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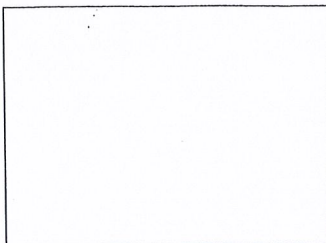
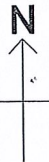
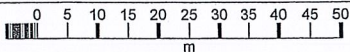
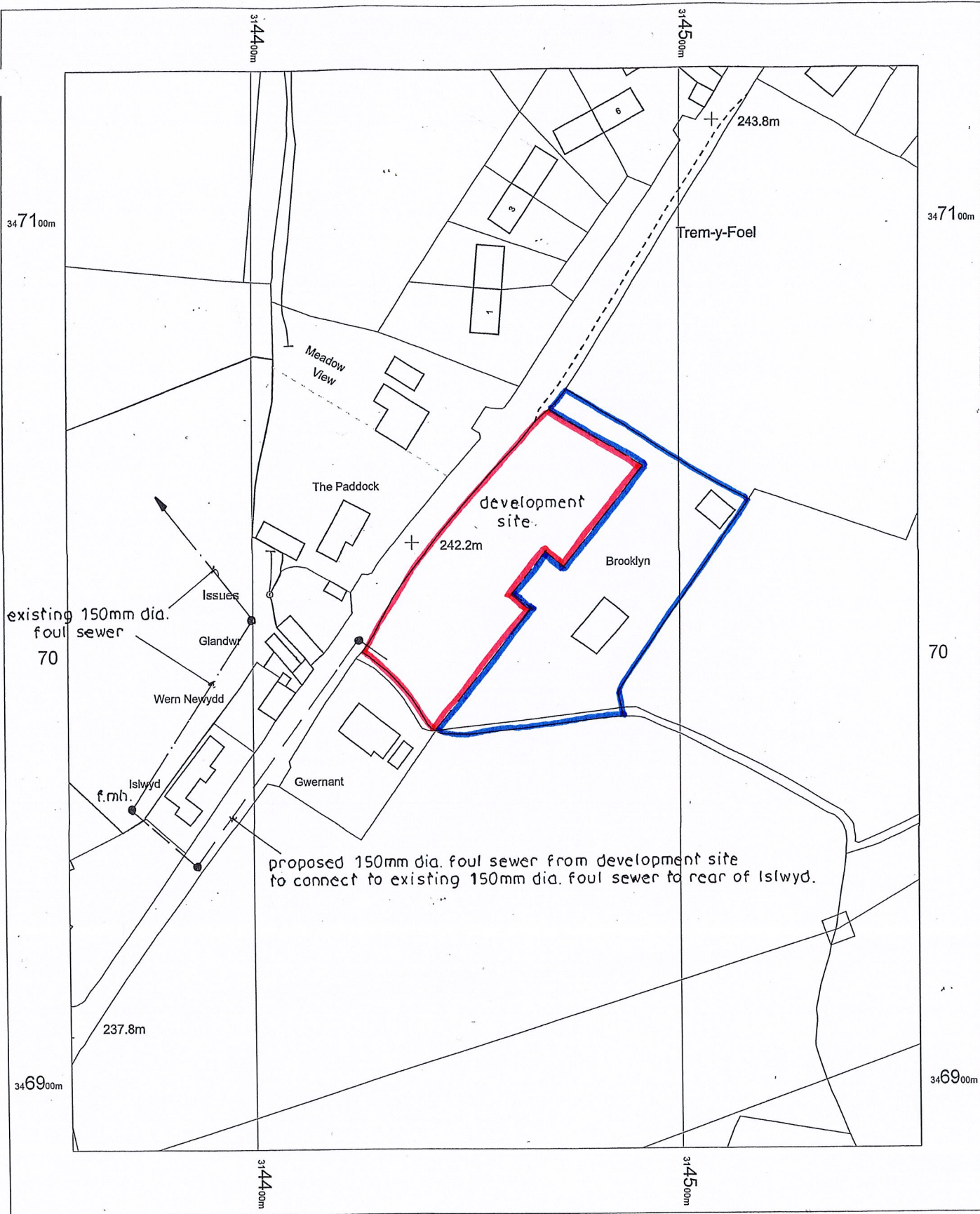
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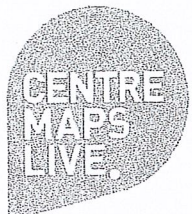
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Eitem Agenda 9 / Agenda Item 9



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WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 10/2020/0642/ PS

PROPOSAL: Variation of Conditions 2 and 3 of outline planning permission 10/2017/0330 to allow extension of time for submission of reserved matters and date of commencement of development

LOCATION: Land at Brooklyn Bryneglwys Corwen

APPLICANT: MrNigel Baines

CONSTRAINTS: PROW
AONB

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

REASON FOR DELEGATED DECISION
Scheme of Delegation Part 1, Section 1.1

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

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

CONSULTATION RESPONSES:

BRYNEGLWYS COMMUNITY COUNCIL:

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE – “No objections”

NATURAL RESOURCES WALES – “No objections”

DWR CYMRU / WELSH WATER – “No objections”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Highways Officer – “No objections”

County Ecologist – awaiting response, noted that no objections were received on previous application.

Strategic Planning and Housing Manager: No objections

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Margaret Bellis, The Paddock, Bryneglwys Tracey Raynor, Glandwr, Bryneglwys Katie Lewis, Meadow View, Bryneglwys Judith Day, Islwyn, Bryneglwys P. Finch, Gwernant, Bryneglwys, Corwen

Summary of planning based representations in objection:

- Impact on visual amenity: the proposal would have a detrimental impact upon the character of the area through the loss of hedgerow.
- Impact upon residential amenity: the proposed dwellings would have an unacceptable impact upon the amenity of existing dwellings near the site.
- Impact upon highways: the site would result in unacceptable traffic congestion/loss of highway safety on the adjacent roads
- Impact upon ecology: the site is thought to be habitat to a number of protected species including amphibians. The development would result in the loss of this habitat.

EXPIRY DATE OF APPLICATION: 02/11/2020

EXTENSION OF TIME AGREED: 15/2/21

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 A variation of conditions 2 and 3 of permission 10/2017/0330 is sought to allow a further 3 years to submit reserved matters and a further 2 years from the reserved matters to implement the proposal.
- 1.1.2 The permission to be varied is an outline planning consent for the development of 0.18ha of land by the erection of 6 dwellings. Details of access are submitted for consideration, all other matters are reserved.
- 1.1.3 The illustrative layout plan shows how the site might be developed with 2 detached dwellings, and 2 pairs of semi-detached dwellings. Access to the dwellings would be via 3 shared driveways onto the minor road immediately adjacent to west of the site, involving removal of hedgerows. The plan is included at the front of the report.
- 1.1.4 The upper and lower size limits of the dwellings have been provided. A range of sizes is proposed from 7.5 metres to 9 metres wide, 10.5 metres to 13 metres long and 6.5 metres to 8 metres high.
- 1.1.5 It is proposed to dispose of foul sewage through a mains sewage connection, and surface water through a soakaway.
- 1.1.6 The application is accompanied by an Arboricultural Survey, a Protected Species survey, a Planning Statement and a Community Linguistic Statement.

1.2 Description of site and surroundings

- 1.2.1 The site forms part of a paddock area associated with the existing dwelling Brooklyn. Although this has been excluded from the application site, it is still within the same ownership.

1.2.2 Brooklyn is a hipped roof bungalow with a conservatory on the west (front) elevation facing the application site and a detached double garage in the curtilage. Access to Brooklyn is off the highway to the west of the application site.

1.2.3 Opposite the site are the dwellings 'The Paddock' and 'Meadow View'.

1.2.4 At present the site is bound along the highway by a mature hedge interspersed with mature trees.

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the development boundary of Bryneglwys as defined in the Local Development Plan. It is also within the Area of Outstanding Natural Beauty.

1.4 Relevant planning history

1.4.1 Outline planning permission was granted in 2017 for the development of this site. All matters were reserved.

1.5 Developments/changes since the original submission

1.5.1 Additional information has been provided in relation to the impact of the proposal on the trees, and protected species.

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 10/2007/1161/PO - Development of 0.27ha of land for residential purposes and alterations to an existing vehicular access (outline application) - all matters reserved for further approval. GRANTED 12/12/2007

2.2 10/2017/0330 Development of 0.18ha of land by the erection of 6 dwellings (outline application with details of access). GRANTED by Planning Committee November 2017

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

3.2 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

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 10)
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)
TAN 20: The Welsh Language (2017)

3.4 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 including impact upon AONB
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Drainage
- 4.1.7 Highways (including access and parking)
- 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.

The site is located within the development boundary of Bryneglwys, which is designated as a village in the adopted Local Development Plan. The principle of residential development has previously been accepted in 2007, and is consistent with the Council's adopted plan, which is a significant consideration in relation to the application.

Given this background, Officers would respectfully suggest the acceptability of the proposals therefore should rest on the specific impact assessments detailed in the following sections of the report.

4.2.2 Density 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.

Applying this density to the site area of 0.18 would give a total of 6.3 dwellings.

The indicative layout for only part of the site suggests that 6 dwellings could be accommodated on the site.

It is therefore considered that the proposed density of the site is acceptable. It is suggested that a planning condition be attached to any permission to secure this density.

4.2.3 Visual amenity – including impact on AONB

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.

Policy VOE 2 emphasises the requirement to ensure that development proposals do not harm the essential characteristics that justify the area's inclusion within the Area of Outstanding Natural Beauty.

There are objections to the proposal based on potential visual impacts arising from the density of development on the edge of the village. The AONB Committee raises concerns about the loss of hedgerow to the front of the site.

Highway Officers have indicated that the proposed access to the site require this level of hedgerow removal to make the access safe, and to widen the carriageway. This is a similar approach to that taken in 2007 when permission was previously granted, although it is clear the hedgerow is more mature now.

Officers accept that there will inevitably be some visual amenity impact from housing development in this location, but in respecting the concerns expressed, it is not considered reasonable to oppose the application on this basis, given its location within the development boundary, the requirement to achieve a safe access and the scope for replanting and landscaping the front boundary. Whilst it is 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 etc., it is not considered that the development proposed would give rise to visual impacts sufficient to merit a refusal of outline permission. The comments of the AONB Committee are noted, but these matters have to be assessed at reserved matters stage. The proposal is considered acceptable in terms of its impact upon visual amenity and the AONB, subject to suitable conditions being imposed.

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 expressed over potential for loss of privacy, etc. from new development on the site.

The application contains an illustrative layout indicating a possible format for a

development and there are some illustrative images of the development. However there are no detailed elevation details to allow assessment of the impact on adjacent properties and this would be a matter for assessment as part of any detailed reserved matters application.

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 normally 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.

Concerns have been expressed over the potential impact on ecology as a result of development. An Ecological Appraisal has been undertaken which assesses the ecological value of the site (including for habitat of protected species such as Great Crested Newts). It is intended to integrate wildlife friendly features in to final design of the site such as planting of native hedges, the provision of food sources, nesting and roosting opportunities for birds, bats and other wild animals in planting schemes within gardens. The Biodiversity Officer has previously considered the proposal and is satisfied that the impacts of the proposal upon the ecological value of the site can be adequately managed.

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.

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. 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.

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.

There are objections raised by local residents in relation to highway safety in terms of the siting of the access and increased traffic in the village.

The Highways Officer has no objections to the proposal and has no concerns in respect of the adequacy of the local highway network, subject to conditions.

It is not considered, with respect to objections raised, that there are any strong highway grounds to refuse permission here. The Highways Officer is satisfied at the proposals, including the position of the 30 mph speed limit signs. In relation to the comments of the Community Council, appropriate controls over traffic management during the construction period can be included through planning conditions.

4.2.8 Affordable Housing

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.

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 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 11 specifies that all 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 in March 2017 sets out thresholds for onsite 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.

It is considered that the proposal would be acceptable in relation to open space policy subject to the requisite contribution being secured. For a development of 6 dwellings, based on the thresholds contained in SPG Open Space, the commuted sum would be £7423. The applicants have not objected to this.

In the event that it is resolved to grant planning permission, a Section 106 legal agreement will be required prior the decision being issued, to secure the payments

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.

SUMMARY AND CONCLUSIONS:

- 5.1 The site is within the development boundary of Bryneglwys, defined in the Local Development Plan. This establishes the Council's acceptance of the principle of the development.
- 5.2 The report sets out the main planning issues which appear relevant to the consideration of the application. There are concerns raised over visual amenity, highway impacts and ecology. The proposals have been scrutinised by the Highways Officer, and Biodiversity Officer and it is not considered that there are any substantive grounds to resist the grant of outline permission.
- 5.3 Whilst noting the concerns regarding the loss of the hedgerow along the highway, it is clear that the proposal requires a balanced judgement to be made between the general principle of allowing houses within the development boundary, achieving a safe access to the site and protecting the character of the area. The comments of the AONB Officer are noted as are the comments of the adjacent residents.
- 5.4 Given the site's location within the development boundary, the requirements of the Highway Authority, and the scope for mitigating the loss of hedgerow through landscaping, it is not considered that there are any reasonable grounds to resist the development of this site.
- 5.5 It is therefore recommended that Members resolve to grant permission subject to:
 1. Completion of a Section 106 Obligation to secure open space contributions as detailed in the report.
 2. The precise wording of the Section 106 would be a matter for the legal officer to finalise. In the event of failure to complete the Section 106 agreement within 12 months of the date of the resolution of the planning committee, the application would

be reported back to the Committee for determination against the relevant policies and guidance at that time.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the appearance of the building(s), layout, landscaping 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 10th February 2024.
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) Existing site layout (Drawing No. 1) received 3 April 2017
 - (ii) Illustrative proposed site layout (Drawing No. 2 rev A) received 11 July 2017
 - (iii) Upper and Lower limits of building sizes received 18 April 2017
5. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
 - 1) Site compound location
 - 2) Traffic management scheme
 - 3) The parking of vehicles of site operatives and visitors;
 - 4) Loading and unloading of plant and materials;
 - 5) Storage of plant and materials used in constructing the development;
 - 6) The management and operation of construction vehicles and the construction vehicle routes
 - 7) wheel washing facilities;
 - 8) Measures to control the emission of dust and dirt during construction;The approved Statement shall be adhered to throughout the construction period.
6. No development shall be permitted to commence until the detailed layout, design, street lighting, signing, drainage and construction of the internal estate road, access to the site, footway adjacent to the existing highway and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.
7. 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.
8. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the development being brought into use.
9. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Affordable Housing. The development shall proceed strictly in accordance with the approved arrangements.

10. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the details of proposals for the disposal of foul drainage and surface water drainage (including roof water) in connection with the development. The scheme shall include details of the timing of implementation and the works shall be carried out strictly in accordance with the approved details.
11. All signage within the site shall be in both Welsh and English.
12. The development shall be carried out in strict accordance with the mitigation and recommendations set out in Section 7 of the Updated Ecological Report by Clwydian Ecology (updated June 2017), received 21 August 2017
13. 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.
14. The site shall be developed by way of no less than 6 dwellings.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 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 the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.
8. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. To ensure the development is in compliance with the Council's adopted affordable housing policies and guidance.
10. To ensure the development is served by a satisfactory drainage system.
11. In the interest of protection of the Welsh language.
12. In the interests of nature conservation.
13. In the interest of ensuring the development is in accordance with the current local housing needs assessment.
14. In the interest of ensuring the site is developed in an efficient manner, whilst protecting the character of the area.