

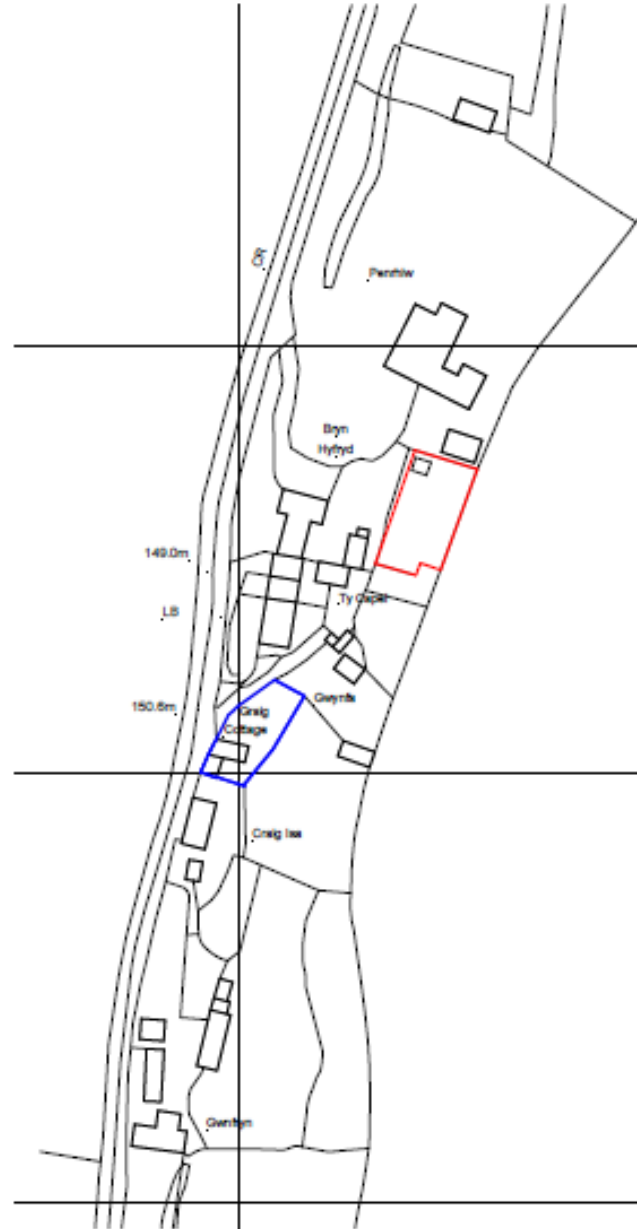
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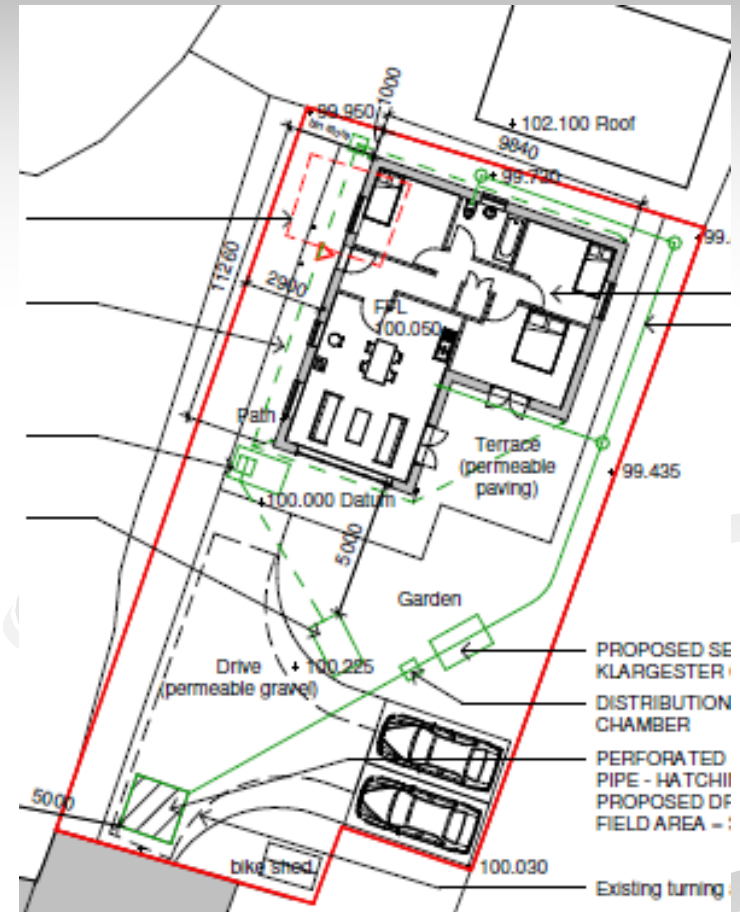
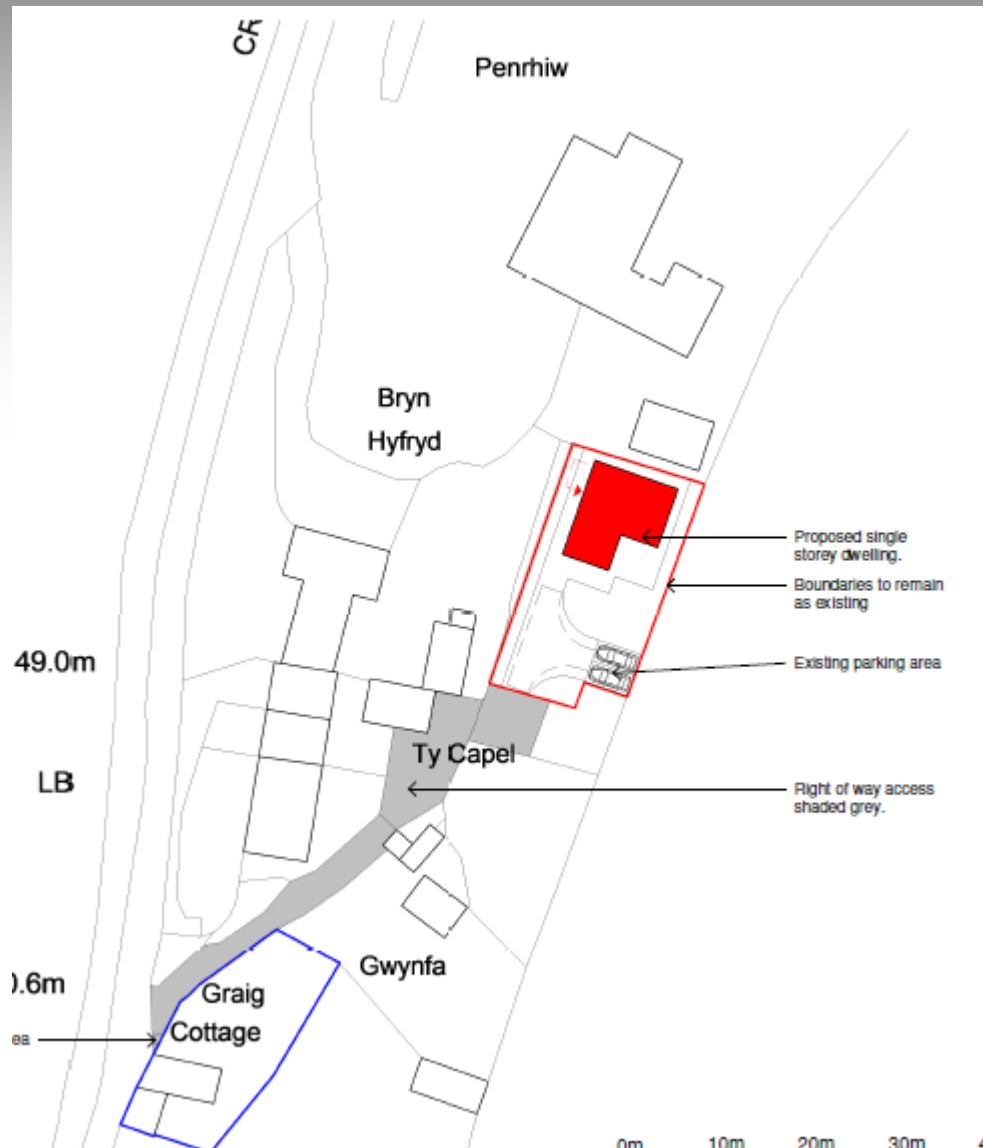
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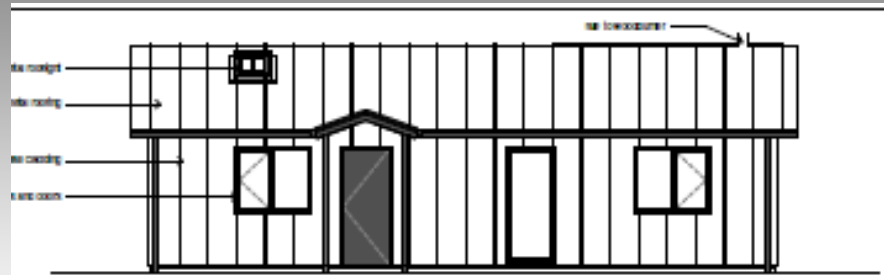
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Location plan



Proposed block and site plan



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Proposed elevations



3D Image of front elevation



Access lane facing out of the site towards the road



View from lane facing into the site
(access on the right)



Within the site facing north

WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Hugh Evans

APPLICATION NO: 20/2022/0983/ PF

PROPOSAL: Erection of 1 affordable dwelling, installation of a new septic tank and associated works

LOCATION: Land at Graig Cottage Graigadwywynt Ruthin LL15 2TG

APPLICANT: Ms J Reaich

CONSTRAINTS: NONE

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:

LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL-
No comments received.

NATURAL RESOURCES WALES-
No objection. Provide advice on foul drainage and advise the applicant will need to apply for an environmental permit or register an exemption with NRW at which time the septic tank and details of the drainage field will be reviewed.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Traffic, Parking and Road Safety:
- Highways Officer
No objection

Public Protection Officer-
No comments received.

Strategic Housing & Policy Officer-
The site is located in the open countryside and not within a defined hamlet. Policy BSC 9 therefore applies.

The proposal meets criteria i), ii) and iii) of the policy although not a frontage as such, the location is consistent with others in the area with a variety of access routes along long driveways and tracks to other existing properties. It is not considered that the proposal would lead to ribbon development as it is within a group of already developed plots. There are a variety of house types and sizes in the area and the proposal is not considered to be at odds with this.

Criterion iv) – the applicant has supplied confirmation that they are in need of affordable housing and are eligible for a self-build. Confirmation should be sought that the applicant also meets the 'Local Connections' requirement as set out in the Affordable Housing SPG. Any grant of planning permission should also ensure that the property is subject to a Section 106

legal agreement which ensures that the property remains affordable for a local person in perpetuity.

Space standards:

At 77m² the floor space is marginally below that set out in SPG Residential Space Standards which requires 80 m² for a 3 bed property. The Beautiful Homes standard for affordable housing requires 88m² for a 3 bed house and there are no standards indicated for a 3 bed bungalow. However the space standards for a 2 bed bungalow are significantly lower than that for a 2 bed house and it is considered that the rationale put forward by the applicant that 77m² is adequate is supported. All of the living and bedrooms meet the minimum requirements set out in the SPG.

Open Space

In line with SPG Planning Obligations (2016), the open space contribution can be met by way of a commuted sum totalling **£1,237.22**

Affordable Housing and Development Officer-
Local Connection has been established and criteria ii) of Appendix 2 of the Affordable Housing SPG has been met.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Raymond Doctor, Bryn Hyfryd, Graigadwywynt

Phillip Roberts, Gwynfa, Graigadwywynt, Ruthin

Tracey Thompson, 2 Ty Capel, Craigadwywynt

Thomas Gregg, Penrhiw, Graigadwywynt

Summary of planning based representations in objection:

Principle and planning history

Previous proposals have been rejected for a dwelling on the site

The land is not suitable for the erection of a dwelling

Visual amenity

The dwelling is not in keeping with the character of the area

The materials and finishes are out of keeping with the area

The metal roof and corrugated walls do not fit with the surrounding area

Residential amenity

Concerns over smoke from wood burner and impact on environment

Highways

Increased traffic using the access lane which is already in need of maintenance

The lane is already used by multiple properties, increased use will cause issues

The lane is privately owned and increased use will cause more damage

Inaccuracies in the submission

The existing parking area shown on the plan does not exist

Percolation test results missing from the submission

Drainage

Not clear if the area is suitable for a soakaway system

Concerns for excess foul or surface water drainage overflow onto property

Concerns due to location of existing soakaways and proximity of dwelling and impacts a new system may have on the existing drainage system.

Ecology

Badgers are known to frequent the area

EXPIRY DATE OF APPLICATION: 04/01/2023

EXTENSION OF TIME AGREED? Yes 17/02/2023

REASONS FOR DELAY IN DECISION (where applicable):

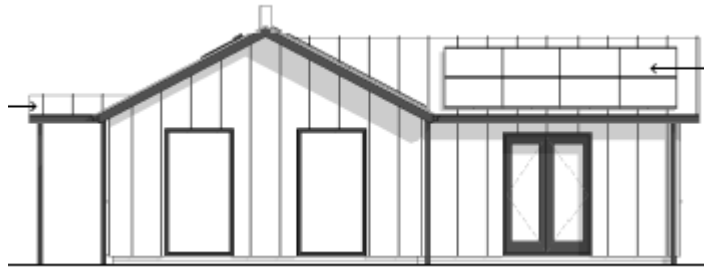
- additional information required from applicant
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of 1 affordable dwelling, installation of a new septic tank and associated works at land to the rear of Ty Capel and in connection with Graig Cottage, Graigadwywynt.
- 1.1.2 The proposed bungalow would have a Gross Internal Area of 80sqm and would form an L-shape with a front projecting gable. It is proposed to be situated in the northern side of the plot with the rear elevation within 1m of the rear boundary wall.



Proposed front elevation



Proposed east elevation

- 1.1.3 The dwelling is proposed to have a maximum width of 9.8m and 11.9m in length with a height of 3.9m. It is proposed to comprise 3 bedrooms, bathroom and open plan kitchen/living and dining area.
- 1.1.4 Patio doors are proposed to the side elevation of the living room and front elevation of the master bedroom.
- 1.1.5 Solar panels in two sets of arrays of 8 are proposed to the south east elevation roof plane. A wood burner flue is proposed above the southern gable.
- 1.1.6 The materials are proposed to comprise standing seam metal roofing in mid grey (Catric Urban) to the roof and mid grey standing seam metal wall cladding with composite windows and doors in a lighter grey.

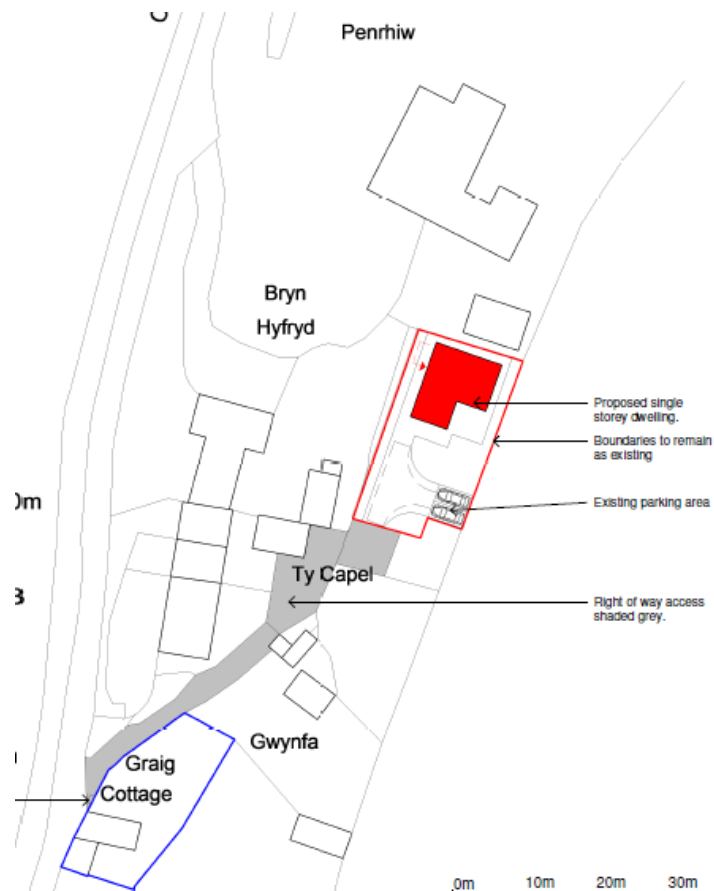
- 1.1.7 A Klargestor Gamma septic tank is proposed to be installed within the central garden area and rainwater harvesting system to the side of the dwelling.
- 1.1.8 2 parking spaces are proposed to the south side of the site with turning area within the site.

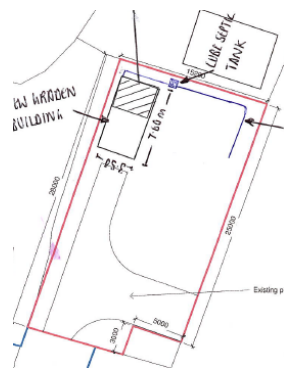
1.2 Other relevant information/supporting documents in the application

- 1.2.1 Design and Access statement, letter from Grwp Cynefin confirming applicant is in affordable housing need.

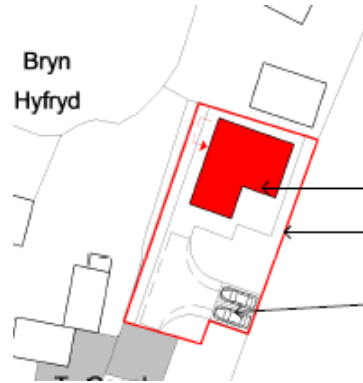
1.3 Description of site and surroundings

- 1.3.1 The site is a parcel of residential land situated behind Bryn Hyfryd which is accessed along a shared private driveway which runs behind a small row of houses fronting the minor road.
- 1.3.2 Graig Cottage is located approximately 50m to the south-east next to the junction between the highway and the private driveway.
- 1.3.3 The site is boundary by residential garden to the north, south and west. There is an outbuilding in the garden to the north and a garage in the parcel of residential garden to the south.
- 1.3.4 There is a small shed at the application site and a touring caravan is currently stationed on the land.
- 1.3.5 The plan below shows the relationship with the main house and surrounding dwellings and in relation to the extant permission for the garden office.





Previously approved garden office



Proposed dwelling

1.4 Relevant Planning constraints/considerations

- 1.4.1 The site is within an open countryside location outside of any defined development boundary.

1.5 Relevant planning history

- 1.5.1 A previous application for a dwelling on this site was refused in 2004 in principle grounds. Officers would point out that this refusal was issued in a different plan period and based on different policies/guidance to the current Local Development Plan.
- 1.5.2 Following the above refusal, Officers understand that the site was then used as an extension to garden and parking areas for 1 and 2 Chapel House (which was approved in 2005 as part of the subdivision of the two cottages). Subsequently, the owners of Graig Cottage purchased the site and its current use is associated with the residential use of Graig Cottage.
- 1.5.3 A planning application for the erection of an affordable dwelling on the site was submitted in early 2020, however the application was withdrawn in July 2020.
- 1.5.4 An application for a garden room was approved in November 2020 with conditions restricting its use to non-residential purposes.

1.6 Developments/changes since the original submission

- 1.6.1 Additional information on local connection of the applicant and additional details provided on the wall and roof materials and increase in dwelling floor area by 3sqm to bring it up from 77sqm as submitted to 80sqm in line with the minimum space standards outlined in the SPG.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

20/2004/0825 -Development of land for residential purposes and installation of replacement septic tank (outline application) REFUSED 27/07/2004

Reasons:

1. *It is the view of the Local Planning Authority that the erection of a dwelling on the site would not constitute an infill development as the collection of houses does not comprise a continuous line of built up residential frontage, a clearly identifiable group or focus of dwelling units on an identifiable crossroads or cul-de-sac, and does not contain six or more dwellings; neither does it comprise a small gap between buildings within a continuously developed frontage. Its development would be in conflict with the Unitary Development Plan Policy HSG 5, Policy GEN 3, Policy GEN 4, and Policy ENV 1 as it will lead to the consolidation of sporadic and scattered development in the open countryside.*

2. *In the absence of an essential agricultural or forestry need for a new dwelling, the proposal would be in conflict with Policy HSG 6 of the Denbighshire Unitary Development Plan relating to new dwellings in the open countryside and contrary to governmental guidance as contained within Planning Policy Wales March 2002.*

20/2005/1038 - Change of use of part of field from agricultural use to form extension to residential garden area to cottage. GRANTED 14/10/2005

20/2020/0335 - Erection of 1 affordable dwelling, installation of a new septic tank and associated works. Withdrawn 13/07/2020

20/2020/0530 - Erection of a garden room and installation of a septic tank. GRANTED 11/11/2020

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

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

Policy VOE5 – Conservation of natural resources

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

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 1 Joint Housing Land Availability Studies (2015)

TAN 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

TAN 18 Transport (2007)

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 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

- *National Planning Policy*

Planning Policy Wales Edition 11 provides general guidance on housing development in the countryside, which it suggests should be located within and adjacent to those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. It states that infilling, or minor extensions to existing settlements may be acceptable in particular where this meets a local need for affordable housing. This is amplified in Technical Advice Note 6 relating specifically to development in rural areas and the concept of 'Rural Exceptions' Policies.

- *Denbighshire Local Development Plan*

The site is located in the open countryside and outside of any defined development boundaries in the LDP. This is a fundamental starting point in the consideration of the application. The preamble to Chapter 6 of the Plan setting out the policies states ...

'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'.

It further outlines that development within boundaries will in principle be supported, but that local distinctiveness is reinforced by maintaining traditional settlement patterns and protecting landscapes and open spaces across the County. The policies of the Local Development Plan therefore seek to guide new housing development within defined settlements, taking account of environmental considerations and opportunities for the sustainable development of communities.

The main policy in the LDP which is relevant to the principle of housing development is policy BSC1. In line with policy BSC 1, outside of the development boundaries rural restraints policies apply to proposals which involve residential development.

The application is for an affordable dwelling to meet the needs of a local person in affordable need and the most applicable Policy would be Policy BSC9: *'Local connections affordable housing within small groups or clusters'*. This policy permits development of one or two units within small groups or clusters, provided that the proposal meets **all** the following criteria:

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

A full assessment of the above criteria will be under the Affordable Housing section of this report. However in summary, the proposal is considered to meet criteria i), ii) and iii) of the policy, although not a frontage as such, the location is consistent with others in the area with a variety of access routes along long driveways and tracks to other existing properties. It is not considered that the proposal would lead to ribbon development as it is within a group of already developed plots. There are a variety of house types and sizes in the area and the proposal is not considered to be at odds with this. It is not considered that the development of this plot would appear as an encroachment of development into the open countryside.

Regarding criterion iv) – the applicant has supplied confirmation that they are in need of affordable housing and are eligible for a self-build. The applicant meets the 'Local Connections' requirement as set out in the Affordable Housing SPG.

In principle, the application is considered to be acceptable subject to an assessment of the localised impacts.

Planning history

Having regard to the Planning history at the site, it is noted that a market dwelling was refused permission on the plot in 2004 for reasons that the application did not meet the criteria set out in the UDP resulting in 'consolidation of sporadic and scattered development in the open countryside'. Whilst Officers acknowledge that the current proposal is also for residential development, Officers would disagree that the development would be 'sporadic and scattered' as it is located within a small group of dwellings which have a variety of access routes and house types and sizes. An application for a garden office measuring 25sqm was also approved in 2020 within the same section of garden.

Officers consider that the 2004 application was assessed under a different Development Plan period and each case must be assessed on its own merits. As this application is for an affordable needs dwelling for a person who has demonstrated they are in affordable need, subject to an assessment of the localised impacts, it is considered to be acceptable in principle.

4.2.2 Visual amenity

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 visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

Representations on the visual amenity impacts have been made by members of the public.

The proposal is for an affordable bungalow positioned in the norther section of the plot, close to a large breeze block outbuilding in the adjoining garden and surrounded by high boundaries.

The proposed bungalow is to have a ridge height of 3.9m and would have a footprint of 80sqm. The bungalow is proposed to be finished in grey metal standing seam cladding to the roof and walls with light grey windows.

Officers note the comments raised by neighbours regarding the dwelling not being in keeping with the surrounding development, however there is also a variety of dwelling types and sizes in the area and consider that, providing there is no unacceptable harm to visual amenity, a bungalow could be acceptable in this location. Officers consider that the proposed bungalow would not raise any unacceptable impacts on visual amenity as it is set back from the road and not visible from public vantage points. It would be surrounded on 3 sides by high boundaries and the height and scale is not considered to cause any significant harm to the character of the area as it would be relatively inconspicuous within the plot.

Officers acknowledge that the proposed materials including metal standing seam cladding to the walls and roof are not in keeping with the surrounding development which is typically stone or rendered dwellings with slate roofs. This choice of cladding has been used for extensions to listed buildings to demonstrate a juxtaposition between the old and the new, for example, Elwy Cottage in Wrexham.



Example of cladding type used on an extension to the listed Elwy Cottage, Wrexham

The proposal is presented as an eco-friendly dwelling and proposes to install solar panels to the south and west roof planes. Given the small scale nature of the dwelling and its siting within the plot, Officers do not consider that the choice of materials would stand out significantly within the area. Only the front of the dwelling would be visible from the entrance which is off a private track and the feature glazing proposed would break up the cladding to the front elevation. The metal cladding to the roof is proposed to be dark grey which is considered to be a recessive colour and on balance, is not considered to raise any unacceptable visual amenity impacts to the character of the area.

Having regard to the design, siting, scale, massing and materials of the proposed dwelling, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential amenity

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 residential amenity impacts of development should therefore be regarded as a potential material consideration.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.

The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

Representations have been received on residential amenity grounds in relation to the impacts of the log burner on adjoining properties.

The proposed dwelling is to be oriented within the site facing south towards the entrance and garden/parking area. Windows are proposed to the side elevations to serve the bedrooms which face onto boundaries approximately 3m away. The main living area and master bedroom have large windows and patio doors to the front of the dwelling facing into the garden and parking area. The plot size measures over 400sqm and over 100sqm of amenity space would remain to the front of the dwelling without including the driveway and parking for 2 vehicles. The dwelling would be surrounded on 3 sides by high boundaries and hedges and it is not considered that

unacceptable overlooking or privacy concerns would arise from the development from the nearby properties.

In terms of residential space standards, the dwelling measures some 80sqm which meets the floor space standards for a 3 bedroom dwelling as set out in the Residential Space Standards SPG. Having regard to the Welsh Development Quality Requirements 2021 - Creating Beautiful Homes and Places (WDQR 2021), the Beautiful Homes and Spaces Standards for affordable dwellings contains no criteria for 3 bed bungalows, only 2 beds which would be just 58sqm. However the standard for a 3 bed 2 storey house would be 88sqm. As the space standards for a 2 bed bungalow are significantly lower than that for a 2 bed house, it is considered that the 80sqm proposed is supported. All of the living rooms and bedrooms meet the minimum requirements set out in the SPG and the Beautiful Homes and Spaces Standards and it is not considered the size of the bungalow would unacceptably impact on the residential amenity of the future occupiers.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.4 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.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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 (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW 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. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

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.

Future Wales – The National Plan 2040 Policy 9 – Resilient Ecological Networks and Green Infrastructure states that; *"In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment."*

This is also set out in Planning Policy Wales Edition 11 (2021), Section 6.4. This stresses that all development proposals must show a biodiversity enhancement.

Concern has been expressed locally in respect of the impact upon badgers which are known to frequent the area.

The application site is an existing garden area used in connection with Graig Cottage. Whilst no ecology report has been submitted with the application, Officers do not consider it necessary to request this for a managed garden site which has secure boundaries and a caravan currently sited within the garden.

PPW 11 states that all new developments should demonstrate a biodiversity enhancement. It is therefore considered reasonable to attach a condition to demonstrate that biodiversity enhancement will be provided at the site as a result of the development.

Subject to the imposition of an appropriately worded condition, it is considered that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.5 Drainage (including flooding)

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 drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) 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'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Concerns have been raised by neighbours regarding surface water drainage and the proximity of soakaways to existing drainage systems.

It is acknowledged that no details of soakaways have been provided with the application, however details of 2 trial-hole pits were provided with the application for the approved garden office (ref. 20/2020/0530) which concluded that the site passed the calculation tests for storage volumes and discharge times.

There is no known flood risk at the site. The proposal is for the erection of a dwelling with a construction area of under 100sqm and will not therefore require SUDs approval prior to commencement. It is not considered the application would raise any unacceptable surface water drainage concerns.

4.2.6 Highways (including access and parking)

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 highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Representations have been received from neighbours regarding the increased traffic using the access lane which is privately owned and will cause additional damage to it.

The site is accessed via a shared private lane and has an existing access and space for vehicles to be parked within the site.

Whilst comments have been made regarding the increased wear and tear on the shared access lane, such issues would be civil rather than planning matters. Highways Officers have raised no objection to the scheme and providing parking and turning is provided within the site and is completed before the dwelling is occupied, Officers consider the proposal would be acceptable in this regard.

Having regard to the nature and scale of the proposal, it is not adjudged that the proposal for a dwelling with on-site parking and turning would adversely impact on highway safety or the wider highways network.

4.2.7 Affordable Housing

The Local Development Plan includes a number of policies which may be relevant to the provision of affordable housing within and outside identified settlement boundaries, in support of its strategies for meeting the needs of a growing population. The policies have been developed with regard to the objectives of Planning Policy Wales (PPW 11).

Graigadwywynt has no defined settlement boundary and is considered to be in the open countryside for planning purposes. Market dwellings will not be permitted except under the rural restraints policies. As the application site is not within a hamlet area of search and is for an affordable local needs dwelling. The applicable policy in this case is BSC9 '*Local connections affordable housing within small groups or clusters*'. This policy permits development of one or two units within small groups or clusters, provided that the proposal meets **all** the following criteria:

- i) comprises infilling of a small gap between buildings within a continuously developed frontage; and*
- ii) does not result in ribbon development or the perpetuation of existing ribbon development; and*
- iii) is of comparable scale and size to, and is sited so as to respect adjacent properties and the locality; and*

iv) satisfactory arrangements can be made to ensure that the dwelling(s) are retained in perpetuity as affordable dwelling for local need and this is contained in a Section 106 agreement.

Having regard to test i) whilst the location of the site could be considered to be within a small group or cluster, although it is debatable whether the development would involve infilling of a small gap between buildings within a continuously developed frontage as the dwelling is set back into the site behind the general road frontage. Nevertheless, having regard to the surrounding development, some of which, is set back from the road and the variety of access routes via long driveways and tracks to other existing properties, it is not considered that the proposal is at odds to the general cluster of dwellings in this area. The proposed development would not appear to extend the cluster of buildings into the open countryside, and so it is considered that the development accords with the intention of criteria i) of policy BSC9.

With regard to test ii), the proposal would not result in ribbon development as it is set back behind the dwellings fronting the road. There is a variety of access routes via long driveways and tracks to other existing properties in this area and it is not considered that the proposal would lead to ribbon development as it is within a group of already developed plots.

Test iii) requires that the building could be of a comparable scale and size, and be sited to respect adjacent properties. The cottages fronting the road are two storey dwellings and whilst the proposal is for a bungalow, Officers consider that it is sited so as to respect adjacent properties and the locality. It is noted that there are a variety of house types and sizes in the area and the proposal is not considered to be at odds with this.

In relation to test iv) of BSC9, the proposal is for an affordable needs dwelling for the applicant who meets the affordable needs criteria set out by Grwp Cynefin in their assessment and has an established local connection having resided in Ruthin for a number of years.

Taking account of the objections raised by the neighbours and the advice provided by the Strategic Planning and Housing Officers, it is considered that the proposal meets the policy requirements of BSC9 the adopted Local Development Plan and the affordable need criteria as set out in the Affordable Housing SPG. A section 106 legal agreement would need to be signed in order to ensure the property remains affordable for a local person in perpetuity should the application be approved.

4.2.8 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

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

An Open Space Assessment and Audit Report has been completed by the Council and provides the evidence base for Policy BSC 11. The report assesses the quantity,

quality and accessibility of existing open spaces in the County on a community area basis with some additional information on an electoral ward basis. The assessment shows a deficiency in the area of Llanfair DC in all types of open space.

In line with SPG Planning Obligations (2016), the open space contribution can be met by way of a commuted sum totalling **£1,237.22**.

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.

5. SUMMARY AND CONCLUSIONS:

5.1 The site is in open countryside outside any village boundary, and it does not form part of a hamlet as recognised in the Local Development Plan.

5.2 The report deals in detail with the tests of the Development Plan's policies which are of most relevance to the proposals for affordable housing outside development boundaries.

5.3 The main policies applicable offer support for affordable housing development as an exception to normal policy, provided all the subsequent criteria are met. In Officers' opinion, and with respect to the case made, it is clear that the proposals meet the tests in Policy BSC9 for establishing affordable housing need for a dwelling in this open countryside location.

5.4 It is concluded that the application is in compliance with Policy BSC9, and is supported subject to a s106 legal agreement which would ensure the property remains in affordable tenure for a local person in perpetuity and secures the payment of £1237.22 towards additional public open space in the community. The sum should be paid prior to the occupation of the dwelling.

The planning permission would only be released on completion of the Section 106 Agreement. Failure to complete the Agreement within 12 months of the date of the Committee meeting would oblige the application to be reported back to Committee and reconsidered

RECOMMENDATION: GRANT subject to the following conditions :

1. The development to which this permission relates shall be begun no later than five years from the date of this permission
2. 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) Proposed floor plan, sections and elevations (Drawing No. 19-11 A102 Rev. H) received 25 January 2023
 - (ii) Existing site plan (Drawing No. 19-11 A002 Rev. D) received 10 November 2022

- (iii) Proposed site plan (Drawing No. 19-11 A101 Rev. G) received 10 November 2022
- (iv) Block plan (Drawing No. 19-11 A100 Rev. F) received 10 November 2022
- (v) Location plan (Drawing No. 19-11 A001 Rev. C) received 10 November 2022
- (vi) 3D image of bungalow and materials received 17 January 2023

3. The dwelling hereby approved shall not be occupied until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
4. Within three months of the commencement of development, a detailed scheme of hard and soft landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) proposed positions, design, materials and type of proposed boundary treatments.
 - (f) the timing of the implementation of the planting and landscaping scheme.
5. Any trees or plants which within a period of 5 years from the implementation of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. No external lighting shall be permitted to be installed or operated, including emergency / security lighting, until the written approval of the Local Planning Authority has been obtained to the details thereof to include light spillage details which should be designed to avoid negative impacts on bats. The scheme shall be carried out strictly in accordance with the approved details.
7. Facilities shall be provided and retained within the site for the parking and turning of vehicles as indicated on the approved plan, and shall be completed prior to the occupation of the dwelling.
8. Any gates in connection with the vehicular access shall be hung to open into the site and shall not be permitted to overhang the private lane at any time.
9. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
2. For the avoidance of doubt and to ensure a satisfactory standard of development
3. In order to maintain and enhance biodiversity
4. To ensure in the interests of visual amenity and to ensure a satisfactory standard of landscaping in conjunction with the development
5. In the interests of visual amenity and to ensure a satisfactory standard of landscaping in conjunction with the development
6. In order to maintain and enhance biodiversity
7. To provide for the parking of vehicles clear of the private lane and to ensure that reversing by vehicles into or from the private lane is rendered unnecessary in the interest of highways safety

8. In the interests of highway safety
9. In the interests of visual and residential amenity

