

ITEM NO: 2

WARD NO: Llandyrnog

APPLICATION NO: 18/2012/0481/ PF

PROPOSAL: Erection of 2 no. detached dwellings, construction of a new vehicular access and installation of a sewage treatment plant (site area 0.16ha)

LOCATION: Land between Canol Y Waen and Capel Y Dyffryn Llandyrnog Denbigh

APPLICANT: Mr & Mrs G Carrington-Sykes

CONSTRAINTS:

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

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

- Recommendation to grant – Community Council objection

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL:

“Members wish to object to the application on the following grounds:

1. HSG 5 allows developments within small gaps of an infill type - this is an individual parcel of land which happens to have a road frontage.
2. The development would result in a perpetuation of existing ribbon development.
3. The overall appearance of the two substantial size houses is totally out of scale size and character of the adjacent properties.
4. Infill should only be considered if there are a group of six or more dwellings - it is not felt there are six dwellings in this group - Ty Capel, the Chapel y Bwthyn, Canol y Waen - this is however open to interpretation as to whether the properties facing B5429 form part of the group.
5. Any development will detract from overall appearance of the adjoining grade 2 listed building.
6. The development will lead to the loss of good agricultural land.

The National Planning Guidance does allow strictly controlled opportunities in rural areas however it goes on to suggest that this be restricted to infill capable of one unit in small infill plots. Members felt that granting this application would set a very dangerous precedent.”

WELSH WATER:
No objections.

ENVIRONMENT AGENCY:
No objections.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

SENIOR CONSERVATION ARCHITECT:

The Senior Conservation Architect has advised the Case Officer that the proposal is acceptable in terms of its overall massing, scale and layout in relation to the surrounding properties and adjacent listed building. It would, however, be preferable to see more simplified detailing on the front elevations.

BIODIVERSITY OFFICER:

There is a Great Crested Newt site recorded on an adjacent site. Will advise further on the scheme of mitigation measures put forward by the applicant.

HEAD OF HIGHWAYS AND INFRASTRUCTURE:

No objections

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr. C. Jones, Y Bwthyn, Waen Crossing, Llandyrnog
Ms. D. L. Jones, Y Bwthyn, Waen Crossroads, Llandyrnog
T. Roberts, Ysg. Capel y Dyffryn, Glanywern Bennett, Llandyrnog

Summary of planning based representations:

- Impact upon visual amenity and setting of listed building (Capel Dyffryn and Ty Capel)
- Loss of wildlife habitat – hedgerows/newts habitat
- Principle – land not in development plan/not infill/precedent
- Design – the ridges are too high
- Drainage/hydrology

EXPIRY DATE OF APPLICATION: 18/06/2012

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of 2 detached dwellings, construction of a new vehicular access, and installation of a sewage treatment plant.
- 1.1.2 The proposed dwellings would be two storeys in height, featuring slate pitched roofs and front projecting gables similar in style to Ty Capel y Dyffryn, which is immediately adjacent to the site.
- 1.1.3 The dwelling on plot 1 would have a footprint of 11 metres by 7 metres, and the dwelling on Plot 2 would have a footprint of 10 metres by 8 metres.
- 1.1.4 The dwellings would be set back into the site, approximately 14 metres from the edge of the highway. Parking and garden areas are proposed to the front of the dwellings. The proposed new vehicular access is shown to access the site centrally, before splitting to serve both dwellings.
- 1.1.5 A separation distance of 11 metres is proposed between the side elevations of Plot 1 and Y Bwthyn, and this would include the retained access track to the field at the rear of the site. Between Plot 1 and Plot 2, a separation distance of 5 metres is proposed, whilst between Plot 2 and Capel Y Dyffryn the gap would be 7 metres. (See plan at the front of the report).

- 1.1.6 The proposed sewage treatment plant would be located to the rear of the dwellings.
- 1.1.7 The application is accompanied by a Design and Access Statement, and Code for Sustainable Homes Pre Assessment Report which demonstrates the proposed dwelling would meet level 3 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is currently flat agricultural land which it is understood is used occasionally for grazing. It has a road frontage onto Whitchurch Road, which links Llandyrnog and Denbigh and it is located approximately 110 metres west of the B5429 roundabout.
- 1.2.2 The site measures approximately 37 metres by 38 metres with its boundaries defined by mature hedgerows to the front and sides. These are, in places, supplemented with mature trees along the eastern boundary. Surrounding the site to the east and west are residential properties and a chapel. Opposite the site to the north, and across the road, is an area of woodland.

1.3 Relevant planning constraints/considerations

- 1.3.1 As commented upon by Llandyrnog Community Council, the site is within an area of good agricultural quality land. However, officers would confirm that the 1966 Provisional Agricultural Land Classification Map does not include the site within the Grade 1 notation but instead includes it within the boundary of 'land predominantly in urban use', along with the string of development along the B5429 out of Llandyrnog and along the Denbigh Road.
- 1.3.2 The adjacent dwelling Ty Capel Y Dyffryn, and the associated Chapel are Grade II listed buildings.

1.4 Relevant planning history

- 1.4.1 An initial outline application was made in 2010, but owing to the site's position close to listed buildings it was felt that the application should be made with all details being submitted for consideration. The 2010 application was subsequently withdrawn.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 18/2010/0613/PO – Development of 0.16ha of land by the erection of 2 no detached dwellings, construction of new vehicular access and installation of package treatment plant. Outline including access, layout and scale. WITHDRAWN 1/10/2010

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)

- Policy STRAT 1 – General
- Policy STRAT 7 - Environment

Policy GEN 3 – Development Outside Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG 5 – Groups of Houses in the open Countryside
Policy CON 1 – The Setting of Listed Buildings
Policy ENV 6 – Species Protection
Policy ENV 11 – Safeguarding of High Quality Agricultural Land
Policy TRA 6 – Impact of New Development on Traffic Flows

3.2 SUPPLEMENTARY PLANNING GUIDANCE:

Supplementary Planning Guidance 10: Infill Housing in the Countryside
Supplementary Planning Guidance 18: Nature Conservation and Species Protection
Supplementary Planning Guidance 24: Design Guide For Householder Development
Supplementary Planning Guidance 25: Residential Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 4 (February 2011)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 12 – Design (2009)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 22 – Sustainable Buildings (2010)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity and setting of listed building
- 4.1.3 Impact on residential amenity
- 4.1.4 Impact upon biodiversity
- 4.1.5 Impact upon highway safety
- 4.1.6 Design and Access/Sustainability Code/Access for All
- 4.1.7 Agricultural Land Quality

4.2 In relation to the main planning considerations:

4.2.1 Principle:

Policy GEN 3 allows for certain categories of development outside of development boundaries. In accordance with Policy HSG 5 infill development of *one or two* housing units may be permitted within a clearly identifiable group of dwellings in the open countryside. Infill developments may be permitted provided that it is a small gap between buildings in a continuously developed frontage; it does not result in ribbon development; and is of a comparable scale and size and is sited so as to respect adjacent properties in the locality. This policy is augmented by Supplementary Planning Guidance Note No. 10 Infill Housing in the Open Countryside.

With regard to the Community Council's concerns over the principle of 'infill' development:

- The first test of the infill policy (criteria i) relates to a small gap between buildings within a continuously developed frontage, and SPG 10 refers specifically to a clearly identifiable group being of 6 or more residential units. In this case the site is considered to sit within a continually developed frontage made up of more than 6 dwellings which form a clearly identifiable group. It is suggested that the dwellings along the B5429 are to be counted along with Woodview Cottage, Canol Y Waen, Y Bwthyn, and Ty Capel Y Dyffryn as they are clearly related visually. (See the plan at the front of the report).

-The second test of the policy (criteria (ii)) refers to ribbon development. It is not considered that the proposal would in itself result in ribbon development given that the site is not at the end of a line of dwellings, but between existing

dwellings. Reference is made to the examples in Supplementary Planning Guidance Note 10 which show similar examples to the case in question as being acceptable. (See front of report)

-The third test (criteria (iii)) refers to a small gap of comparable scale, character and size to the surrounding properties. It is considered the site frontage is comparable to the adjacent frontages, and that the plot sizes proposed are not dissimilar to those in the immediate vicinity.

It is considered, given the tests of Policy HSG 5 and the accompanying guidance in Supplementary Planning Guidance Note 10, that the development of this site, within an existing group of dwellings is acceptable in principle as infill, subject to an assessment of impacts as set out below.

4.2.2 Impact on visual amenity:

Policy GEN 6 includes criteria which aim to safeguard the visual amenity of areas and to ensure that development is not allowed which is out of character with the established character of the immediate vicinity. Policy CON 1 requires development adjacent to listed buildings to preserve the setting of the listed building, where the setting is an integral part of the character of the building. Whilst this is still clearly a consideration in this application, it is considered that the site does not, in itself, form an essential part of the character of Ty Capel Y Dyffryn and Capel Y Dyffryn in that the site is not within the curtilage of the listed buildings.

The area is characterised by a mixed form of development, ranging from listed buildings (Ty Capel Y Dyffryn), a small thatched cottage (Y Bwthyn) to modern two storey red brick dwelling (Woodland cottage). Materials used in the area range from brick to render, and fenestration can be seen to be both traditional and modern. Most influential to the character of the area are, however, Ty Capel Y Dyffryn and Capel Y Dyffryn. The design of the proposed dwellings seeks to step the height and scale of development down from Capel Y Dyffryn, to the lower and smaller scale of Y Bwthyn. The dwellings feature details which mirror the appearance of the listed buildings. A submitted street scene elevation (at the front of this report) indicates how the proposed dwellings would relate to the surrounding development. The Council's Conservation Architect is of the view that the design of the dwellings is acceptable in terms of their impact upon the listed buildings and character of the area, subject to materials and fenestration being controlled.

With regard to the submitted details, it is considered that the proposal, featuring dwellings set back within the site to avoid dominating the adjacent buildings, would not appear an intrusive feature within the area. It is considered therefore that, with respect to the comments of the Community Council and local concerns, the proposed dwellings would be unlikely to harm the character and appearance of the area, subject to control over the materials and fenestration. The proposal is therefore considered acceptable in terms of its impact upon the visual amenity of the area and is compliant with the requirements of Policy GEN 6 and CON 1.

4.2.3 Impact upon residential amenity:

There is a general requirement to ensure that new development does not detrimentally affect the amenity of neighbouring properties by way of, amongst other things, over dominance and loss of privacy. This requirement is embodied within Policy GEN 6. Additional guidance on how this can be achieved is contained in Supplementary Planning Guidance Notes 24 and 25. Policy GEN 6 also requires new residential development to provide a

reasonable amount of amenity space for future occupants, and SPG 7 expands upon this.

The main windows in the proposed dwelling face towards the highway and the open field to the rear. The separation distances between the proposed dwellings and existing dwellings are, 11 metres between the side elevations of Y Bwthyn and Plot 1, (including the retained access track to the field at the rear of the site), 5 metres is proposed between Plot 1 and Plot 2, and 7 metres between Plot 2 and Ty Capel (which is not a dwelling). Some side windows are proposed to the new dwellings, but given the orientation/siting of the dwellings and the absence of side windows on the existing dwellings, they would not look directly towards each other. Both of the proposed dwellings would have external amenity space in excess of 250 square metres.

It is considered, based on the recommendations in SPG 1 and SPG 24 that there is sufficient distance to avoid any unreasonable loss of amenity to the occupiers of the neighbouring properties. Similarly, given the distances, orientation of buildings, location of windows, boundary treatments and changes in levels, it is not considered that the proposal would have a detrimental impact on the residential amenity of the neighbouring dwellings.

4.2.4 Impact upon biodiversity

Policy ENV 6, Species Protection, aims to ensure that proposals for new development do not detrimentally harm any protected species, or their habitat. Welsh Government policies/guidance in Planning Policy Wales 4 and TAN 5 set out clear requirements to consider the implications of development on protected species.

Concern has been expressed locally in respect of the impact upon great crested newts and other wildlife. There is a recorded Great Crested Newt within a neighbouring garden. It has also been suggested that the loss of 9m of hedgerow to create the new access would result in a loss of valuable habitat for wildlife. It is not proposed to remove any trees from the site. The County Council Biodiversity Officer has examined the proposal and the suggested mitigation measures and concludes that the development of this site is unlikely to have a detrimental impact upon the favourable conservation status of any protected species.

On the basis of the information submitted, and the specific responses of the Biodiversity Officer and the Countryside Council for Wales, it is considered that, with respect to the particular concerns raised, the development of this site, as now proposed, is unlikely to result in a detrimental impact upon protected species. The proposal is therefore not in conflict with policy ENV 6 Species Protection.

4.2.5 Impact upon highway safety

Policies TRA 6 Impact of New Development on Traffic Flows, TRA 9 Parking & Servicing Provision and GEN 6 Development Control requirements, only permit proposals for development where there is adequate parking and servicing provision and there would not be a detrimental impact upon the safe and free flow of traffic on the highway.

The proposal involves creating a new access into the site. Within the site, parking and turning areas would be created. The proposal has been considered by the Highway Officers, who have not raised an objection to the proposal.

It is considered, based on the Highway Officer's response, that the proposal is acceptable in terms of its impact upon highway safety, and meets policy requirements for the provision of parking. The proposal is therefore unlikely to result in a detrimental impact on highway safety. To help ensure this, it is considered not unreasonable to impose a planning condition requiring the proposed access and parking is laid out strictly in accordance with the submitted plans in the interest of securing a high quality and safe form of development. The proposal is considered to meet the requirements of TRA 6 and GEN 6.

4.2.6 Design and Access/Sustainability Code/Access for All

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the 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 STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions can be included to ensure the development is carried out in accordance with the requirements of Sustainability Code guidance.

4.2.7 Agricultural Land Quality

Strategic and detailed policies of the Unitary Plan (STRAT 1, 7; ENV 11) and Planning Policy Wales seek to protect high quality agricultural land from 'permanent' forms of development unless there is an overriding need. ENV 11 looks to resist unacceptable permanent loss of agricultural land of grades 1, 2, and 3a, except where overriding need exists, and land of lower quality is not available, or lower grade land has other specific statutory protection.

As commented upon by Llandyrnog Community Council, the site is within an area of good agricultural quality land. However, officers would confirm that the 1966 Provisional Agricultural Land Classification Map does not include the site within the Grade 1 notation but instead includes it within the boundary of 'land predominantly in urban use', along with the string of development along the B5429 out of Llandyrnog and along the Denbigh Road.

In recognising the agricultural land quality issue, it is material here that the part of the site to be developed is located between existing development, and accordingly the site is excluded from the Grade 1 notation. It is considered therefore that the proposal does not conflict with Policy ENV 11.

5 **SUMMARY AND CONCLUSIONS:**

- 5.2 With regard to the material planning considerations, it is considered that with respect to the representations, the proposal complies with adopted planning policies, and it is therefore recommended that planning permission be granted.

RECOMMENDATION: GRANT subject to following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
No external wall or roof materials shall be applied until the written approval of the Local

Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.

3. The access shall be laid out in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.

4. 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 proposed development being brought into use.

5. Notwithstanding the provisions 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 windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

6. **PRE-COMMENCEMENT CONDITION**

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such 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 (including the grass-crete area);

(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 boundary treatment.

7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

9. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

10. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

11. The new dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

12. Construction of the dwellings hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for those dwellings or house types in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

13. Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a

minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

14. Notwithstanding the provisions of Class(es) A, B, C, D, E, F, G, 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 further grant of planning permission of the Local Planning Authority.

15. The fenestration detailing shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted and approved in writing by the Local Planning Authority prior to their installation, and the development shall only proceed in accordance with those details as approved.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
4. To provide for the parking and turning 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.
5. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity.
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
9. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
10. To ensure the proper drainage of the site and to minimise the risk of pollution.
11. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
12. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
13. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
14. In the interests of ensuring that no inappropriate additional development takes place at a later date which may have a detrimental impact upon the character of the adjacent listed buildings.
15. In the interest of visual amenity.

NOTES TO APPLICANT:

None