

The application sets out arguments that the proposals are in compliance with Policy BSC9 of the Local Development Plan, which relates to Local Connections Affordable Housing within small groups or clusters. BSC9 is quoted in full in section 4.2.1 of the report. Fundamentally, the policy sets out the 'exceptional' circumstances which need to be met for residential development to be acceptable in open countryside locations, and as a premise restricts new residential development to affordable housing to meet local need.

The Strategic Planning and Housing Officer has assessed the proposals against the contents of policy BSC 9. This requires development in small groups or clusters to be for local connections affordable housing. As the application is for 3 dwellings, 2 being open market housing and 1 affordable, and the policy allows for a maximum of 2 local connections affordable dwellings, the conclusion is that the proposals are in clear conflict. There is no policy provision for open market housing in this location. There is no evidence provided of local affordable housing need. It is considered that the proposal does not meet the relevant policy requirements in the adopted LDP and is not supported.

On the basis of the above, and the conclusions set out in section 4.2.1 of the report Officers consider there is a fundamental conflict with current Development Plan policy, as the basic tests of BSC9 are not met.

4.4.8 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 consultation responses raising issues in relation to open space provision.

The open space requirements of the Development Plan policies can be secured by imposition of a planning condition requiring agreement to the mechanism for compliance.

4.2.9 Previously developed land

There are no Local Development Plan policies directly relevant to proposals involving previously developed land in open countryside locations. Policy BSC2 – Brownfield Development Priority seeks to direct development proposals within development boundaries of settlements and villages.

Planning Policy Wales Section 4.9 sets out a preference for the re-use of land and states:

'Previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.'

'Previously developed land' is defined in Figure 4.4 of PPW 9:

'Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land in built-up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- previously developed land the nature conservation value of which could outweigh the re-use of the site; and
- previously developed land subsequently put to an amenity use.'

The applicant's supporting statement refers to the site as previously developed land / brownfield as it was occupied by a permanent structure, i.e. a glasshouse, and notes that it was accepted as brownfield by the 2008 appeal Inspector on this basis. The appeal decision letter confirms the Inspector gave detailed consideration to the arguments over the status of the land and that having regard to the passage of time and the changes arising from the caravan site use, these did not remove the brownfield status of the land bestowed by the previous garden centre use. Nonetheless, the Inspector also noted that ' Planning Policy Wales recognises that not all brownfield land, perhaps because of its location, is suitable for development.'

In relation to the above, Officers' opinion is that the location of the application site does not necessarily render it unsuitable for development, but the open countryside location is the subject of planning policy constraints, and there are clear conflicts with the tests of the key Development Plan policy which should not be overridden by the previously developed land / brownfield arguments.

4.2.10 Sustainability considerations

The Local Development Plan's basic vision in relation to development within the County places an emphasis on this being through sustainable development through a range of

approaches, such as protecting the high quality of the environment, directing new development towards existing centres, ensuring high design standards, avoiding development in flood areas, and provision of adequate housing and employment opportunities.

Planning Policy Wales reinforces this general approach, Section 4 setting out principles for Planning for Sustainability, within which Section 4.7 focusses on Sustainable settlement strategy and the location of new development, and in paras 4.7.7 and 4.7.8 the approach to be adopted towards development in open countryside areas (quoted in section 4.2.1 of this report). These paragraphs suggest new development should be concentrated in settlements which have relatively good accessibility by non-car modes, the principle being to minimise the need to travel by modes other than the private car.

The Supporting Statement with the application notes that the 2008 appeal decision concluded that the sustainability of the site in principle was considered acceptable by virtue of its links via public transport together with cycle routes and public footpaths close by.

Factually, the 2008 appeal Inspector's concluding comment on the accessibility issue, having regard to the local circumstances, was 'Insofar as a non-settlement development is concerned, the sustainability credentials of the site are not good, but may be regarded as reasonable'. In his conclusion in relation to the site, he stated...'its sustainability credentials are not persuasive, but neither do they determine that otherwise acceptable development on the land should be refused'.

Officers' take on this issue is that there are questions over the accessibility of the site by modes other than the motor car, but in light of the appeal Inspector's assessment, the weight to be attached to the sustainability of the site is largely 'neutral' and should not be a factor which has significant bearing on any decision.

Other matters

Housing need / 5 year supply issues

Planning Policy Wales 9.2.3 sets a requirement on Local Planning Authorities to 'ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing'. Calculated against the methodology set in Technical Advice Note 1, Denbighshire's latest (2017) supply was 1.79 years, meaning it is not able to currently demonstrate a 5 year housing land supply. Members will be well aware, however, that the Council contends that the methodology it is required to use does not present a realistic view of the actual land supply situation in the County.

Paragraph 6.2 of TAN1 states that when housing land supply is below the five year requirement, "...the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies...". Whilst the development would provide three additional dwellings that would contribute to meeting housing need, the preceding sections of the report conclude that the proposals conflict in key respects with tests of Policy BSC9 of the Development Plan, and it is considered that the housing land supply situation should therefore only provide limited weight in favour of the proposal.

Review of Local Development Plan and Policy BSC9

The application documents refer to the forthcoming review of the Local Development Plan and to the possibility of policy BSC9 being changed as part of that review, including its restriction on new dwellings being affordable homes. It quotes the LDP Review Report produced in December 2017 which notes that Policy BSC9 has delivered very few houses and should be reviewed.

In respecting the applicant's comments on the possibility of changes to planning policies in any review of the Local Development Plan, it is incumbent on the Local Planning Authority to consider applications on the basis of the adopted Plan in place at the time of determining them. The review of the plan is still some way off, and it may be that no changes are made to policies, or that they may be revised in a totally different form, with no guarantee that sites such as the one at Llwyn Afon would be considered suitable for open market, or indeed, affordable housing.

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5 SUMMARY AND CONCLUSIONS:

- 5.1 The application proposes the erection of 2 open market dwellings and one affordable dwelling on land in the open countryside between Denbigh and Llanrhaeadr village.
- 5.2 Development Plan policies only make provision for new housing development outside settlements in exceptional circumstances, including for agricultural / forestry purposes, and where such development is for affordable dwellings for local need. This reflects the approach in Planning Policy Wales to new development in open countryside.
- 5.3 The main planning policy applicable to the proposal is BSC9 of the Development Plan. This allows local connections affordable housing development of one or two units within small groups or clusters, subject to four tests.
- 5.4 The applicant's arguments are set out in detail in the report. Officers conclusions are that the proposals are in clear conflict with key elements of Policy BSC9 as they involve the development of three dwellings, two of the three dwellings are proposed as open market units, and the dwellings are unlikely to be of a comparable scale and size to adjacent properties. The sustainability credentials of a development in this location, the arguments on housing supply and that the site constitutes 'previously developed land' are not considered compelling and worthy of affording significant weight to set against the fundamental policy conflicts.
- 5.5 Given the above, Officers recommendation is that permission should be refused, as the development is in clear conflict with current policy.

RECOMMENDATION: REFUSE- for the following reasons:-

The reason is :-

1. The application site is in an open countryside location outside any settlement identified in the Denbighshire Local Development Plan, where new housing development is only considered appropriate if it can be justified for an essential worker in connection with a rural enterprise, or in particular circumstances as an exception to policy where it is for local connections affordable housing and meets specific policy criteria in the Denbighshire Local Development Plan. In the opinion of the Local Planning Authority, the proposal is in clear conflict with the premise and key tests of Policy BSC9 of the Development Plan, in that it involves the development of more than one or two dwellings, two of the three dwellings are proposed as open market units, and the dwellings are unlikely to be of a comparable scale and size to adjacent properties, all conflicts which are not outweighed by other material considerations. In these circumstances, the erection of three dwellings would represent an unacceptable sporadic development in open countryside, contrary to basic planning policy and guidance.

NOTES TO APPLICANT:

None



OTHER ITEMS

ITEM No 8 Page 45	Code no. 23/2018/0268 Location : Llwyn Afon, Llanrhaeadr, Denbigh Proposal : Development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved)
<p>LOCAL MEMBER: Councillor Joseph Welch (c)</p> <p>OFFICER RECOMMENDATION IS TO REFUSE</p> <p>-----</p> <p>LATE REPRESENTATIONS</p> <p>Consultees: Highway Officer No objection subject to inclusion of conditions requiring approval of access details and provision of parking and turning spaces within the plots.</p> <p>County Ecologist Recommends inclusion of conditions to ensure no negative impacts on protected species or the nature conservation value of the site.</p>	

