



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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 Denbighshire County Council
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Tel: 01824 706800 Fax: 01824 706709

Heading:

Ref No 13/2012/0259/PO
 Land at Bryn Myfyr
 Galltegfa, Ruthin



Application Site

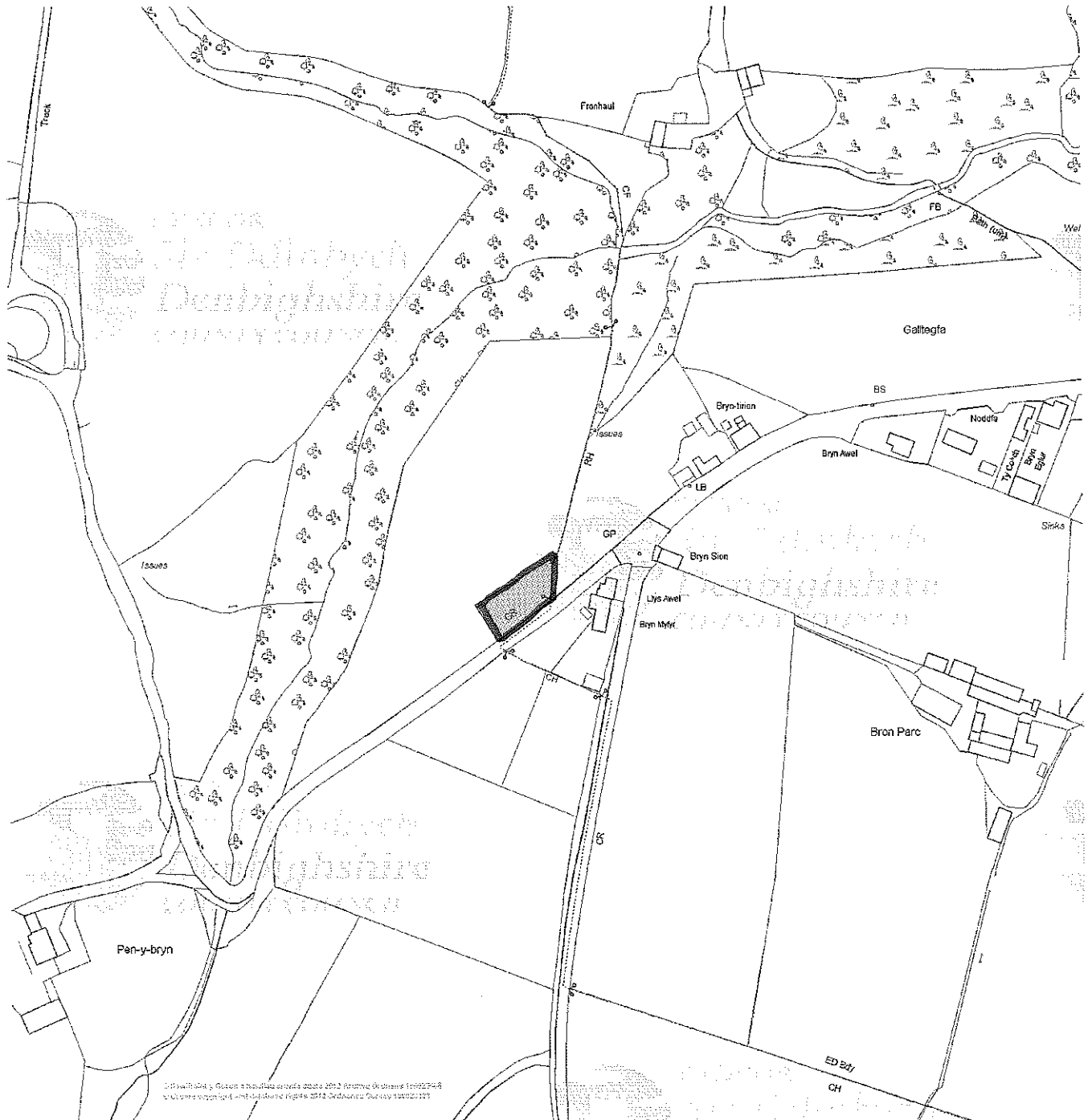


Date 4/4/2012

Scale 1/2500

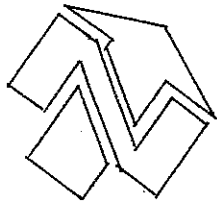
Centre = 310491 E 357681 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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13 / 04 / 2012 59 / P 0

SUB-SURFACE IRRIGATION PIPEWORK FROM SEPTIC TANK

SITE PLAN

NEW TIMBER POST AND WIRE NETTING FENCING TO NEW BOUNDARY. FENCE TO BE SUPPLEMENTED WITH NATIVE HEDGE PLANTING. I.E. HANZHORN, BLACKTHORN, HAZEL, HOLLY.

Proposed Garage

garden area

Proposed Septic Tank

parking & turning area

Proposed Bungalow

Floor Area = 90m² approx.

new vehicular access

EXISTING HEDGE TO ROAD FRONTAGE BOUNDARY AND EASTERN BOUNDARY.

existing unclassified public road

NEW VEHICULAR ACCESS TO BE CONSTRUCTED IN ACCORDANCE WITH HIGHWAYS AUTHORITY DETAILS, RECOMMENDATIONS AND APPROVAL. FORM SPLAYED ACCESS, AS SHOWN, WITH ACCESS GATES POSITIONED A MIN. 5M BACK FROM EDGE OF ROAD. GATEWAY WIDTH TO BE A MIN. 4M WIDE WITH 45° SPLAYS BACK TO ROAD. GATES TO OPEN IN TO SITE. BULLNOSED EDGING KERBS AT EDGE OF EXISTING ROAD. FLAT TOPPED EDGING KERBS TO SPLAYS AND ACROSS GATEWAY. NEW ACCESS TO BE FINISHED FROM EDGE OF EXISTING ROAD TO NEW GATEWAY WITH TARMAC.

PROPOSED SKETCH SITE LAYOUT PLAN

1:500

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RECEIVED
27 FEB 2012
CALEDFRYN RECEPTION

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MATISCHOK & ROSS
architectural services

project title

Plot adj. to BRYN MYFYR, GALLTEGFA.

drawing title

Proposed Sketch Site Layout Plan.

project no.

0441

drawing no.

SK1

revision

date

21.02.12

scale

1:500

drawn by

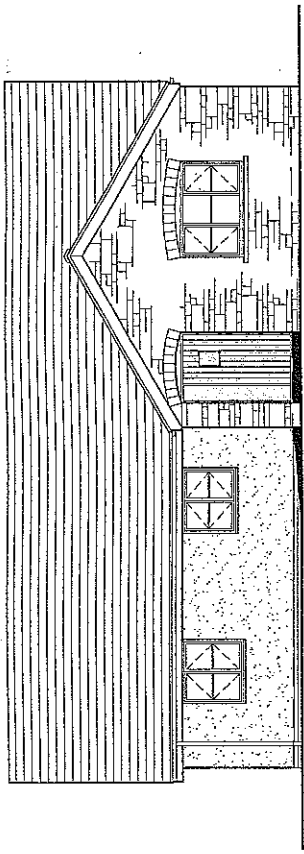
PM

Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA

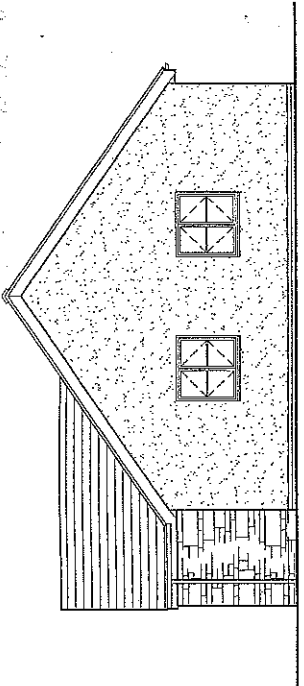
☎ 01824 705 222 ☎ 01824 707 171

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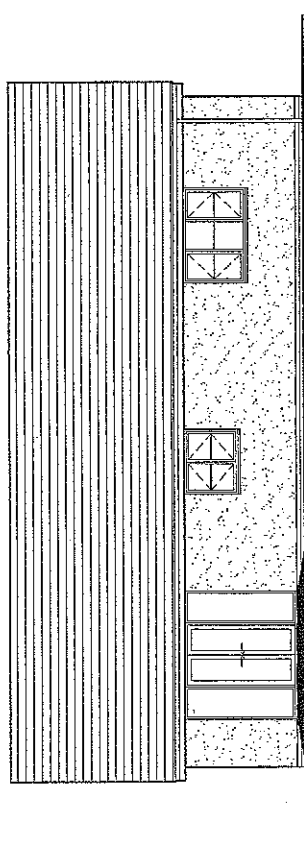
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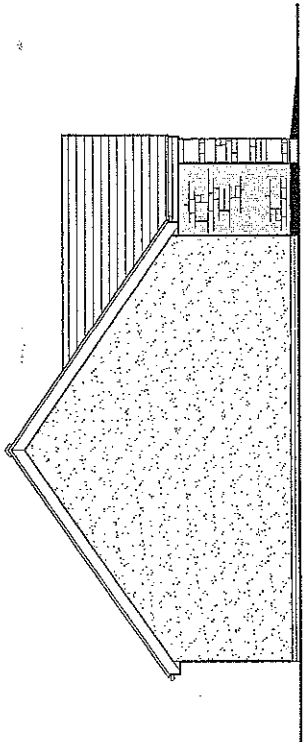
Front Elevation



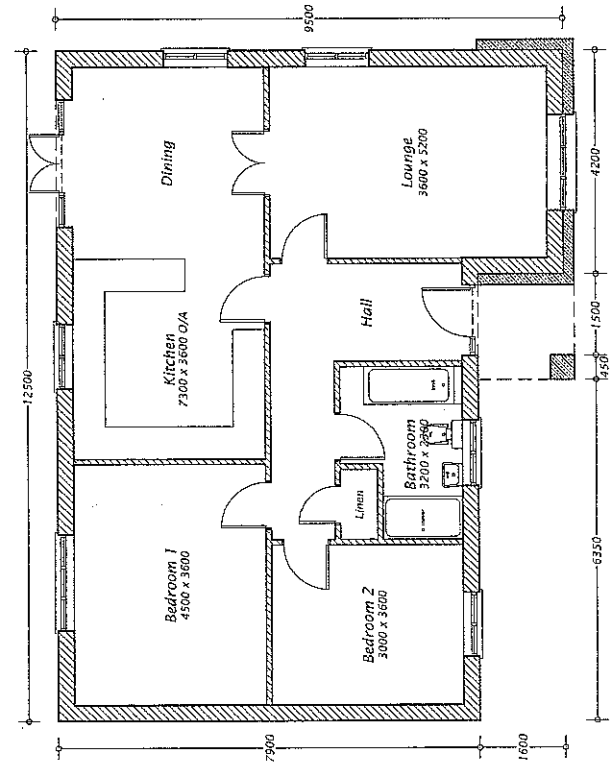
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Layout Plan

SKETCH ELEVATION & FLOOR PLANS

External Materials
Roof - New or second-hand mineral slates (blue/grey) to local authority approval.
Walls - Spar-dash or painted render finish to approval with facing brickwork plinth.
 Natural local stone facing where shown.
Rainwater Goods - Black upvc gutters & downpipes to approval.
Windows & External Doors/Frames - White upvc to approval.
Fascia, Soffit & Barge Boards - White upvc fascia, barge and soffit boards.

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M & R		MATISCHOK & ROSS	
architectural services		architectural services	
Project title	Plot adj. to Bryn Myfyr, Gallegfa, Ruthin.		
Drawing title	Proposed Plan and Elevations.		
Project no.	0441	drawing no.	Sk. 2
date	15/02/2011	scale	1:100
		revision	drawn by
			SR
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 27 FEB 2012
 CALEDONIAN COUNCIL

ITEM NO: 2

WARD NO: Efenechtyd

APPLICATION NO: 13/2012/0259/ PO

PROPOSAL: Development of 0.095 ha of land by the erection of an affordable local needs detached dwelling, detached garage, installation of a new septic tank, and formation of a new vehicular access (outline application including access)

LOCATION: Land adjacent to Bryn Myfyr Galltegfa Ruthin

APPLICANT: Mr Phillip MacCarter

CONSTRAINTS:

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

EFENECHTYD COMMUNITY COUNCIL

"The Council support this application. They would ask however that a Section 106 agreement be placed on the new dwelling stating that, if the property is ever sold, it would be solely for affordable local needs housing".

ENVIRONMENT AGENCY WALES

Assesses the application as having a low environmental risk.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Head of Highways and Infrastructure

No objection subject to conditions requiring parking and turning and details of footway crossing.

RESPONSE TO PUBLICITY:

IN SUPPORT

Representations received from:

O. and G.M. Roberts, Bryn Tirion, Galltegfa, Ruthin

Main points:

Support local needs/affordable housing provided it does not create a precedent and the details do not provide for a 2 storey house.

IN OBJECTION

Representations received from:

Mr. M. Brady, Bryn Myfyr, Galltegfa, Ruthin

N. Ellis, Llys Awel, Galltegfa, Ruthin

Main points:

Contrary to Unitary Plan Policy

Open countryside/conflicts with tests of Policy HSG 11 (Galltegfa is not a village or main village, this is not a logical extension of a development boundary, no survey of need or support from Rural Housing Enabler).

Local development plan policy not a consideration.

Affordable Housing available in Ruthin

Impact on residential amenity

Loss of privacy for at least 3 other properties.

Hope applicants are able to find a suitable site within a recognised development boundary in the near future.

EXPIRY DATE OF APPLICATION: 22/04/2012

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for outline permission to erect a detached dwelling on a plot of land in open countryside some 1km to the west of Llanfwrog, Ruthin.
- 1.1.2 The submission seeks approval of the access to the plot but reserves all other details for consideration at 'reserved matters' stage should outline consent be granted. The illustrative plans (at the front of the report) show ideas for the location of the dwelling and a garage, and there are floor and elevation plans of a 2 bedroom bungalow.
- 1.1.3 The 0.095ha site forms part of a field on the north east side of a minor road which runs south east from the Galltegfa direction, and serves long established farms at Pen y Bryn and Court Farm.
- 1.1.4 The application forms describe the proposal as for the erection of 'an affordable local needs detached dwelling'. The documents accompanying the application include the requisite Design and Access Statement, a 'Letter of Support and Justification Statement', an Affordable Housing Questionnaire, a Code for Sustainable Homes Pre-Assessment, and information on percolation tests for a septic tank.
- 1.1.5 The main points of relevance in these documents to the consideration of the application are:

In the Letter of Support/Affordable Housing Questionnaire

- The applicants were born locally, have lived in the vicinity all their lives, have strong links with the area, are Welsh speakers, and wish to set up a permanent home and settle in their own community by building their own affordable bungalow as their first home.
- They have lived in rental accommodation in the area and can not afford to purchase a suitable property for their needs in the area on the open market.
- They have started their own businesses in the area and contribute to the local economy.
- Policy HSG 11 of the Unitary Development Plan allows for the release of small housing sites in rural areas for the provision of affordable housing to meet genuine local needs.

- A Section 106 Agreement can be placed on the new dwelling limiting the use to affordable local needs housing.

- Policy BSC9 of the Local Development Plan permits the erection of local connections affordable housing of one or two units within small groups or clusters of dwellings.

In the Design and Access Statement

- The site is on the eastern fringes of the hamlet of Galltegfa, 2 miles south west of Ruthin town centre, and adjacent to an existing dwelling Bryn Myfyr.

- The access would be to local authority standards.

- There are no known flood risk contamination or natural conservation issues.

- Foul drainage would be by way of a septic tank.

- Accessibility issues would be addressed through level access and design features in and around the dwelling.

- Design and associated landscaping would be appropriate for the locality.

- Relevant Environmental Sustainability standards would be met.

1.2 Description of site and surroundings

1.2.1 The site is in open countryside and forms part of a larger agricultural field which rises slightly away to the west from the minor road.

1.2.2 There are long established hedgerows along the road and along the eastern boundary, but the physical extent of the site is not defined by any other natural features, being an open field.

1.2.3 There is a scattering of dwellings to the east of the application site, as can be noted from the location plan at the front of the report. The nearest dwellings are at Bryn Myfyr and Llys Awel on the east side of the minor road which would serve the site. There are no dwellings bordering the south west, north west or eastern boundaries of the site.

1.2.4 The nearest settlement as identified in the Unitary Development Plan is Ruthin town, which includes Llanfwrog, some 1km to the east.

1.3 Relevant planning constraints/considerations

1.3.1 For planning policy purposes, the site is in open countryside, outside any recognised settlement in the Unitary Plan. As noted above, Ruthin is the closest settlement, some 1km to the east. Galltegfa is not identified in the Unitary Plan as a village or main village, being a loose scattering of farms and dwellings with considerable gaps between buildings. There are no 'hamlets' identified in the Unitary Plan.

1.3.2 There are no specific landscape designations in the vicinity of the site.

1.4 Relevant planning history

1.4.1 There is no known planning history on the site.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application has been referred to Committee for determination by Councillor Eryl Williams to allow consideration of the planning policy issues.

1.6.2 The application has been advertised as a 'departure' from the policies of the Unitary Development Plan as it involves the development of a new dwelling in open countryside.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

STRAT 15 - Housing

Policy GEN 3 – Development outside development boundaries

Policy GEN 4 – Scattered development outside development boundaries

Policy GEN 6 – Development control requirements

Policy GEN 8 – Planning Obligations

Policy HSG 5 – Groups of Houses in the open countryside

Policy HSG 6 – New dwellings in the open countryside

Policy HSG 11 – Affordable housing for local needs in rural areas

Policy TRA 6 – Impact of new development on traffic flows

Policy TRA 9 – Parking and servicing provision

3.2 Supplementary Planning Guidance

SPG 22 – Affordable housing in new developments

3.3 WELSH GOVERNMENT

Planning Policy Wales Edition 4 2011

Technical Advice Notes

TAN 2 – Planning and Affordable Housing

TAN 6 – Planning for Sustainable Rural Communities

TAN 12 – Design

TAN 22 – Sustainable buildings

Ministerial Planning Policy Statements (MIPPS)

MIPPS 01/2006 Housing

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle of development

4.1.2 Visual/landscape impact

4.1.3 Residential amenity

4.1.4 Highways

4.1.5 Design & Access/Sustainability/Access for All issues

4.2 In relation to the main planning considerations:

4.2.1 Principle of development

Officers suggest that the key issue in this case is the acceptability of the principle of the development, hence the following section deals in some detail with the planning policy background.

The Unitary Development Plan's main policies which set the context for housing development in the County are strategic policy STRAT 15 and general Policy GEN 3. STRAT 15 seeks to address the housing needs of the County's population by making provision for a range of additional dwellings, through development in identified settlements (towns, main villages and villages), use of brownfield land, and provision for special housing needs including affordable housing. The more detailed policies of the Plan set the parameters for the location and type of new housing development. GEN 3 relates to development outside development boundaries and states that such development will not be permitted other than with exceptions, the most relevant of which here are housing for farm/forestry workers (Policy HSG 6), infill development (HSG5), and affordable housing exceptions schemes adjoining main villages and villages (HSG11). HSG 4 deals with scattered development outside development boundaries and does not permit such development or the consolidation of sporadic, scattered, or loosely related development in the countryside.

Planning Policy Wales, 2011 encourages local planning authorities to develop policies to meet affordable housing needs when formulating development plan policies, and refers to the special provision of affordable housing exception sites to help ensure the viability of local communities. The selection of sites has to be based on local housing market assessments or local survey and where such exceptions are justified, the release of sites is expected to be within or adjoining existing settlements. This advice reflects the substance of TAN 2 and Ministerial Planning Policy.

Having regard to the particular circumstances surrounding the current application, and the case advanced by the agent for an 'affordable local needs' dwelling, officers would respectfully set out the following comments on the relevance to each of the housing development policies.

HSG 5 relates to infill development outside development boundaries and permits single plot housing development within a clearly identifiable group of dwellings, subject to meeting detailed tests, elaborated in Supplementary Planning Guidance Note 10 (for example, such plots have to form a small gap in a continuously developed frontage, and do not result in ribbon development). In this case, the site is clearly not in a gap between buildings within a continuously developed frontage, being simply a plot in a field with no development either side, so Officers would not consider proposal could be regarded as infill development and would not meet the basic tests of HSG 5.

HSG 11 makes provision for affordable housing for local needs in exceptional circumstances, but only adjoining village and main village boundaries, and then subject to a range of tests to determine acceptability (no feasible alternative sites, sites must be a logical extension of a development boundary, avoiding ribbon development, existence of evidence of need, no adverse landscape or other impact, etc). In this instance, the application can not meet the basic premise of HSG 11 as the site does not adjoin a main village or village boundary, the nearest settlements recognised in the Unitary Plan being the town of Ruthin (1km to the east), and the villages of Rhewl and Pwllglas, (both some 2.5km away). Hence whilst respecting the agents' 'need' arguments for an affordable dwelling, officers respectfully suggest the remaining 'tests' of HSG 11 are largely irrelevant as the proposal is clearly in conflict with the basic requirement that a site must adjoin a main village or village boundary.

HSG 6 is the main policy relevant to the erection of new dwellings in open

countryside, and requires an 'essential need' to be established to justify the grant of permission. Normally such 'essential need' would be argued for an additional agricultural worker's dwelling where there is a business case for a permanent presence at a particular site. In fairness, the agents are not arguing for an 'essential need' dwelling in this location, the case being based on affordable need. The proposal would not therefore meet the tests of HSG 6 to justify a new dwelling in open countryside, and would be in conflict with this basic policy.

GEN 4 makes a clear statement that isolated development adding to sporadic/scattered development in the countryside should not be permitted, the basis being that this would result in undesirable urbanisation of rural areas.

Having regard to the aforementioned paragraphs, officers would respect the arguments put forward by the agent, but conclude that the principle of developing a dwelling on this plot in open countryside is clearly not in accordance with the policies of the Unitary Development Plan and would represent a significant departure from the Plan.

4.2.2 Visual/landscape impact

Policy GEN 6 requires due consideration of the impact of development on visual amenity, including the character of the local landscape.

In this instance the proposal is in outline form, so there are no detailed plans to assess. However, the illustrative plans show the intention to erect a single storey dwelling and detached garage on the plot, using stone/render and slate as basic external materials.

The area around the site is attractive rolling countryside to the west of Ruthin, characterised by a scattering of development, small farms, woodland and open fields. Whilst a single storey dwelling would seem the least intrusive form of development given the nature of dwellings in close proximity, it is inevitable that additional 'urban' forms of development here would have a negative visual and landscape impact, stretching the built form further into open countryside, contrary to the intentions of GEN 4 and GEN 6 ii.

4.2.3 Residential amenity

Policy GEN 6 sets tests to be applied to the impact of development on the amenities of local residents.

The proposed dwelling would be located some 25 metres to the west of the property Bryn Myfyr, which extends close to the minor road leading to the plot. Concerns have been raised over potential loss of privacy for occupiers of nearby dwellings.

Given the respective relationships between the site and existing dwellings, Officers would accept there has to be a degree of impact from a development of this nature, but there are controls exercisable at design stage in relation to the location and detailing of the dwelling and associated landscaping which would limit such impact to a reasonable level. It is not considered that a refusal could be justified on grounds of residential amenity impacts.

4.2.4 Highways

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. These permit new development subject to due consideration of impacts on the safety and free flow of traffic, road conditions

and adequacy of access and parking arrangements.

The application seeks approval of the access to the site off the minor road. Highways Officers have no objections subject to further agreement to the detailed arrangements for parking and turning.

It is considered there are no grounds for concern over the highway implications of the development, as matters of detail can be addressed at reserved matters stage.

4.2.5 Design & Access/Sustainability Code/Access for All

TAN 12 Design and TAN 22 Sustainable Buildings include an obligation to demonstrate an acceptable approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the Strategic Policies of the Unitary Plan to ensure sustainable development principles are embodied in schemes.

The Design & Access Statement and Sustainability Code Assessment confirm the scheme would be designed to comply with TAN 22 and would achieve a Code for Sustainable Homes Level 3 and 6 credits under the relevant emissions rating system. There is a reference to detailed proposals for ensuring ease of access to and within the dwelling for persons with disability.

It is suggested that the proposals demonstrate a satisfactory approach to inclusive design and sustainability, and that such matters could be controlled through conditions on any permission.

4.3 Other matters

Ecology

It is not considered there are any specific ecological matters arising in relation to this application.

Local Development Plan policy

Reference is made in the agents' supporting statement to Policy BSC9 in the draft Local Development Plan. This deals with local connections affordable housing within small groups or clusters of dwellings. Whilst members are respectfully advised that the Local Development Plan carries no weight in the determination of applications at this point, draft policy BSC 9 would only allow for a local connections affordable housing dwelling, where justified, as infill development, which for reasons explained in Section 4.2.1 of the report, the plot would not constitute.

Section 106 Agreement

The agent and Community Council refer to the possible use of a Section 106 Agreement to ensure future occupation of the dwelling is restricted to affordable needs local housing. Members are reminded that whilst a Section 106 Agreement can be used to secure a 'gain' which may mitigate specific impacts of what would otherwise be unacceptable development, it is not the proper use of such legal agreements to justify granting permission which is clearly contrary to operative planning policies, hence officers would advise strongly against use of this mechanism to override the policy conflicts.

5. SUMMARY AND CONCLUSIONS:

5.1 Officers recognise the genuine desire of the applicants to secure a dwellinghouse, but respectfully suggest the proposal for a new dwelling in this open countryside location

is clearly contrary to the Council's current planning policies.

5.2 The report attempts to cover the main planning policy issues and concludes that there is no basis for support within the Unitary Plan or Welsh Government guidance for a 'one off' affordable dwelling on an isolated plot in open countryside, 1km from the nearest settlement. Whilst acknowledging the applicants' situation, the grant of permission here would be a significant departure from the policies of the Unitary Plan and would set a notable precedent for other similar scattered single plot developments throughout the County.

RECOMMENDATION: REFUSE- for the following reason:-

1. The application involves the erection of a new dwelling in an open countryside location where the local planning authority consider it necessary to establish an 'essential need' exists to justify the grant of permission in accordance with local and national policy. The Authority do not consider the circumstances advanced for an affordable local needs dwelling meet the tests in Unitary Development Plan Policy HSG 6, HSG 11 or TAN 6 for a new rural dwelling, and in the absence of an essential need, the development would be in clear conflict with the rural restraint policies set out in Policies GEN 3, GEN 4, HSG 6, being likely to set a significant precedent for the spread of sporadic 'one off' dwellings in attractive open countryside, devaluing the character and appearance of the area.

NOTES TO APPLICANT:

None