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Heading:

05/2012/0756/PO  
Land adj Maes y Glyn  
Glyndyfrdwy, Corwen



Application Site

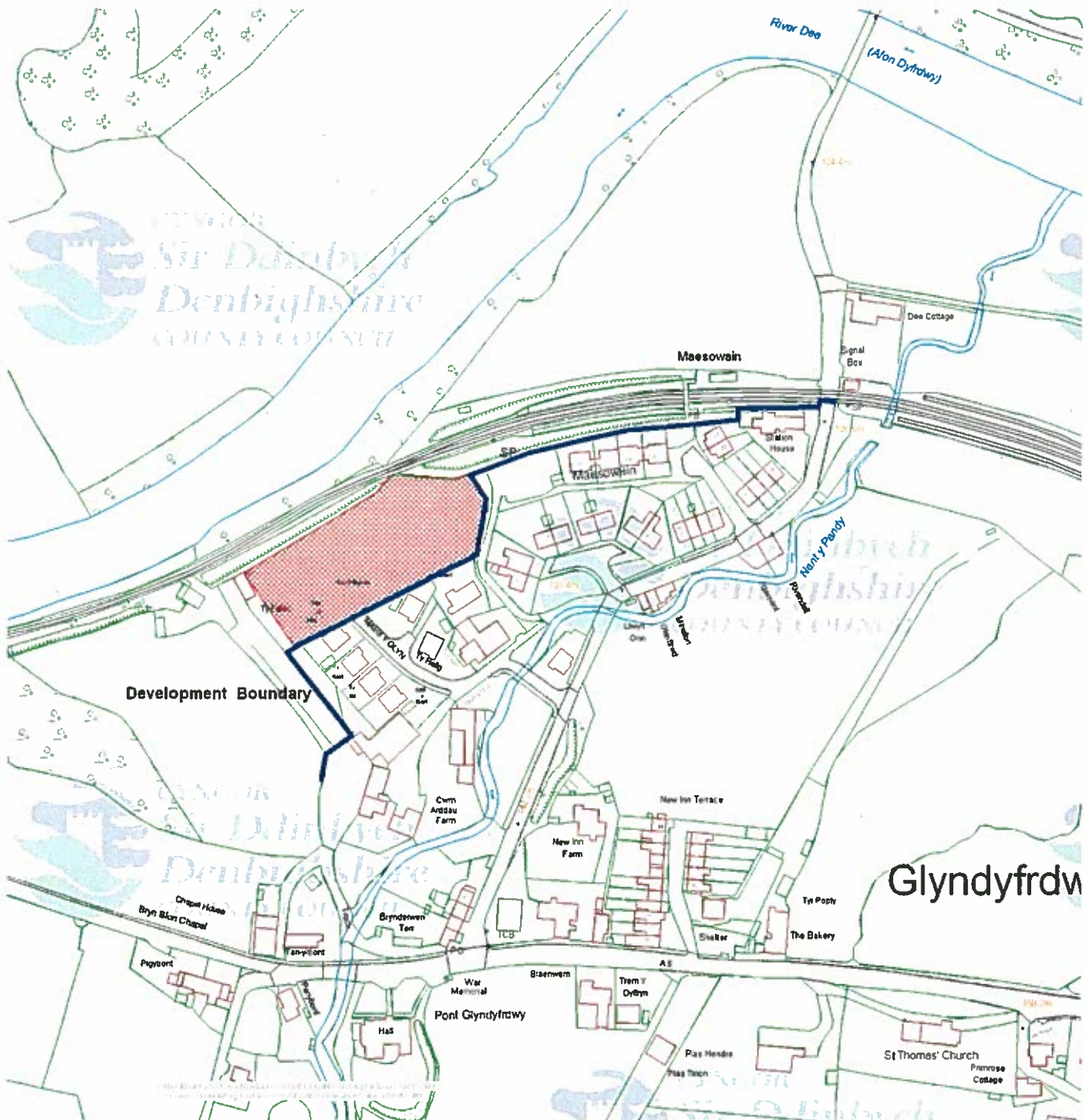


Date 25/11/2013

Scale 1/2500

Centre = 314950 E 342821 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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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.



**ITEM NO:** 1

**WARD NO:** Corwen

**WARD MEMBER(S):** Councillor H. Ll. Jones

**APPLICATION NO:** 05/2012/0756/ PO

**PROPOSAL:** Development of 0.37 ha of land for residential purposes and construction of a new vehicular access (outline application including access)

**LOCATION:** Land Adjacent to Maes Y Glyn Glyndyfrdwy Corwen

**APPLICANT:** Mr & Mrs A Davies

**CONSTRAINTS:** AONB

**PUBLICITY UNDERTAKEN:** Site Notice - YesPress Notice - YesNeighbour letters - Yes

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

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**CORWEN COMMUNITY COUCIL**

"Comments on the above below:

- The hedge to be retained adjacent to the Heritage railway should be reinforced by a native mix. All new planting should be sustainable i.e. native
- Concerned by the amount of detached garages, sheds and block paving which suburbanises the site and decreases the amount of green space in this rural setting in the Clwydian Range and Dee Valley AONB
- I think a key point will be views from the heritage railway line of end of garages, retaining wall (shouldn't be breeze block to face the railway) and elevated decking
- welcome public open space
- Only 4 visitor parking spaces for 10 houses
- Future finish to the housing should be render with welsh slate as the roofing material."

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY  
JOINT ADVISORY COMMITTEE**

"The revised description and indicative layout showing a reduction in the number of units (from 12 to 10) and an increase in the amount of public open space is noted, and the JAC reaffirms that it has no objection in principle to development of this land within the Development Boundary of Glyndyfrdwy subject to the subsequent design, materials and landscaping being sympathetic to the rural character of the site and its setting, and that robust arrangements are put in place to ensure that a number of the dwellings will be retained as affordable houses for local people in perpetuity.

Although all matters are reserved for subsequent approval, the JAC welcomes the intention to retain existing trees and hedges and to carry out supplementary planting of native local species to help screen the development in medium distance views from the surrounding countryside."

**NATURAL RESOURCES WALES (NRW)**

No objection to the proposal. FCA demonstrates site can be developed. Development is not likely to have an adverse effect on the environmental and natural heritage interests covered by NRW's remit.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions relating to parking and highway detailing.

- Ecologist

No objections. Additional surveys for bat habitat would be necessary with appropriate Reasonable Avoidance Measures and mitigation.

- Emergency Planning/ Civil Contingencies Officer

No objections.

- Local Housing Strategy & Development Officer

There is an identified need for Affordable Housing in the area and the policy requirement should be met.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Carl Jones, Swn Yr Afon, Glyndyfrdwy

Summary of planning based representations in objection:

Visual impact

Loss of views across the valley from existing dwellings on Maes Y Glyn

Access / highways impact

Inadequate highway conditions / road is narrow on approaches to the site / additional traffic will add to dangers

Residential amenity

Proximity to existing properties / proximity to heritage railway

**EXPIRY DATE OF APPLICATION: 08/08/2012**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission for a residential development on 0.378 hectares of land, including approval of the means of access. All other matters, including the appearance, landscaping, layout and scale of development would be the subject of a future detailed application.
- 1.1.2 The site is located outside the development boundary for Glyndyfrdwy village as defined in the Local Development Plan, and lies to the north of dwellings on the Maes Y Glyn estate.
- 1.1.3 The application documents include an illustrative layout plan showing ideas for a development of 10 dwellings, utilising the existing entrance from the Maes Y Glyn estate. The illustrative plan is attached at the front of the report.
- 1.1.4 The illustrative plan also indicates the intention to provide an open space area within the site. It shows eight 3 bed semi-detached houses, and two 3 bed detached houses.

1.1.5 The supporting documents include a Planning, Design and Access Statement and a Flood Consequence Assessment (FCA).

1.1.6 The main points of relevance to the proposals in the Design and Access Statement are:

- The site was formally allocated for housing in the Unitary Development Plan and historically had planning permission. This application was originally submitted in June 2012, however an FCA was requested which took time to prepare, the FCA was agreed and submitted in August 2013. The LDP has since been adopted and the site removed from the development boundary owing to flood risk issues. The Applicants were not consulted on the removal of the site from the LDP. The Agent feels the newly allocated site would be difficult to develop and is unlikely to achieve the allocated 30 dwellings.
- The site is agricultural land, located within the AONB.
- The site can be developed for housing in an efficient manner to create attractive, safe and sustainable homes at a density suitable for this location.
- The site layout takes into account the impact on neighbours, the character of the area and wider landscape designations.
- The applicant addresses the flood risk constraints.
- In order to comply with the LDP, 1 unit will be affordable, and appropriate open space provisions made.
- Foul water will connect to the existing mains.
- Surface water from dwellings will be directed to soakaways.
- Road water will be dealt with through a Sustainable Drainage system (SUDS) to be designed at detailed application stage.
- The scheme will be designed to meet Sustainable building and accessibility standards, incorporating suitable water conservation measures.

## 1.2 Description of site and surroundings

1.2.1 The application site lies to the north of Maes Y Glyn, an estate of 6 detached two storey dwellings. The north of the site is bounded by the Llangollen Railway; further north is the River Dee. On the eastern side of the site, there is an older estate Maes Owain. There is an open field immediately to the west, in which Ty Felin a small redundant stone building is sited.

1.2.2 The north of the site is bounded by a mature hedge with a mix of species. There are two mature trees to the east of the site.

1.2.3 Land levels fall from the south to the north of the site, there is a steep embankment on the north western boundary adjoining the railway track.

1.2.4 Maes Y Glyn is accessed off a minor road which runs from the A5 north to the Railway Station. There is approximately 250m between the site and the A road.

## 1.3 Relevant planning constraints/considerations

1.3.1 The site is outside the development boundary of Glyndyfrdwy village.

1.3.2 Glyndyfrdwy village is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

## 1.4 Relevant planning history

1.4.1 The land has been the subject of a number of applications in the past, it was granted planning permission most recently in 2007. This planning permission was not implemented, hence it was lost.

## 1.5 Developments/changes since the original submission

1.5.1 The application was originally submitted in June 2012. However, on the advice of NRW, Officers sought additional information in relation to the flood risk. The FCA was submitted in August 2013.

**1.6 Other relevant background information**

1.6.1 By way of background, in the UDP the site was located within the development boundary of Glyndyfrdwy with the village boundary running along the railway line north of the site. The adjacent site Maes Y Glyn was a recognised housing commitment site in 1996, and was allocated for this purpose as the main housing allocation in that plan. Maes Y Glyn Estate has since been developed.

**2. DETAILS OF PLANNING HISTORY:**

2.1 14/14381 - Development of 0.29ha of land for residential purposes and construction of estate access road ( outline application) - REFUSED 23/02/1995

05/2004/0541/PO - Development of land for residential purposes ( outline application) - GRANTED 13/07/05 (Subject to a Section 106 Agreement dated 21/06/2005).

05/2006/0382/PR Approval of details relating to siting of dwellings and means of access, as part of condition no. 1 attached to outline planning permission code no. 05/2004/0541/PO GRANTED 06/06/2007.

The above outline/reserved matters consents were not implemented within the relevant time scales. No planning permission, therefore, exists on this site.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

Policy BSC 1 Growth Strategy for Denbighshire

Policy BSC 3 Securing Infrastructure Contributions from Developments

Policy BSC 4 Affordable Housing

Policy BSC 11 Recreation and Open Space

Policy VOE 2 Areas of Outstanding Natural Beauty / Area of Outstanding Beauty

Policy VOE 5 Conservation of natural resources

Policy VOE 6 Water management

Policy ASA 3 Parking Standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note 4: Recreational Public Open Space

Supplementary Planning Guidance Note 8: Access for all

Supplementary Planning Guidance Note 22 Affordable Housing in New Developments

Supplementary Planning Guidance Note 25: Residential Development Design Guide

3.3 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

TAN 5 Nature Conservation and Planning

TAN 12: Design

TAN 15 Development and Flood Risk

TAN 22: Planning for Sustainable Buildings

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW 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., and that these

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 (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Flooding
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Sustainability including codes and water management
- 4.1.10 Area of Outstanding Natural Beauty / Area of Outstanding Beauty

4.2 In relation to the main planning considerations :

4.2.1 Principle

Planning Policy Wales Section 9.2 sets out the strategy that Councils should use when allocating land for new housing development, Para 9.2.9 specifically states that Councils should consider a number of criteria in deciding which sites to allocate, including physical and environmental constraints. Para 9.3 refers to controlling new housing development in the open countryside and states that new residential development away from established settlements should be strictly controlled.

The application site is located **outside** the development boundary of Glyndyfrdwy; the south of the site bounds the northern boundary of the village designation. Members will know that Glyndyfrdwy is classified as a village in the adopted Local Development Plan. The village has an allocated housing site for 30 dwellings on the proposals map accompanying the Plan.

The PPW strategy referred to above has been used by the Council in developing and adopting the LDP. The LDP makes provision for 7500 new homes in the County up to 2021, of the 7500 homes to be provided, an allocation for 30 dwellings was made in the village of Glyndyfrdwy. Members may recall that this current application site was included in the original LDP Deposit Plan in 2009, at that stage the site had an extant planning permission. NRW (then the Environment Agency) were consulted on the deposit plan and objected to the inclusion of this site owing to its location in a C2 floodzone. Their response advised that unless the inclusion of the site could be fully justified and a Strategic FCA produced for it, the site should not be allocated. As an alternative site was available in the village at New Inn, the site could not be justified. Hence the village boundaries were redrafted and the site was removed from the Alternative sites plan. In the meantime the original planning permission for the site lapsed in July 2010. As mentioned above this planning application was submitted to the Council in June 2012 and would have been considered under the UDP if additional information had not been sought. The request for additional information and its submission has delayed consideration of the proposal, therefore the application now falls to be considered under the LDP. Under the LDP the site is located outside of the development boundary and as such cannot be supported by Officers. The strategy adopted in LDP site selection involved looking sequentially at sites for residential development in the village. Owing to the constraints on this site, namely flooding, this site was discounted and an alternative site allocated. Notwithstanding the comments of the Agent that the new site may not achieve the allocated 30 dwellings until the allocation has at least been tested with a planning application, there is no justification to consider sites outside the village boundary for

development.

#### 4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales Para 3.1.4 refers to 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. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Para 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The application is for outline planning permission, and an indicative plan has been provided in support of the scheme. There are objections to the proposal based on potential visual impacts of development.

As this is an outline application it is not possible to fully assess the visual impact of the proposal at this point, however it is considered that the site can accommodate the development without appearing cramped and out of character with its surroundings. With respect to the comments received by the Community Council and neighbour, due consideration can be given to matters of detailed visual impact at reserved matters stage if an outline permission were to be granted.

#### 4.2.3 Residential amenity

Planning Policy Wales Para 3.1.4 refers to 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 as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Para 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The application contains an illustrative layout indicating a possible format for a development, there are no elevation details or floor plans to allow assessment of the impact on adjacent properties. There are local concerns expressed over potential for loss of amenity from new development on the site.

In respecting the comments received relating to the amenity of occupiers of neighbouring dwellings, in the absence of the relevant details, it is not possible or appropriate to consider such matters at this point, as these would normally be dealt with at reserved matters stage, when full details of dwelling types, siting, and proximity to existing property can be assessed. At detailed plan stage, careful consideration would be given to the potential residential amenity impacts on adjacent properties, taking account of levels, distances between dwellings, etc. Officers conclude therefore that it is not possible to assess detailed amenity impacts at this stage given the application seeks only outline planning permission with all matters, other than means of access, reserved for later approval.

#### 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 (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new



opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Ecological Assessments have been undertaken, and the Council's Biodiversity Officer and Natural Resources Wales have raised no objection in principle subject to the undertaking of further bat surveys, with related mitigation and reasonable avoidance measures.

It is considered the information provided demonstrates that the proposal would not impact on an area of ecological significance.

#### 4.2.5 Flooding

Planning Policy Wales Section 13.2 identifies flood risk as a material planning consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed. The development advice maps of the site show the site located within a C2 flood zone, which is an area of the floodplain without significant flood defence. The TAN advises that the C2 classification should be used to indicate that only less vulnerable development should be considered subject to application of justification tests, including acceptability of the consequences, highly vulnerable such as residential development should not be considered in this zone. However there are exceptions which allow development in the flood zone, if it can be demonstrated that the location is necessary to assist, or be part of, a local authority regeneration initiative or strategy to sustain an existing settlement; or the location is necessary to contribute to key employment objectives supported by the Local Planning Authority to sustain an existing settlement. In order for a development to be considered as an exception, the site must also meet the definition of previously developed land, as per the Planning Policy Wales definition. The most relevant elements of this definition are that previously developed land includes land which is or was occupied by a permanent structure and associated fixed surface infrastructure (excluding agricultural or forestry buildings) and land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings. Finally a Flood Consequence Assessment (FCA) is required to be submitted to support the application for the exception, to explore the potential consequences of a flooding event for the particular type of development proposed.

Although the proposed development has been the subject of prolonged negotiations with NRW and a Flood Consequence Assessment has been submitted in support of the proposal, it is Officers opinion in relation to the exception tests that the development is not 'justified', the site is located outside the development boundary of the village and there is an alternative housing site available in the village which could accommodate the projected housing requirements for the area. There are no over-riding policy objectives to support the development and justify the proposal, and so it is considered that the proposal represents an unacceptable form of development in a floodzone failing the relevant tests in TAN 15.

#### 4.2.6 Highways (including access and parking)

Planning Policy Wales Para 3.1.4 refers to what may be regarded as material considerations and that these 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. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales Section 8 and TAN 18 – Transport, in support of sustainable development.

The means of access to the site is included for approval as part of this outline application. There are objections raised in relation to highway safety and the impact the proposal would have on the local highway network. The Highways Officer has no objections to the proposal and there are no concerns in respect of the adequacy of the local highway network.

It is not considered, with respect to objection raised, that there are any strong highway grounds to refuse permission here.

#### 4.2.7 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units is provided.

The applicant has stated that the Council's Affordable Housing requirement of 10% would be provided.

In accordance with current planning policy, 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 suggest this approach to be appropriate in this instance if permission were to be granted.

#### 4.2.8 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The applicant has stated that the Council's Open Space requirement could be met by provision of an open space within the development, and the indicative layout plan shows ideas for an area of open space to the east of the site.

In Officers opinion this could be covered by imposition of a planning condition requiring agreement to the mechanism for compliance with the open space requirement if permission were to be granted.

#### 4.2.9 Sustainability including codes and water management

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales Section 4.12 sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that buildings can meet specific standards of construction and carbon emission levels.

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 can be satisfactorily addressed.

Suitably worded conditions could be attached to ensure development is carried out in accordance with the requirements of the Sustainability Code.

**4.2.10 Area of Outstanding Natural Beauty / Area of Outstanding Beauty**

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for its designation.

There are no objections raised in relation to impacts on the AONB, other than the potential for change to the character of the entrance to the village from the loss of tree cover. The AONB Joint Advisory Committee considers any potential impacts could be managed should development be permitted.

Given the application relates to development of a site on the boundary with the village, it is not considered that there would be any unacceptable harm to the character and appearance of the AONB landscape and the reasons for its designation. Matters of detailed design would be dealt with at reserved matters stage.

**5. SUMMARY AND CONCLUSIONS:**

5.1 In the opinion of Officers the principle of residential development in this location is not consistent with the Council's adopted plan, regardless of the history of the site, this is now a significant consideration in relation to the application. As the site is outside the development boundary the application is recommended for refusal. Furthermore, having regard to the above, as the site would not meet a strategic need of the Council (as it is not allocated for housing or within the development boundary), the proposal fails to comply with TAN 15.

**6. RECOMMENDATION – REFUSE – for the following reasons:-**

1. The site is located outside the development boundary of Glyndyfrdwy where rural restraints policies apply. It is not considered that the case put forward justifies the development, consequently if permitted the proposal would lead to a piecemeal encroachment of development outside the development boundary, undermining the Local Development Plan settlement strategy. The proposal would not comply with Policy BSC1 of the adopted Local Development Plan and advice in Planning Policy Wales which seeks to control development outside identified settlements.

2. The application site is located in a C2 flood zone as identified on the Development Advice Maps accompanying TAN 15: Development and Flood Risk. It is the opinion of the Local Planning Authority that the proposal does not satisfy the justification tests set out in Paragraph 6 of TAN 15. The application is therefore considered to conflict with TAN 15: Development and Flood Risk, and advice contained in Planning Policy Wales.

**NOTES TO APPLICANT:**

None