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22/2020/0544

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Existing trees shown dotted to be removed.



Proposed Site Layout Plan

For Illustrative Purposes Only - Except for access arrangement details.

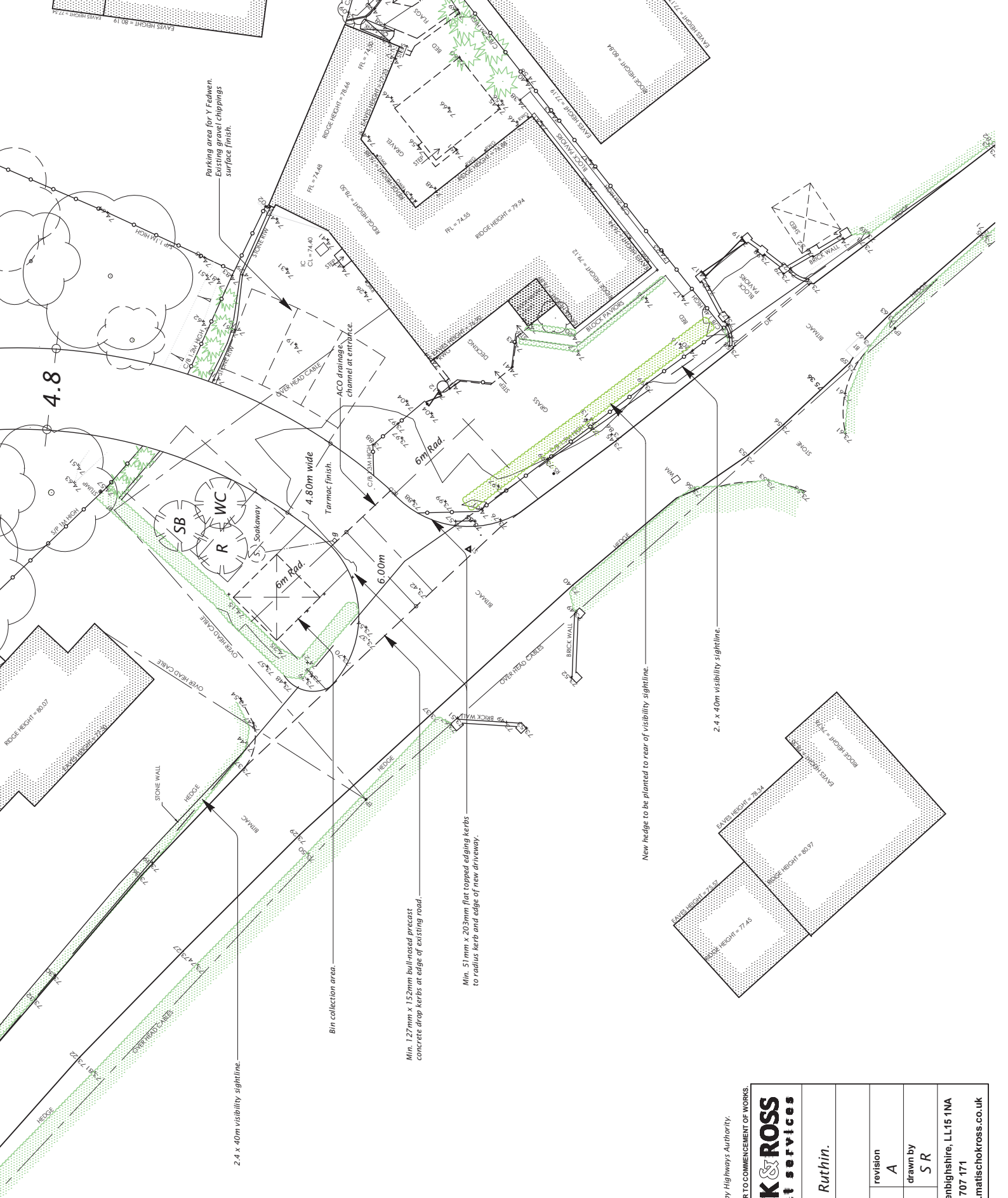
Revision A: 17/09/20 - Minor amendments as requested by Highways Authority.

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project title Land at Briar Lea, Gellifor, Ruthin.		
drawing title Proposed Site Layout Plan.		
project no. 0867	drawing no. 2	revision A
date 16/04/2020	scale 1:500 @ A3	drawn by SR
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Proposed New Dwellings		
	Lower Limit	Upper Limit
House Type A - Dimensions		
Width -	9.50m	10.50m
Depth -	9.00m	10.00m
Height to Eaves -	4.50m	5.00m
Height to Ridge -	7.50m	8.50m
House Type B - Dimensions		
Width -	10.00m	11.00m
Depth -	9.50m	10.50m
Height to Eaves -	4.50m	5.00m
Height to Ridge -	7.50m	8.50m



Revision A - 17/09/20 - Minor amendments as requested by Highways Authority.
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project title Land at Briar Lea, Gellifor, Ruthin.			
drawing title Site Entrance Detail.			
project no. 0867	drawing no. 3	revision A	drawn by S R
date 04/06/2020	scale 1:200 @ A3	drawn by S R	
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Existing access to Y Fedwen



Location of proposed access to site



Within site facing north towards Briar Lea

Site facing south from Briar Lea garden





Rear boundary of site facing north towards Briar Lea

Rear boundary of site facing south



WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw Williams

APPLICATION NO: 22/2020/0544/ PO

PROPOSAL: Development of 0.21ha of land by the erection of 4 dwellings (outline application including access)

LOCATION: Land at Briar Lea Gellifor Ruthin LL15 1SF

APPLICANT: Mr Richard Ashby

CONSTRAINTS: Tree Preservation Order

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

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

LLANGYNHAFAL COMMUNITY COUNCIL-

"The above application was discussed at a recent meeting of the Community Council when members agreed that the following comments/concerns be submitted for consideration:-

1. There are concerns regarding the access arrangements for the site. It is proposed to build 4 new properties but, with the existing property at Y Fedwen, there will be 5 properties accessing the highway via a narrow entrance, the access road shown on the plan being only 4.5 m wide. Therefore, the arrangements outlined are not considered adequate for a development of this size. In particular they do not appear to make provision for two way traffic to and from the site and there is no pavement provision for pedestrians. Also large service/emergency vehicles will find the arrangements difficult.
2. This is considered to be a large development for a small garden/paddock area and the plans do not adequately show the effect the proposals will have on the adjacent properties which surround the site.
3. The adjacent property at Ty Brith has a lower ground level than the applicant site and there is concern regarding possible flooding problems at Ty Brith should the site be developed.
4. The site is one of the last green space areas situated in the centre of the village providing a natural space for wildlife. The loss of such a provision is another cause for concern."

NATURAL RESOURCES WALES-

No objection but trees will need to be surveyed for potential roost features (PRF) and such information will need to be submitted in support of any subsequent reserved matters or full application along with any possible external lighting scheme.

WALES AND WEST UTILITIES-

No apparatus in the area of enquiry however other company gas pipes might be in the area.

SCOTTISH POWER-
No comments received.

DWR CYMRU / WELSH WATER-

The developer proposed to dispose of foul flows via the public sewerage system and discharge surface water run off into a sustainable drainage system but no details have been provided. SAB approval will be required for the development and a foul water drainage scheme submitted for approval.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
No objection.
- County Ecologist
Additional information is required before this application can be considered further. Further surveys for reptiles on the site is required. The landscaping scheme shows just 3 replacement trees but involves the removal of 19 trees. At this point, the development does not demonstrate how it will mitigate/compensate for its ecological impact or result in ecological enhancement as required by PPW10.
- Drainage Officer-
SAB Approval will be required as the development is for more than 1 dwelling.
- Strategic Housing & Policy Officer:
 - o Justification of the lower density as site area of 0.2ha could require 7 units
 - o Higher regard for enhancing low carbon design and renewable energy required.
 - o Enhancement for biodiversity required.
 - o No affordable housing demand in Gellifor but wider community of Llanbedr Dyffryn Clwyd/ Llangynhafal does illustrate a need. The need is for smaller one and two bed housing through the register.

The LHMA July 2019 recommends a housing mix of:

Recommended Housing Mix – Market Housing			
1 + 2 bed	3 bed	4 bed+	Total
30%	35%	35%	100%

- o The proposal should include a 2 and 3 bed dwelling and contribute 10% to affordable housing.
- o Open space contribution requirement would be £4948.86. No requirement for education contribution.
- Tree Specialist
No objection but recommend Cedar T38 be retained and the detached garage repositioned to accommodate the Cedar. At the reserved matters stage, the layout of the dwellings should not be closer to the Corsican pines and Copper Beech than shown on the Tree Protection Plan to ensure roots are safeguarded. An Arboricultural Method Statement relevant to the proposed layout should be submitted at the detailed stage to demonstrate how the retained trees will be safeguarded. A scheme of landscaping should also be provided to demonstrate the replacement tree planting.

RE-CONSULTATION RESPONSES:

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- County Ecologist-
Following discussions, agreed a compromise which would involve the submission of details of appropriate reptile avoidance, mitigation and compensation measures prior to the

commencement of development. This must include a full survey of the suitable habitat on site using artificial refugia, at an appropriate time of year to confirm presence/likely absence. This would be required to ensure that the development remains legal (avoids killing and injury) in respect of common reptiles.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Roger Mason Jones, 4 Bodawen, Gellifor Wendy Hooson, Clydfan, Gellifor

G. R. Edwards, Rhianfa, Gellifor

B. Hewett, Y Berllan, Gellifor

Mr Bernard & Mrs Jane Butler, Ty Brith, Gellifor

Summary of planning based representations in objection:

Highways

The access is insufficient for 4 properties and is too close (200m) from a dangerous road junction which is single track.

Safety of the road with increased vehicular movements into and out of the site

No footpaths on the road which would pose a danger given the increase in traffic brought about by an additional 4 dwellings.

No footpath provided to the school.

The visibility splays are inadequate and are impeded by high hedges on the adjoining property.

Parking might be an issue as difficult to see how plans will accommodate the 10+ vehicles.

Intrusive design and lacks consideration for adjacent dwellings.

Visual amenity

Overdevelopment of the plot

Out of character with the village setting as creates a cul de sac without proper road and infrastructure necessary to support it.

Residential amenity

Noise concerns from the site.

Light pollution from access and cars directly into living room.

Overlooking and loss of privacy concerns due to height of new dwellings and proximity to boundary

Overshadowing concerns due to height of new dwellings and proximity to boundary

Bin collection area located close to adjacent property which could be unsightly and have a potential health risk.

Ecology

Removal of number of mature trees along the border is of concern from an environmental perspective including for tawny owls and in terms of protection from the elements and privacy.

Loss of habitat for wildlife.

Further studies required.

Drainage

Drainage and flooding concerns as proposed on elevated land and loss of green field with increase in amount of hardstanding which could increase volumes of surface water. Already issues with flooding on main thoroughfare which does not have any constructed drains.

In Support

Representations received from:

Henry Hughes, Llys Celyn, Gellifor

Summary of planning based representations in support:

Visual amenity

External materials should be in keeping with nearby dwellings, red brick and slate roofs, garden walls to be limestone.

Highways

Road access is narrow and is a busy bus route with limited visibility on exit. Concerns that access not suitable for emergency and other vehicles.

Ecology

A rare redwood tree is described in the report and should be replanted.

EXPIRY DATE OF APPLICATION: 30/09/2020

EXTENSION OF TIME AGREED? 13/11/2020

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- 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 0.2 ha of land by the erection of 4 dwellings on land adjacent to Briar Lea, Gellifor including access details.
- 1.1.2 All 'reserved matters' (scale, layout, landscaping, and appearance) would be the subject of a detailed submission if outline permission is granted.
- 1.1.3 The submitted plans identify the site and show illustrative ideas for the location of the four dwellings, and indicate that these would be served by an existing vehicular access off the road to the south which currently serves the dwelling 'Y Fedwen'.
- 1.1.4 A new hedge is proposed to be planted to the south east of the entrance fronting Y Fedwen to allow for visibility splays.



Proposed site layout plan (illustrative)

- 1.1.5 Two dwellings of each of the two different house types are proposed.
- 1.1.6 House type A would have a upper limit of 8.5m in height to ridge, a width upper limit of 10.5m and depth upper limit of 10m.
- 1.1.7 House type B would have a ridge height upper limit if 8.5m and width upper limit of 11m and depth 11.5m.
- 1.1.8 A 4.8m wide vehicular access is proposed into the site with each dwelling having a driveway and each having a separate detached single garage (no dimensions provided).
- 1.1.9 A number of trees (approximately 19) are proposed to be removed and some new planting is proposed near the entrance to the rear of the proposed bin collection area.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Planning Statement, Ecological Appraisal, Tree Condition Survey including Arboriculture Method Statement and Drainage Statement.

1.3 Description of site and surroundings

- 1.3.1 The site is an existing garden area/paddock situated within the centre of a residential area of the Gellifor village and is approximately 0.2ha in size.
- 1.3.2 The main site area slopes gently up from the road to the rear boundary in a south to north direction. The site is closed on the southern, western and eastern boundaries with existing fences, hedgerows and tree planting, the north boundary is open to the main dwelling on the site which is separated by a level lawn area with mature trees adjacent to the north of the drive. The land is currently unmanaged and contains log piles, animal housing structures and a small orchard.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is within the development boundary of Gellifor as defined in the LDP.
- 1.4.2 There are 3 Corsican Pine trees protected with a TPO adjacent to the application site.

1.5 Relevant planning history

- 1.5.1 Previous permissions granted for residential development at the site.

1.6 Developments/changes since the original submission

- 1.6.1 Alterations to proposed access and widening of internal road.

1.7 Other relevant background information

- 1.7.1 None.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 33/12757 Erection of 6 dwellings and new access and alter existing access, GRANTED
03/07/1993
- 2.2 33/13782 Erection of 5 dwellings formation of new and altered access, REFUSED
02/03/1994
Reasons for refusal:

1. It is the view of the District Planning Authority that the proposed size, scale, massing and design of the development would have an unacceptable visual impact on the character and setting of the site and its surroundings, this being contrary to the aims of Local Plan Policies A1 and H15.
2. The development of two houses within the orchard of Briar Lea would, given the difference in land levels, lead to an unacceptable reduction in the levels of privacy and amenity for occupiers of existing adjacent dwellings.
3. The applicant does not control the adjacent land to provide or safeguard the southerly visibility sight line of the proposed access serving "Briar Lea" and Plots 4 and 5, thus resulting in inadequate visibility of and from emerging vehicles with consequent risk of additional danger to all users of the road.

2.3 33/14160 Erection of 3 houses and 3 dormer bungalows and new access, GRANTED 01/07/1994

2.4 33/15054 Erection of 3 no houses and 3 no dormer bungalows. GRANTED 05/02/1996

2.5 22/2014/0841 Crown reduction of 1 no Copper Beech Tree, GRANTED 05/09/2014

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th 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 BSC11 – Recreation and open space

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes

TAN 1 Joint Housing Land Availability Studies (2015)

TAN 2 Planning and Affordable Housing (2006)

TAN 5 Nature Conservation and Planning (2009)

TAN 10 Tree Preservation Orders (1997)
TAN 12 Design (2016)
TAN 16 Sport, Recreation and Open Space (2009)
TAN 18 Transport (2007)

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 and housing mix
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Highways (including access and parking)
- 4.1.7 Drainage
- 4.1.8 Affordable Housing
- 4.1.9 Open Space

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.

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

The application site is located within the development boundary of Gellifor and therefore the principle of development is considered to be acceptable subject to an assessment of the local impacts which are detailed in the following sections of the report.

4.2.2 Density and housing mix

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.

The Strategic Housing and Policy Officer, advises that policy RD1 requires a density of 7 units.

The proposal is for 4 dwellings on approximately 0.21 hectares of land, which equates to a density of 19 dwellings per hectare. Given the sites shape, topography, relationship to existing development and the character of the area, Officers consider this density to be acceptable.

In terms of house type mix, Policy BSC1 required developers to provide a range of house types and sizes. The recommended housing market mix for Denbighshire (as contained in the LHMA July 2019 indicates that the mix should be:

Recommended Housing Mix – Market Housing			
1 + 2 bed	3 bed	4 bed+	Total
30%	35%	35%	100%
Proposed Housing Mix			
0%	0%	100%	100%

However, the application is made in outline and so the final scale, size and dwelling types is not yet known. A condition is proposed to ensure the LPA retains control of this matter at the reserved matters stage.

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 individual representations raising concerns over visual amenity impacts, on the basis that a proposal would be out of keeping with the character of the area and would result in an overdevelopment of the plot.

In noting the basis of objection, the proposal is for outline planning permission only, with all matters apart from the access, reserved for future approval. Illustrative plans have been submitted in support of the application showing 4 detached, two storey dwellings. Whilst the size of the footprint is to be considered at reserved matters stage, the upper and lower limits of the proposed dwellings are: House type A would have a upper limit of 8.5m in height to ridge, a width upper limit of 10.5m and depth upper limit of 10m and House type B would have a ridge height upper limit if 8.5m and width upper limit of 11m and depth 11.5m. The footprint of the dwellings including the garage is in the region of 142sqm.

In respecting the objections, in the absence of fully detailed plans for consideration a full assessment cannot be made on the visual impact of the development. The specifics in terms of design and appearance of the dwellings are reserved for a later date. Nonetheless, on the basis of the illustrative layout and site plan, it is considered

that 4 dwellings could be accommodated on the site without significant harm to visual amenity. The dwellings would fill a gap in an otherwise vacant plot which is surrounded by other residential properties. The indicative plans show the proposal would form a suitable infilling development in terms of layout and is considered to reflect the character of development in the area which is typically larger detached dwellings with large curtilage areas.

The proposal involves the removal of existing trees to facilitate the development, including a number of smaller fruit trees, 4 cypress trees, 2 cedars, a silver birch, rowan and a redwood and plans illustrate that additional planting will be proposed including hedgerow planting to the front south west boundary to facilitate the new access. It is acknowledged that tree removal can impact the visual amenity of an area. However, it is considered by the Council's Tree Specialist that the majority of trees selected for removal would not result in an unacceptable impact on the visual amenity of the area and Officers consider the additional planting would help to integrate the development into the site. Further details of landscaping will be provided with any reserved matters application and will be assessed in more detail at that stage when details of the layout, scale and design of the dwellings is provided.

In respect of the above, it is considered that the proposal to develop the site by way of 4 dwellings is unlikely to have a detrimental impact upon the visual amenity of the area and it is not considered the proposal is in conflict with general development control requirements as specified in policy RD 1.

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.

Concerns have been raised by the Town Council and neighbours over the potential residential amenity impacts of the development, suggesting the dwellings would result in unacceptable noise and light pollution impacts and potential overlooking and overshadowing concerns due to the height and proximity of the dwellings to the boundary.

Whilst an indicative plan has been submitted in support of the application showing a possible siting for 4 two storey dwellings, it has to be recognised that proposal is for outline planning permission only, with all matters reserved for future approval, hence matters of overlooking and overshadowing can only be properly assessed at reserved matters stage.

The site area of the dwellings is 0.2 hectares. The illustrative plans show the dwellings would have a garden depth of approximately 9 metres with space to the front and sides of the houses.

In officer's opinion it is considered that the dwellings could be accommodated on this site without resulting in an unacceptable overlooking or overshadowing impacts. Given the size of the site it is considered that the proposal to develop for 4 dwellings is unlikely to have a detrimental impact upon the residential amenity of the occupiers of adjacent properties and it is concluded the proposal complies with general development control requirements in policy RD 1.

4.2.5 Ecology

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.

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 6.4), 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. Planning Policy Wales also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

There are general concerns expressed over the potential impact on local wildlife as a result of the development through loss of habitat and concerns over the removal of a number of trees which support wildlife.

A Preliminary Ecological Appraisal has been submitted with the application which states that there are records of Priority Species mammals within 1km radius of the site and that the amenity grass with scattered trees could provide some potential for reptiles and amphibians as well as foraging badgers, bats and birds. Overall the site has relatively high ecological value for several species and mitigation will be required to compensate for any lost habitat.

The County Ecologist has reviewed the report and raised some initial concerns regarding the lack of information to demonstrate how the proposal would mitigate or compensate for its ecological impact and requested that additional surveys for reptiles should be conducted at the site. Due to the timing for reptile surveys being out of season, Officers discussed the situation and concluded that additional information should be provided involving the submission of details of appropriate reptile avoidance, mitigation and compensation measures prior to the commencement of development. It is considered reasonable to attach such a condition to any decision issued, as the surveys would still be undertaken at an appropriate time of year to confirm presence/likely absence which would ensure that reptiles would be protected during the development.

NRW have no objection to the proposals but advise that the trees will need to be surveyed for Potential Roost Features and such information will need to be submitted in support of any subsequent reserved matters or full application along with any possible external lighting scheme.

Having regard to the comments received in objection on ecology grounds and the advice provided by the County Ecologist, Officers consider that the proposals are unlikely to have a detrimental impact on the conservation value of the site and protected species, provided that additional information is submitted on the avoidance,

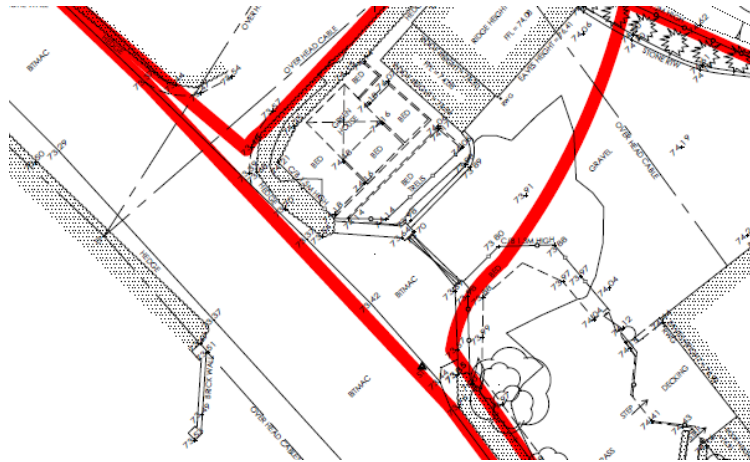
mitigation and compensation measures in relation to reptiles. A full landscaping scheme is provided which has regard to the ecological enhancements required at the site in line with advice contained in PPW10. It is also considered reasonable to ensure that biodiversity enhancement measures such as bat and bird boxes are integrated into the proposed development which will contribute to the loss of habitat and that conditions could be attached to a permission to oblige submission and approval of details of lighting in relation to bats.

4.2.6 Highways (including access and parking)

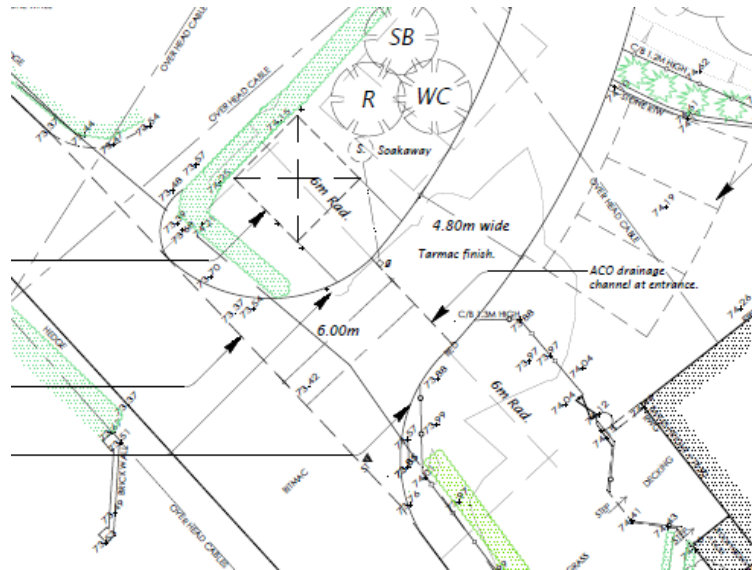
Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking 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.

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 proposed access would utilise the existing access into Y Fedwen and would create a 4.8m wide road through this property to access the site to the rear. The front boundary hedge serving Y Fedwen is proposed to be moved back to accommodate visibility splays. Parking is to be retained to the front of Y Fedwen for 3 vehicles.



Existing access into Y Fedwen



Proposed access to site

Objections have been raised by the Community Council and local residents in relation to highway safety in terms of the formation of the new access and potential increased traffic in the village. Concerns also highlight the lack of pavement and footpath connection to the school.



Existing access to Y Fedwen to be retained as part of proposal.

The Highways Officer has raised no objections to the proposal and considers the local highway network to be sufficiently adequate as to accommodate this development. The Highways Officer has recommended a condition is attached to any decision to ensure that parking and turning is provided within the site prior to the occupation of the dwellings.

With respect the comments received in objection on highways safety grounds, Officers do not consider the additional vehicles using the road as a result of the development would result in a detrimental impact to highways safety. The visibility splays provided meet the TAN18 regulations and are not considered to raise any unacceptable safety concerns. The Highways Officer is satisfied that the proposal would not have an unacceptable impact on the highways network and with appropriate controls over the detailed design for the internal layout which can be included through planning condition, would not result in any strong highways grounds to recommend refusal.

4.2.7 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 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, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (PPW 10) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Foul water is proposed to be disposed of by connection to mains sewers and surface water is proposed to discharge to soakaway, however no details of the proposed soakaways have been provided at this stage.

Dwr Cymru have advised that details should be submitted for approval for the disposal of foul flows into the public sewerage system and discharge surface water run off into sustainable drainage system. Dwr Cymru and the Council's Drainage Officer also note that SAB approval will be required for the development.

In the absence of information relating to the proposed soakaways for surface water drainage and any foul water drainage scheme proposed shown on a plan, Officers also consider it would be necessary to impose conditions requiring details of foul and surface water drainage to be submitted to and approved in writing prior to the commencement of the development.

Subject to the imposition of necessary planning conditions, Officers would conclude the proposal would not adversely impact on interests listed above.

4.2.8 Affordable Housing

Policy BSC 1 of the Local Development Plan states that developers will be expected to provide a range of house sizes, types and tenures to reflect local need and demand.

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.

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 application is for 4 market dwellings. SPG Affordable housing advises that for proposals of between 3 and 9 dwellings, a commuted sum is required in lieu of on-site provision. The amount is calculated based on the average floor area of the proposed dwellings.

As the proposal is submitted in outline form, the final sizes of the dwellings is not known. Therefore the 'affordable housing' commuted sum cannot be calculated at this time. It is 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

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

The proposal is for two dwellings, and in line with SPG Open Space, open space provision should be contributed to by way of a commuted sum payment. The current calculation for 4 dwellings is £4,948.86.

Welsh Government Circular 016/2014 the use of planning conditions in development management, states that commitments on behalf of the developer involving transfers of land or payments to be made to the local planning authority are more appropriately required through a planning obligation and should not be required in a condition. This is expanded on in Welsh Office Circular 13/97.

On this basis the applicant is prepared to enter into a legal agreement with the Local Authority to pay a commuted sum of £4,948.86 at a reasonable trigger point in the development process. It is suggested that this money be paid prior to the occupation of the first dwelling.

It is Officer's' opinion therefore that subjection to a legal agreement being entered into, the proposal is acceptable in terms of the provision of open space.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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.

Climate Change

Members are reminded that the Council declared a climate change and ecological emergency which included a commitment to make the authority net carbon zero by 2030, enhance biodiversity across the county and call on the Welsh and UK governments to provide assistance and resources to enable the Council to reduce greenhouse gas emissions. Having regard to recent case law, Members are advised that the local declaration now forming part of the Council's decision making is a material planning consideration, and has been taken into account in assessing this

application.

5. SUMMARY AND CONCLUSIONS:

5.2 The proposal is considered to comply with adopted planning policy, and is in support of general development strategies of the Local Development Plan subject to appropriately worded conditions.

5.3 It is therefore recommended that planning permission be granted subject to the following conditions and the completion of a section 106 agreement with the Local Authority to pay £4948.86 to provide additional public open space in the community. The sum should be paid prior to the occupation of the first dwelling. The planning permission would only be released on completion of the Section 106 Agreement.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the appearance of the building(s), landscaping, scale, layout and appearance (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) Site Survey Plan (Drawing No. 0867-01) - Received 15 July 2020
 - (ii) Proposed Site Plan (Drawing No. 0867-02 Rev A) - Received 17 September 2020
 - (iii) Proposed Entrance Details (Drawing No. 0867-03 Rev A) - Received 17 September 2020
 - (iv) (Drawing No. 0867-LP) - Received 15 July 2020
 - (v) Planing Statement (Drawing No. 0867-PS) - Received 15 July 2020
 - (vi) Drainage Assessment (Drawing No. 0867-DA) - Received 15 July 2020
 - (vii) Tree Condition Survey (Drawing No. 062020/TCS/RA) - Received 15 July 2020
 - (viii) Preliminary Ecological Report (Drawing No. 062020/PEA/RA) - Received 15 July 2020
 - (ix) Potential Roost Feature Survey Report - Recieved 8 October 2020
5. Notwithstanding the submitted documents the proposed site layout plan drawing no.0876-02 Rev A has been treated for illustrative purposes only and does convey the Local Planning Authority's approval to the landscaping, scale, dwelling types, layout, and appearance of the development.
6. **PRE-COMMENCEMENT CONDITION**
No development shall be permitted to commence until the written approval of the Local Planning Authority has be obtained to house sizes and types. Any subsequently approved details shall be implemented in full.
7. **PRE-COMMENCEMENT CONDITION**
No development shall be permitted to commence until the written approval of the Local Planning Authority has be obtained to details in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
8. **PRECOMMENCEMENT CONDITION**
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. None of the trees identified for retention in the document titled Tree Condition Survey dated 11 December 2019 (received 15 July 2020) shall be felled, lopped or topped.
10. All tree protection measures outlined in Section 2: Arboricultural Method Statement of the approved document titled Tree Condition Survey dated 19 December 2019 (received 15 July 2020) shall be implemented prior to development and any site clearance work commencing. Where development works are carried out within the identified root protection areas of the existing trees, the construction/tree protection details shall include permeable and no-dig construction. The tree protection measures shall thereafter be retained during the course of the development in accordance with the approved Arboricultural Method Statement.
11. 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 occupation of the dwelling 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.
12. 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 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
13. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 0.6 metres above the level of the adjoining carriageway.
14. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and shall be completed prior to the proposed development being brought into use.
15. **PRECOMMENCEMENT CONDITION**
No development shall be permitted to commence until a Reasonable Avoidance Measures (RAMs) Document detailing reptile avoidance, mitigation and compensation measures, has been submitted and approved in writing by the Local Planning Authority. This report shall include a full survey of the suitable habitat on site using artificial refugia, at an appropriate time of year to confirm presence/likely absence. The approved measures shall be implemented in full.
16. **PRECOMMENCEMENT CONDITION**
No works shall commence on the removal of trees or site clearance until an appropriate survey report detailing Potential Roost Features of any trees to be felled has been submitted to and approved in writing by the Local Planning Authority.
17. **PRECOMMENCEMENT CONDITION**
No development shall be permitted to commence until the details of the provision for roosting bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans, having particular regard to the external lighting scheme which shall be suitably designed to avoid negative impacts on bats. The development shall proceed in strict accordance with the approved plan and details.

18. The dwellings shall not be occupied until an external lighting/internal light spillage scheme, designed to avoid negative impacts on bats and the night sky, has been submitted to and approved in writing by the Local Planning Authority. This should follow the guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK (2018) Bat conservation Trust & The Institute for Lighting Professionals. A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component. Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. The approved measures shall be implemented in full.
19. **PRECOMMENCEMENT CONDITION**
No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a foul and surface water drainage scheme. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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. For the avoidance of doubt and to ensure a satisfactory standard of development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. In the interest of compliance with adopted affordable housing policies.
9. To preserve the existing trees on the site, in the interests of visual amenity and in the interests of ecology.
10. In order to ensure that trees to be retained are not damaged by building or engineering works.
11. To preserve the existing trees on the site in the interests of visual amenity and in the interests of ecology.
12. To preserve the existing trees on the site in the interests of visual amenity and in the interests of ecology.
13. In the interests of highways safety.
14. To provide for the parking and turning of vehicles clear of the highway, in the interests of highway safety.
15. In the interests of ecology and to ensure the protection of protected reptile species and the nature conservation value of the site.
16. In the interests of ecology and to ensure the protection of protected bat and bird species and the nature conservation value of the site.
17. In the interests of ecology and the nature conservation value of the site.
18. In the interests of ecology and the nature conservation value of the site.
19. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.