



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Heading:

REFERENCE NO. 10/2012/0610/PO
Tyn y Bedw, Bryneglwys,
Corwen

7



Application Site

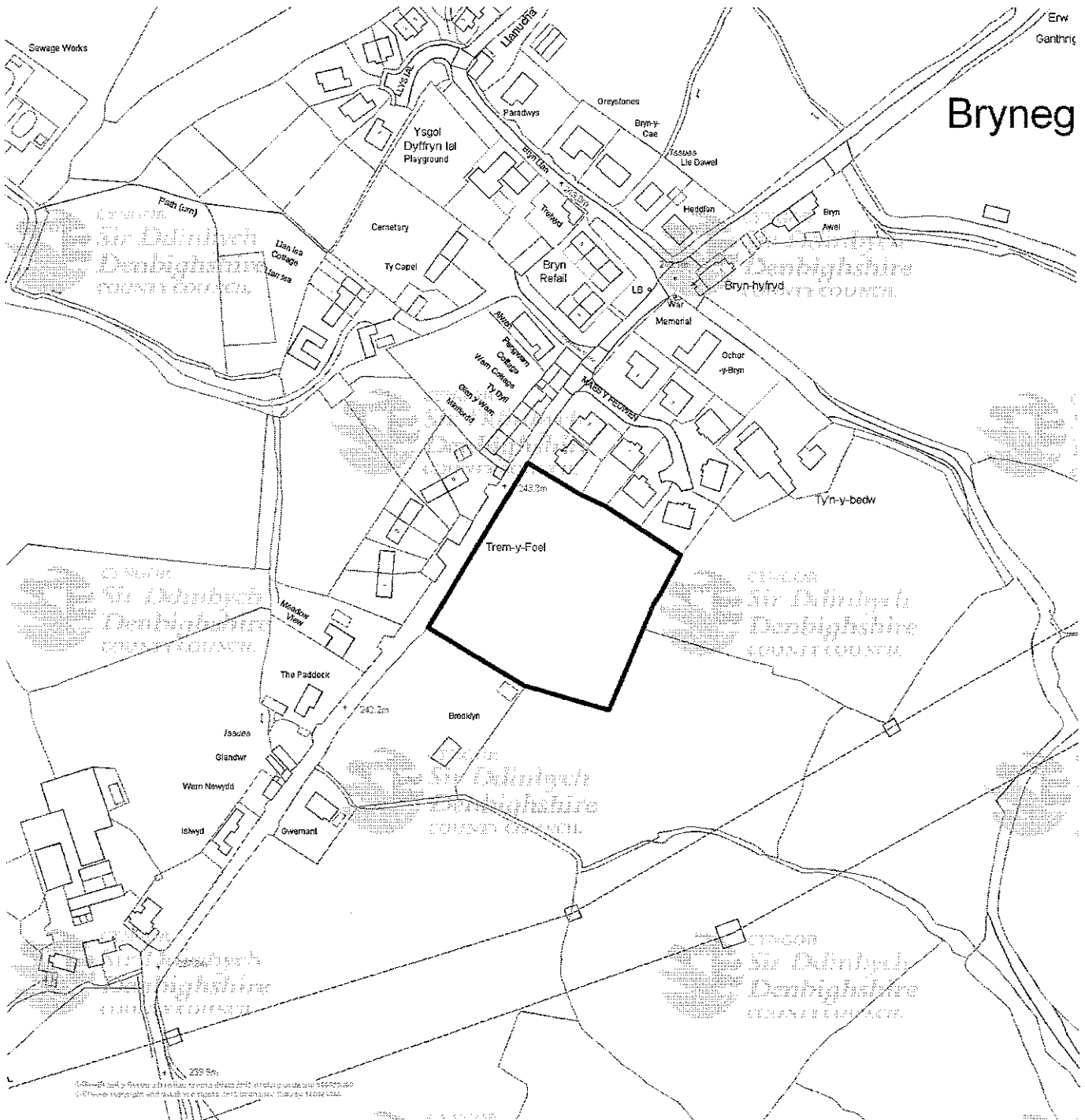


Date 22/8/2012

Scale 1/2500

Centre = 314524 E 347089 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.

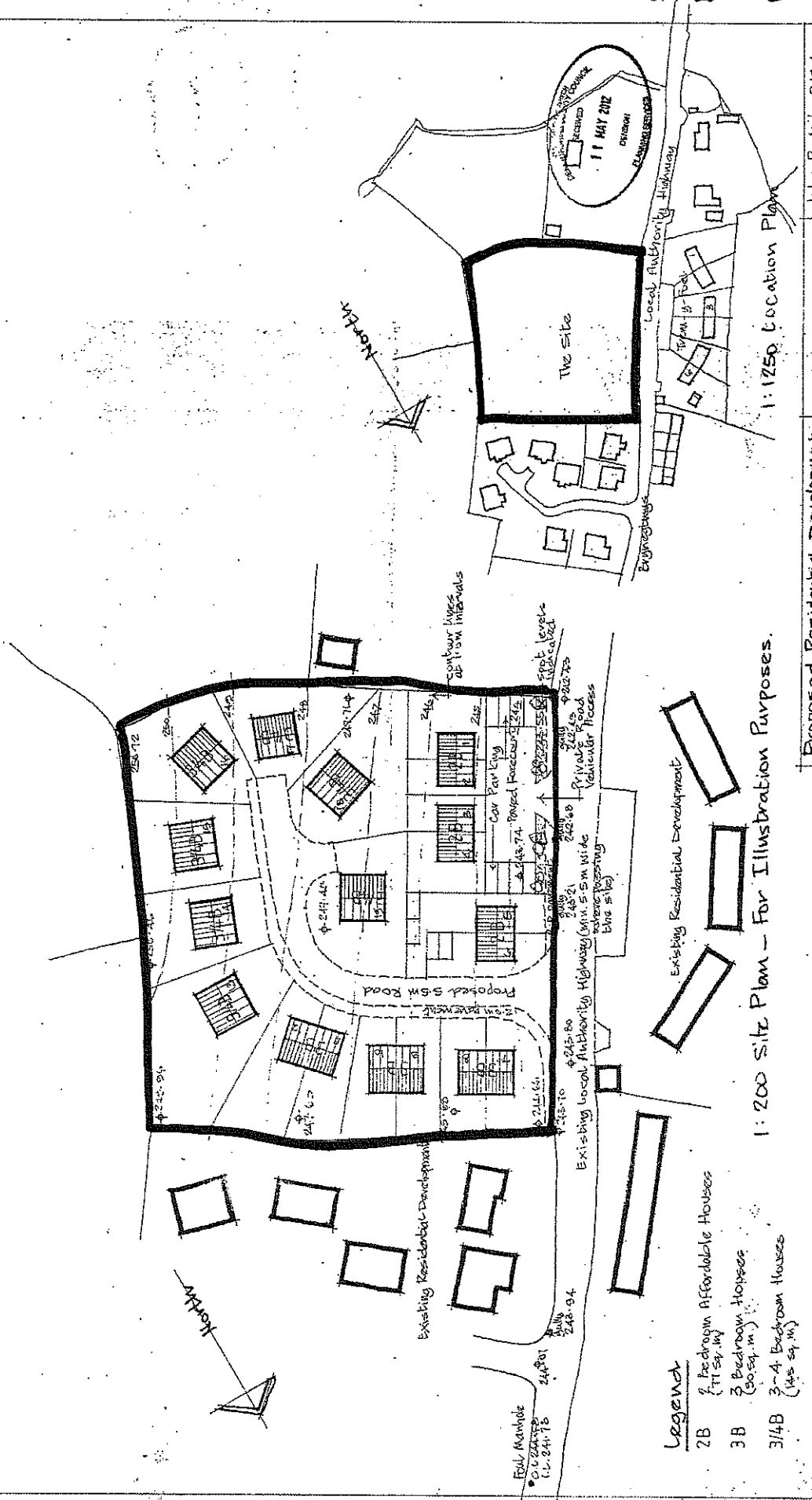


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SITE PLAN

10' 1000/0610PP0



1:200 Site Plan - For Illustration Purposes.

Legend

- 2B 2 Bedroom Affordable Houses (71 sq. m.)
- 3B 3 Bedroom Houses (90 sq. m.)
- 3/4B 3-4 Bedroom Houses (145 sq. m.)

Proposed Residential Development, Land Adjacent to Tym-y-Bedd, Brynegwys, Corwen For Cynjal Homes Ltd.	Scale: As Indicated	John P. Miles B.A., Chartered Architect, Castell Llanygollen, L22 8SU
Outline Planning Application.	Date: May 2012.	Telephone: 01290-851071
	DWG. No.: 2094/2	

SES

ITEM NO: 7

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 10/2012/0610/ PO

PROPOSAL: Development of 0.68 hectares of land for residential development (outline application - all matters reserved) (renewal of outline planning permission code no. 10/2004/1279)

LOCATION: Land adjacent to Tyn-y-Bedw Bryneglwys Corwen

APPLICANT: Clwyd Homes Limited

CONSTRAINTS: AONB

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 / approve – 4 or more objections received

CONSULTATION RESPONSES:
BRYNEGLWYS COMMUNITY COUNCIL
No response received

AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE (AONB JAC)

"The JAC has no objection in principle to the development of this land within the Development Boundary of Bryneglwys subject to robust arrangements being put in place to ensure that a significant proportion of the dwellings are retained as affordable houses for local people in perpetuity, and the house types, layout, materials and landscaping are designed to be sympathetic to the rural character of the site and its setting.

Although all matters are reserved for subsequent approval, the JAC is supportive of the applicants aspiration to retain as much of the frontage hedgerow as possible and to achieve a more sensitive layout by relaxing highway requirements. The intention to use landscaping to soften the development and to plan new hedgerow boundaries along the open south-west and south-east boundaries of the site to help integrate the development into the rural scene is also welcomed".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HOUSING SERVICES
No objection

HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objection, notes that access to the site is not included within this application and details would be required as part of a reserved matters application.

DWR CYMRU WELSH WATER
No response received

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr. & Mrs. A. Bailey, 8, Maes-y-Fedwen, Bryneglwys
S. Miers, 2, Glan y Wern, Bryneglwys, Corwen
R. Sinclair, Arosfa, Maes y Fedwen, Bryneglwys
T. K. Williamson, 6, Maes y Fedwen, Bryneglwys
R. & A. Killey, 9, Maes-y-Fedwen, Bryneglwys
Mr. D. Moss, Minffordd, Bryneglwys, Corwen

Summary of planning based representations:

- Principle – inadequate village size, location and amenities, sizeable development for a small village, rural aspect of the village will be spoilt; over development of the site
- Highway considerations - unacceptable effect on the local highway network by increased traffic, local roads poor, poorly maintained roads, insufficient parking for new dwellings
- Impact on residential amenity – inappropriate density, loss of privacy, loss of views,
- Impact on the local environment – increased travel demands, loss of hedgerows, impact on wildlife
- Lack of local services – no public transport, shop, doctors and shortly no school.
- Drainage concerns – problems locally
- No demand for Housing in Bryneglwys

EXPIRY DATE OF APPLICATION: 05/07/2012

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

6. THE PROPOSAL:

6.1 Summary of proposals

6.1.1 The application seeks outline planning permission with all matters reserved for future approval. This application is for a renewal of planning permission ref 10/2004/1279/PO approved in May 2009 for the development of 0.68ha of land for residential development.

6.1.2 The application is accompanied by an illustrative layout plan, indicating the development of 19 dwellings, 7 detached and 6 pairs of semi detached dwellings. Also submitted with the application is a Design and Access Statement and Code for Sustainable Homes Pre- Assessment.

6.2 Description of site and surroundings

6.2.1 The application site comprises 0.68ha of agricultural land, roughly rectangular in shape which is located in the village of Bryneglwys. The site is generally on the same level as adjacent properties, and slopes upwards slightly to the east.

6.2.2 To the north and west of the site are residential properties (Maes y Fedwen and Trem y Foel) and to the south and east is primarily open countryside. The public highway, which runs through the village, bounds the site to the west and separates the site from the residential development of Trem y Foel.

6.3 Relevant planning constraints/considerations

- 6.3.1 The application site is located within the Development Boundary of Bryneglwys and is within the Policy ENV 2 Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

6.4 Relevant planning history

- 6.4.1 This is a renewal of outline planning permission ref 10/2004/0610/PO granted in May 2009. This outline planning permission was subject to a Section 106 legal agreement to secure affordable housing and open space provision in accordance with the relevant Unitary Plan Policies.

The application was received prior to the May 2012 expiry of the original outline consent.

6.5 Developments/changes since the original submission

- 6.5.1 None

6.6 Other relevant background information

- 6.6.1 None

7. DETAILS OF PLANNING HISTORY:

- 7.1 10/2004/0610/PO Development of 0.68ha of land for residential development and construction of new vehicular access (outline application) GRANTED 14th May, 2009 with Section 106 Legal Agreement. Resolution to GRANT subject to S106 by Planning Committee on 26th January, 2005.

8. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 8.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1 General

Policy STRAT 6 Location

Policy STRAT 13 New Development

Policy STRAT 15 Housing

Policy GEN 1 Development within Development Boundaries

Policy GEN 6 Development Control Requirements

Policy ENV 2 Development affecting the AONB/AOB

Policy ENP 4 Foul and Surface Water Drainage

Policy HSG 4 Housing development in villages

Policy HSG 10 Affordable Housing within development boundaries

Policy REC 2 Amenity and recreational open space requirements in new developments

Policy TRA 6 Impact of new development on traffic flows

Policy TRA 9 Parking and Servicing Provision

- 8.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note 4: Recreational Public Open Space

Supplementary Planning Guidance Note 22 Affordable Housing in New Developments

Supplementary Planning Guidance Note 25: Residential Development Design Guide

- 8.3 GOVERNMENT POLICY GUIDANCE

Planning Policy Wales 2011

TAN 12: Design (2009)

TAN 22: Planning for Sustainable Buildings (2010)

9. MAIN PLANNING CONSIDERATIONS:

- 9.1 The main land use planning issues are considered to be:

- 9.1.1 Principle
- 9.1.2 Amenity Impacts
- 9.1.3 Highway and Parking Implications
- 9.1.4 Affordable Housing
- 9.1.5 Open Space Provision
- 9.1.6 Drainage
- 9.1.7 Design and Access/Sustainability Code Considerations

9.2 In relation to the main planning considerations:

9.2.1 Principle

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 15 and GEN 1. These policies seek to make provision for new housing in a range of locations, concentrating development within the boundaries of defined settlements. Policy HSG 4 permits limited housing development in identified villages, where this is related to the size and character of the settlement. The site is within the development boundary of Bryneglwys, where the principle of new housing development would be acceptable subject to consideration against other policies.

This application is seeking to renew a previous outline planning permission, and therefore the principle of residential development has been accepted previously by the grant of permission in 2009.

9.2.2 Amenity Impacts

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.

The application contains an illustrative layout indicating a possible format for a development, but there are no elevation details or floor plans to allow assessment of the impact on adjacent properties. With regards to the comments received relating to the amenity of neighbouring dwellings, in the absence of the relevant details it is not possible, or appropriate to consider such matters at this point, and these matters can be dealt with satisfactorily at reserved matters stage. The detailed application would require careful consideration to avoid detriment to the adjacent properties and visual amenities of the area.

The comments received with regard to the density of the development are noted, however these matters would be subject to consideration as part of a later planning application if outline planning permission is given.

It is not possible to assess the detailed amenity impact at this stage, no details have been submitted for considerations as this application seeks only outline planning permission with all matters reserved for later approval.

9.2.3 Highway and Parking Implications

The main Unitary Development policies relating to the highway impacts of new development are TRA 6, TRA 9 and GEN 6. These policies require due consideration of impact on the safe and free flow of traffic, the capacity and condition of the highway network, and the adequacy of parking and servicing provision.

The means of access to the site is reserved for further approval. The Head of Highways has raised no objection to the proposal and has not raised any concerns in respect of the adequacy of the local highway network.

It is not considered, with respect to objections raised, there are any highway

grounds to refuse permission here.

9.2.4 Affordable Housing

The requirement for provision of affordable housing in connection with housing development within development boundaries is set out in Policy HSG 10 of the Unitary Development Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1ha or more and/or where more than 3 units are proposed.

The applicant signed a Section 106 agreement with the previous outline planning permission and is fully aware of the Council's Affordable Housing requirement. It is now accepted practice to use a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions in recent years, to establish the requirement for an agreed level of affordable housing or payment of commuted sum prior to the commencement of development.

Officers consider there are no grounds to resist the application in respect of affordable housing matters.

9.2.5 Open Space Provision

Policy REC 2 and SPG 4 set out the requirement for provision of amenity and recreational space in new residential development. The trigger point for the requirement to provide public open space is 10 dwellings. In this instance, numbers of proposed dwellings have not been submitted. However, based on policy density figures it is considered unlikely that the scheme would result in less than 10 dwellings being accepted at reserved matters stage.

The applicant signed a Section 106 agreement with the previous outline planning permission and is fully aware of the Council's Open Space requirement. Again, it is suggested that the same approach to securing provision of open space be adopted as the affordable housing provision, by the imposition of a 'standard' form of planning condition.

9.2.6 Drainage

Policy ENP 4 seeks to ensure satisfactory foul and surface water drainage arrangements in new developments.

The applicant has not provided any drainage details for approval but Dwr Cymru/Welsh Water have raised no objection to the proposal. A suitable drainage condition can be imposed if outline planning permission is granted.

9.2.7 Design and Access/Sustainability Code Considerations

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 Development Plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the application is accompanied by a Design and Access Statement and Code for Sustainable Homes Pre-Assessment which demonstrates that the requirements of TAN 12 and TAN 22 have been satisfactorily addressed. Suitable worded conditions can be attached to ensure the development is carried out in accordance with the requirements of the Sustainability Code.

10. SUMMARY AND CONCLUSIONS:

- 10.1 The site lies within the village boundary of Bryneglwys. The principle of housing development is considered acceptable with outline planning permission having already been granted in 2009. The affordable housing and open space requirements can be covered by suitable conditions.

It is considered, with respect to local residents concerns, that having regard to the planning history and the basic details in this application, that the proposals are acceptable, and the application is therefore recommended for approval.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. Approval of the details of the layout, scale and appearance of the building(s), the access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. **PRE-COMMENCEMENT CONDITION**
The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
5. No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to the detailed arrangements for the provision for amenity and open space within the site in accordance with the Council's policies and guidance.
6. **PRE-COMMENCEMENT CONDITION**
No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
7. Each new dwelling 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 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
8. Construction of any dwelling 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 that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

9. Prior to the occupation of the individual dwelling 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 22 November 2010.

10. The submitted site plan ref 2094/2 dated May 2012 has been treated for illustrative purposes only and does not convey the Local Planning Authority's consent to the number of dwellings indicated.

11. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.

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. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Denbighshire Unitary Development Plan.
5. To secure the provision of open space in accordance with the Council's policies, for the benefit of occupiers of dwellings on the site.
6. To ensure satisfactory drainage of the site and to avoid flooding.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
10. For the avoidance of doubt.
11. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None