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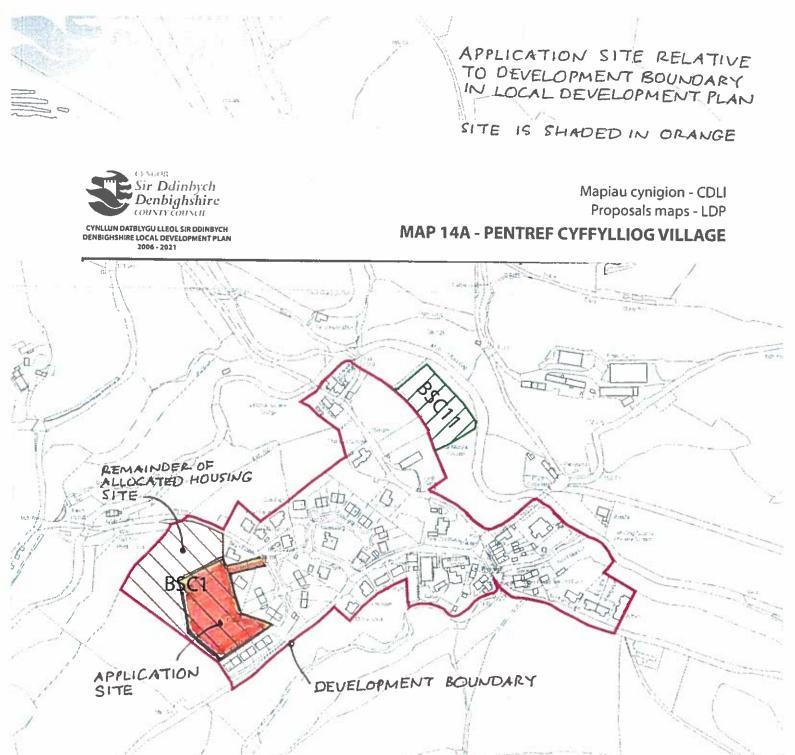
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ILLUSTRATIVE LAYOUT PLAN





Colomenty Samuel		
Lip tracing		Copinal variables
Brys Hadd		Plat 5
	Plot 3	
Plot 1	E to E	



Paul Griffin

WARD: Llanrhaeadr Yng Nghinmeirch

WARD MEMBER: Councillor Joseph Welch (c)

APPLICATION NO: 14/2019/0233/ PO

PROPOSAL: Development of 0.48ha of land for residential purposes (outline

application including access)

LOCATION: Land at Llys Heulog Cyffylliog Ruthin LL15 2DW

APPLICANT: Mrlolo Lloyd

CONSTRAINTS: None

PUBLICITY Site Notice - No
UNDERTAKEN: Press Notice - No
Nairbhour letters Y

Neighbour letters - Yes

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

• Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL:

"Cyffylliog Community Council objects to the above planning application and plans for the following reasons:-

- 1. The five dwellings are too large in size for the local area of Cyffylliog which are not affordable to the local community residents to purchase.
- 2. The residential development application should include affordable housing for local residents to purchase.
- 3. Cyffylliog Community Council would like to see affordable housing for local people to remain living within the community.
- 4. Has the applicant proven the need for such dwellings at the application site?
- 5. At the very least a Section 106 agreement should be in place for either a commuted sum or a play area etc. for the community use as this is only the first phase for the major development at the application field site."

NATURAL RESOURCES WALES:

No objections

DWR CYMRU / WELSH WATER:

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES – Highways Officer:

Has advised the Case Officer that the proposed access is acceptable in terms of visibility, but that the Highway Authority would be unlikely to adopt the estate road owing to the gradients involved.

Ecologist:

No objections

Drainage Engineer:

No objections; would like the requirement for SAB approval to be brought to the applicants attention.

RESPONSE TO PUBLICITY:

In objection

Representations received from: Francis Mooney, Fron Felin, Cyffylliog J. D. Jones, 2, Glan Corris, Cyffylliog

Summary of planning based representations in objection:

- Unacceptable impact on highway safety the access to the site is not considered to be safe enough to accommodate the development given its location on a sharp bend.
- The proposal does not include affordable housing, and the dwellings are too large for the area.
- There need for additional housing is not demonstrated.

EXPIRY DATE OF APPLICATION: 11/06/2019

EXTENSION OF TIME AGREED? 19 June 2017

REASONS FOR DELAY IN DECISION (where applicable):

- protracted negotiations resulting in amended plans
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 Summary of proposals
 - 1.1.1 Outline planning permission is sought for the development of 0.48ha of land for residential purposes. Details of access are submitted for consideration, and all other matters are reserved for approval at reserved matters stage.
 - 1.1.2 The illustrative layout plan shows how the site might be developed with 5 detached dwellings.
 - 1.1.3 The access would be formed from an existing field entrance that connects the site to the minor road to the north of the site. It would include a carriageway approximately 5.2metres wide and a 2 metre footway along the southern edge of the site.
 - 1.1.4 The upper and lower size limits of the dwellings have been provided. A range of sizes is proposed from 8.5 metres to 10 metres wide, 9.5 metres to 10.5 metres long and 8.5 metres to 9.5 metres high.
 - 1.1.5 It is proposed to dispose of foul sewage through a mains sewer connection, and surface water by way of a soakaway.
 - 1.1.6 The application is accompanied by a Tree Survey, a Protected Species survey, and a Planning Statement.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the south western edge of Cyffylliog. It is accessed via a gated field entrance that runs between the dwellings Bryn Hedd and Llys Heulog.
- 1.2.2 The site is currently used as pasture land for sheep. The site slopes down from south to north.
- 1.2.3 Existing dwellings surround the site on the southern and eastern boundaries, whilst to the west and north are open fields.
- 1.2.4 Site boundaries are mature hedges along the south western, south eastern and north eastern perimeters, whilst there is mature woodland to the north western side.

1.3 Relevant planning constraints/considerations

1.3.1 The site is allocated for housing on the proposals map in the local development plan.

1.4 Relevant planning history

1.4.1 A previous outline application was refused in 2018 on the grounds that it did not demonstrate that a safe access could be achieved.

1.5 Developments/changes since the original submission

1.5.1 Revised plans have been submitted to demonstrate that adequate visibility can be achieved at the point of entry onto the highway.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 14/2018/0728/PO - Development of 0.48ha of land for residential purposes (outline application including access) REFUSED 27/12/18

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD 1 Sustainable Development and Good Standard Design

Policy BSC 1 Growth Strategy for Denbighshire

Policy BSC 4 Affordable Housing

Policy BSC 11 Recreation and Open Space

Policy VOE 2 Area of Outstanding Natural Beauty

Policy VOE 5 Conservation of natural resources

Policy VOE 6 Water Management

Policy ASA 2 Provision of sustainable transport facilities

Policy ASA 3 Parking Standards

Supplementary Planning Guidance

SPG Open Space

SPG Planning Obligations

SPG Affordable Housing in New Developments

SPG Residential Development Design Guide

SPG Nature Conservation and Species Protection

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

TAN 1 Joint Housing Land Availability Studies (2006)

TAN 5 Nature Conservation and Planning (2009) TAN 12: Design (2016) TAN 18 Transport (2009)

Circulars

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Density of development and house type mix
 - 4.1.3 Visual amenity
 - 4.1.4 Residential amenity
 - 4.1.5 Ecology
 - 4.1.6 <u>Drainage</u>
 - 4.1.7 <u>Highways (including access and parking)</u>
 - 4.1.8 Affordable Housing
 - 4.1.9 Open Space

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

The site is located within the development boundary of Cyffylliog which is defined as a village in the LDP, and the site is part of a larger area of land allocated for housing. Collectively, villages are expected to contribute around 900 dwellings over the Local Development Plan period to meet local needs.

With reference to the Development Plan and housing need, it is to be noted that the latest Joint Housing Land Availability Statement (JHLAS) has concluded that Denbighshire has just 1.55 years supply of available housing land against a minimum

National requirement of five years. This shortfall is a significant material consideration in determining the application.

It should also be noted that the Denbighshire County Council Corporate Plan (2017-2022) commits the Council to supporting the development of 1000 homes in the county. This proposal would make a positive contribution to meeting that target.

With respect to the Community Council's comments and those of local residents, there is no requirement for an applicant to demonstrate a need for housing on a site within a development boundary.

Given this background, Officers would respectfully suggest the principle of the development is in accord with policy, and that the acceptability of the proposals therefore should rest on the specific impacts as detailed in the following sections of the report.

4.2.2 Density and mix of development

Local Development Plan Policy RD1 test ii) seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density. It is relevant to the consideration of this application that table in the Local Development Plan referring to allocated sites in villages suggests an indicative number of 5 dwellings for the whole of the Llys Heulog site, which is approximately 1 ha. in area, resulting in a density of 5 dwellings / hectare.

The indicative layout for the part of the site forming the subject of the application shows 5 dwellings could be accommodated on only 0.45ha of the allocated site, which would represent a density figure of 11 dwellings / hectare. If mirrored across the whole of the allocated site, this would provide some 11 dwellings, i.e. 6 more than the indicative figure in the Local Development Plan.

Given the location, and the presence of a Welsh water drain through the site which effectively sterilises a section of the land from development, it is considered that if 5 dwellings were to be built on this part of the allocated site, the proposed density of development would be acceptable. It is suggested that a planning condition be attached to any permission to secure this density.

With regard to the mix of dwelling types, it is to be noted that the application is made in outline form and that the design and style of dwellings is not for consideration. This has a bearing upon the number of bedrooms in each dwelling. However, the indicative plans show five 4 bedroom dwellings. It is Officers opinion that a different mix could be achieved on the site, and it is therefore suggested that a note to applicant be attached to any consent advising the applicants the Council's policy to provide a reasonable mix of dwelling types.

4.2.3 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.

There are no objections raised on visual amenity grounds.

With respect to the Community Council's comments over the size of the dwellings, the design and appearance of the dwellings and landscaping of the site would be assessed and controlled at reserved matters stage. It is therefore not considered that this is a matter for deliberation at outline application stage.

4.2.4 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.

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 be dealt with at reserved matters stage, when the full impact of development and proximity to existing property can be fully assessed. However, it should be noted that the indicative layout suggests that adequate separation distances (as advised in SPG Residential Development) can be achieved. At this stage, therefore, it is not considered there are any reasonable residential amenity grounds to resist the grant of outline consent.

4.2.5 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.

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.

4.2.6 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.

Natural Resources Wales and Dwr Cymru Welsh Water have not raised any objections to the proposal subject to the inclusion of suitable conditions being imposed if planning permission is granted. The Council Drainage engineer has not raised an objection, but would like the applicant to be made aware of the requirement for the consent of the SuDS Approval Body (SAB) in relation to surface water drainage, prior to the commencement of development.

It is proposed to connect to the mains foul sewer, whilst surface water would be dealt with by soakaways, as per the previously approved application. Infiltration tests have been submitted which demonstrate the ground conditions are suitable for soakaways.

Given the comments of the technical consultees, it is considered 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.

4.2.7 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.

The means of access to the site is included for approval as part of this outline application. The Highway Officer has not raised an objection to the proposal.

The proposed plans show how the access would be detailed. Additional land has been included to allow for improved visibility at the point of entry into the site.

On the basis of the plans submitted, it is considered that the proposal would not have an unacceptable impact upon the safe a free flow of traffic on the public highway.

4.2.8 Affordable Housing

Policy BSC3 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 BSC4.

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.

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

Planning Policy Wales (PPW 10) paragraph 4.2.25 states that a community's need for affordable housing is a material planning considerations which must be taken into account in formulating development plan policies and the determination of planning applications. Paragraph 4.2.29 states that where development plan policies make clear that an element of affordable housing is required on specific sites, this will be a material consideration.

The Community Council and local residents have questioned the amount of affordable housing provided in connection with the scheme. The Council's Strategic Planning and Housing section has advised there is an identified need for affordable housing in the area. The application specifies that the proposal will meet the Council's Affordable Housing policy.

In accordance with current planning policy, given that the amount of monies to be paid as a commuted sum for affordable housing is unknown until the final number and design of the houses is known, 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.

4.2.9 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 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1-30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

An Open Space Assessment and Audit Report has been completed by the Council and provides the evidence base for Policy BSC 11. The report assesses the quantity, quality and accessibility of existing open spaces in the County on a community area basis with some additional information on an electoral ward basis. The assessment shows a deficiency in the area of Llangynhafal and Gellifor.

The number of dwellings is unknown in this outline application, and therefore if permission was granted, a suitable condition would need to be imposed requiring agreement to the open space arrangements/provision at the relevant stage. Again, having regard to the fact that the developer is losing a development plot to allow a car park to be provided for the school, the matter of contributions will have to be considered flexibly having regard to loss in land value, and discussions will be required with the developer in this respect.

Other matters

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 report sets out the main planning issues which appear relevant to the consideration of the application and concludes that the proposal is acceptable having regard to relevant policies and guidance.

- 5.2 Members are respectfully reminded that the application is for outline permission on a site allocated for housing in the adopted Local Development Plan. Based on the responses to consultation, and in respecting the representations made, Officers do not consider there are reasonable grounds to resist the grant of permission.
- 5.3 It is therefore recommended that outline planning permission be granted subject to conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. Approval of the details of the appearance, landscaping, layout, and scale (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 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) Example 4 bed property elevations (Drawing No. A006 Rev. P03) received 12 March 2019
 - (ii) Example 4 bed property plans (Drawing No. A005 Rev. P04) received 21 June 2019
 - (iii) Site sections and elevation (Drawing No. A008 Rev. P03) received 21 June 2019
 - (iv) Proposed site plan (Drawing No. A004 Rev. P16) received 21 June 2019
 - (v) Existing site plan (Drawing No. A003 Rev. P07) received 21 June 2019
 - (vi) Proposed site levels (Drawing No. A007 Rev. P02) received 5 June 2019
 - (vii) Location plan (Drawing No. A002 Rev. P04) received 21 June 2019
 - (viii) Existing and proposed site access levels (Drawing No. A007 Rev. P01) received 21 June 2019
 - (vix) Site topographic survey received 21 June 2019
- 5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the first dwelling. Any trees or plants which within a period of 5 years from the completion 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.
- 6. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the local planning authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced in the next planting season with trees or hedgerow plants of size and species which shall first be agreed in writing with the local planning authority.
- 7. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected at least 1 metre outside the outermost limits of the branch spread. No construction materials or other items shall be placed or burned within such fenced areas; nor shall the existing ground levels be altered or any trenches or pipe runs formed within such areas without the prior written consent of the local planning authority.
- 8. Foul water and surface water discharges shall drain separately from the site and no surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.
- 9. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed phasing, layout, design, means of traffic calming, street lighting, signing drainage and construction of the access/accesses to the site, footway links and associated highway works. The scheme shall proceed in accordance with such approved details.

- 10. Facilities shall be provided and retained with each plot for the parking of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and shall be completed before each dwelling is occupied.
- 11. No works in connection with the development hereby approved shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
 - a) the arrangements for the parking of vehicles of site operatives and visitors;
 - b) the location of any construction compound and measures to reinstate the land following completion of the works
 - c) the hours of site works and deliveries
 - d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary
 - e) the location of areas designated for the loading, unloading, and storage of plant and materials:
 - f) the proposals for security fencing or hoardings around the site
 - g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses
- 12. 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.
- 13. 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.
- 14. The proposed site plan ref: Drawing No. A004 Rev. P16, has been treated for illustrative purposes only, and does not form part of this permission.
- 15. Prior to the commencement of development details of the range of house sizes and types shall be submitted for approval to the Local Planning Authority. Any subsequently approved details shall be implemented in full.
- 16. The housing site shall be developed at no less than 11 dwellings per hectare and no more than 15 dwellings per hectare.

The reasons for the conditions are:-

- 1. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 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 92 of the Town and Country Planning Act 1990.
- 4. For the avoidance of doubt and to ensure a satisfactory standard of development.
- 5. In the interest of visual amenity.
- 6. In the interest of visual amenity.
- 7. In the interest of visual amenity.
- 8. To prevent the integrity of the public sewerage system and to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
- 10. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.
- 11. In the interest of safety and the free flow of traffic on the adjoining highway.
- 12. To ensure the development is in compliance with the Council's adopted affordable housing policies and guidance.
- To ensure the development is in compliance with the Council's adopted affordable open space policies and guidance.
- 14. For the avoidance of doubt and to ensure the Local Planning Authority retains control of the development in the interest of developing the site making the most efficient use of land.
- 15. In the interest of ensuring the development is accordance with the current local housing needs assessment.
- 16. In the interest of ensuring the site is developed in an efficient manner.