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01/2015/0347 - FRON DEG, RUTHIN ROAD, DENBIGH

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WARD : Denbigh Lower

WARD MEMBERS: Councillors Ray Bartley (c) and Richard Davies (c)

APPLICATION NO: 01/2015/0347/ PR

PROPOSAL: Details of appearance, layout and scale of 14 dwellings and site landscaping submitted in accordance with condition number 1 of outline planning permission 01/2014/0072 (Reserved Matters Application)

LOCATION: Land adjoining Fron Deg Ruthin Road Denbigh

APPLICANT: Pure Residential & Commercial Ltd

CONSTRAINTS: None

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:

DENBIGH TOWN COUNCIL

Original comments –

“...does not wish to raise any objection to the application.”

Comments on revised plans –

“The town council does not wish to raise any objection to the application.

However whilst not objecting the council would wish to bring the following two matters to the attention of the planning committee and ask that consideration be given to both matters, namely (1) the council would query the amount of off street parking places available to plots 9 & 14 as compared to the other plots and would suggest that two parking spaces be made available for each of these two plots in line with the other plots.

(2) When the new access to the site is formed on to Ruthin Road it is suggested that the access be completed to a satisfactory standard for pedestrians using Ruthin Road before the actual site works commence”.

NATURAL RESOURCES WALES

Does not wish to comment on the application.

DWR CYMRU / WELSH WATER

No objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

Does not raise any objections. Reminds applicant that details are still required in relation to Condition 12 of the outline consent (in relation to highway construction details).

- Development Plan Officer
Advises that the last open space survey for Denbigh showed a deficiency in open space provision and this deficit is likely to have increased with population increase.

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

RESPONSE TO PUBLICITY:

In objection

Representations received from:

M.J. Tuck, Dunelm, Ruthin Road, Denbigh
D. Jones, 38 Crud y Castell, Denbigh
B.L. Barlow, The Woodlands, Ruthin Road, Denbigh
S. Evans, Doverhay, Ruthin Road, Denbigh
Mr & Mrs G. H. Jones, 44 Crud y Castell, Denbigh

Summary of planning based representations in objection:

(comments on original plans in normal type ; *comments on June 2015 revised plans in italic type*)

Number of dwellings / density of development

Too many dwellings having regard to the setting / previous outline application related to no more than 6 houses. / numbers excessive in terms of the street setting of Ruthin Road (houses of varying ages, generally on large plots); good quality houses and bungalows within Trewen and Crud y Castell on good size plots with attractive landscaping; density not justified by the Local plan, and other 'back lot' developments nearby are of lower density

Residential amenity

Proximity of dwellings on Plots 11 and 12 to Dunelm would lead to overlooking of rear bedroom windows / inadequate separation distance between plot 6 house and 38 Crud y Castell, completely obstructing views / overlooking from plots 8 and 9, with loss of privacy / concern over potential for light pollution from street lighting and security lighting

Plot 6 dwelling has been moved slightly further from the boundary with 38 Crud y Castell, but is still totally in line with that property, and should be on the building line of the rest of the plots.

Highways / access issues

Access arrangements inappropriate and would lead to dangers and increased accident potential along Ruthin Road / access would emerge onto Ruthin Road at its narrowest and most dangerous point, near busy junctions / access is wider than that indicated on outline application increasing detriment to Doverhay

Other matters

Request for provision of 1 metre wide strip between plot boundaries and rear boundaries of

plots 11-14 to allow for maintenance of respective fences (an area with remnants of old structures and a sheep dip which may have contaminated land)

Need for clarity of treatment of boundary between site and side boundary of Dunelm and Crud y Castell properties / concern over height of boundary fence along boundary with Dunelm (suggest 1.8m high and not 1.2m as indicated, in order to provide privacy for Flat 3) / no clear explanation of what will be along the boundary of 38 Crud y Castell

Details depart from those shown on outline permission

No consultation by executors of the property with local residents

Application should go to planning committee for consideration so that residents views can be heard.

Impact on wildlife.

EXPIRY DATE OF APPLICATION: 20/04/2014

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application is a 'reserved matters' submission containing details of a residential development granted outline permission at Planning Committee in April 2014. It relates to a site of some 0.6 hectares in area.

1.1.2 The land is to the south of the dwelling Fron Deg, and would be accessed via a new entrance off Ruthin Road. The relationship between the site, the access and surrounding properties is shown on the plan at the front of the report.

1.1.3 The application, as revised in early June 2015, proposes :

- a total of 14 dwellings, 8 different dwelling types, all 2 storey height; 1 X 2 bed unit, 4 x 3 bed units, and 9 x 4 bed units. These would be in the form of 9 detached units, 2 semi detached units, and 3 units in a block of 3.

- a new access road from Ruthin Road between the existing dwelling Fron Deg and the western boundary of the plot adjoining the properties Derwen Deg and Dunelm. This would provide a new entrance to Fron Deg off the cul de sac, allowing its existing access onto Ruthin Road to be closed off to provide a pedestrian footway only.

- a cul de sac with associated footways, turning areas, parking spaces within plots, and a parking area for units numbered 11, 12, and 13.

- new boundary fencing and planting

1.1.4 The main documents submitted with the application are a Design and Access Statement, an addendum statement relating to affordable housing and open space, and the relevant plans and drawings. The Design and Access statement provides background material on the evolution of the proposals and considerations given to the character of the surrounding area.

1.1.5 As noted, the plans have been revised in June 2015 in response to representations and officer feedback, and these amendments have been the subject of a reconsultation exercise. Any responses on the revised plans, raising matters not referred to in the

report, which are received between completion of the report and the day of Committee will be included in the late representation sheets.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the south side of Ruthin Road, and its main boundaries border existing development at Crud y Castell, Denbigh Cricket ground, and the rear of properties which front Ruthin Road.
- 1.2.2 It is a flat paddock area bounded by a mix of long established hedgerows, some mature trees, and boundary fences with adjoining private dwellings. The access to the site would run in part along the line of an existing track which has previously provided access to the paddock past Fron Deg from Ruthin Road.
- 1.2.3 There are substantial detached dwellings in large plots along Ruthin Road, and a mix of mainly 2 storey detached dwellings in that part of the Crud y Castell development which borders the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Denbigh in the Local Development Plan, but has no specific use designation.

1.4 Relevant planning history

- 1.4.1 Outline planning permission for the residential development of the site has been granted previously in 1994, and has been renewed in 1997, 2002, 2006, and more recently in 2014.
- 1.4.2 The April 2014 permission was subject to a number of conditions, but no restriction on the number of dwellings. The submitted site plan with the outline application showed a 'possible' layout with 15 dwellings, but this was treated for illustrative purposes only, and did not form part of the permission.

1.5 Developments/changes since the original submission

- 1.5.1 As noted, the plans were revised in early June 2015, the main changes being :
- The removal of 2 dwellings proposed immediately to the south of Dunelm which were orientated with main windows looking directly at the rear first floor windows of Dunelm . The new plans show units with a blank gable end facing Dunelm and a parking area for residents of the proposed units 11, 12, and 13 between those units and the boundary with Dunelm.
 - The re-siting of the plot 6 unit further away from the boundary with No. 38 Crud y Castell to meet the guidance of 14 metres minimum between the rear wall of a dwelling and the gable end of another 2 storey dwelling. The garage proposed for this plot has also been moved away from the boundary to provide circulation space around that building, and to increase the distance from the rear of No. 40 Crud y Castell.
 - The applicants have also provided additional information in support of their proposal not to provide open space within the site, but to offer a Commuted Sum payment to the Council in lieu. The main points are that the site is very close to a number of recreation / leisure facilities in the vicinity of Denbigh Leisure Centre and Lower Park.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Outline planning permissions for the development of the land for residential purposes :
- 1/11,637 - GRANTED 15/02/1991
- 1/13,810 - GRANTED 26/01/1994
- 01/788/96 - GRANTED 16/01/1997

01/777/99 - GRANTED 15/12/1999
01/2005/1363/PO - GRANTED 03/11/2006

01/2014/0072/PO – Development of 0.6 ha of land for residential purposes (outline application including access) – GRANTED at Planning Committee. 16/04/2014

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD 1 Sustainable Development and good standard design
Policy ASA 3 Parking Standards

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note 25: Residential Development Design Guide

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7, 2014
TAN 12: Design (2009)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (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 Highways (including access and parking)
- 4.1.5 Open Space
- 4.1.6 Density of development

4.2 In relation to the main planning considerations :

4.2.1 Principle

The principle of the development of the site and access to it have already been established by the grant of outline permission in April 2014. The sole considerations at this point are the acceptability of the details of the development. The specific impact assessments detailed in the following sections of the report.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

There are no specific objections to the proposal based on the visual impact of a residential development in this location. The main concerns expressed are over the effect on the residential amenities of occupiers of nearby dwellings, dealt with in the following section.

The proposals involve the erection of 2 storey houses of modern detailing in a cul de sac surrounded by dwellings of varying styles and ages, including recent housing estate development at Crud y Castell. The designs of the proposed dwellings follow a common theme with relatively steep pitched roofs, with the use of facing bricks on the walls with contrasting brick quoins. There are proposals for additional landscaping to complement the quality of the development. In Officers' opinion there are no visual amenity issues of concern in relation to the detailing of the development.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

Local concerns have been expressed in relation to the originally submitted plans in respect of the proximity of dwellings originally proposed on Plots 11 and 12 to Dunelm (overlooking of rear bedroom windows); inadequate separation distances between the plot 6 house and 38 Crud y Castell (obstructing views); overlooking from plots 8 and 9 in relation to 44 Crud y Castell; and concern over the potential for light pollution from street lighting and security lighting

Earlier sections of the report confirm that following dialogue with the applicants, the plans have been revised to take account of most of the representations.

Having regard to the revised plans, and in relation to the specific matters of concern to the occupiers of neighbouring properties, Officers comments are that –

- The changes to the plans to the south of Dunelm remove the potential for overlooking from new dwellings towards Dunelm, and overlooking of the rear gardens of new dwellings from Dunelm itself.
- The revised location of the plot 6 dwelling shows its gable end would be in excess of 15 metres from the rear wall of no. 38 Crud y Castell. This would meet the recommended minimum distance of 14 metres in Supplementary Guidance relating to extensions to dwellings in terms of the distance from the rear wall of one property to a blank gable wall of an adjacent 2 storey dwelling.
- The rear wall of no. 44 Crud y Castell is angled towards the rear wall of the proposed dwelling on plot 9, and the wall to wall distance between these dwellings measured from the plans would be approximately 20 metres. The rear gardens of

the plot 8 and 9 dwellings measure out at some 11-12 metres in depth to the boundary with the rear garden of No 44. These are distances Officers would consider to be acceptable given the recommended standards in Supplementary Guidance 24, for distances of 21m between first floor bedroom windows facing one another, and 7.5m from first floor bedroom windows to a boundary with a private garden.

Respectfully, it would not be reasonable to oppose the approval of a reserved matters application for a housing development of the scale proposed within a town on grounds of potential light pollution from street lighting and security lights, or on the loss of open views from existing dwellings.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network. 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.

There is an objection from one private individual over the highway / access implications of the development of the land in relation to the new access onto Ruthin Road, and risk of accidents thereon. The Town Council suggest there is need to revise the parking provision for plots 9 and 14 and for pedestrian crossing arrangements to be put in place across the entrance onto Ruthin Road before development proceeds.

In respecting the above comments, it has to be noted first that the means of access to the site has been approved at outline stage and this is not a matter for reconsideration in principle as part of a reserved matters submission. The main issues to be addressed here are the acceptability of the specific road layout and provision for parking in association with the development. In response to the revised plans, the Highways Officer has no objections to the detailing, subject to imposition of conditions.

It is not considered, with respect to concerns of the objector, that there are any reasonable highway grounds to oppose the approval of the details of the development proposed here. The access onto Ruthin Road is proposed in the same position as that shown on the outline consent, and the dimensions of the access are very similar to that shown on the outline plans, with a 4.5m wide carriageway, relevant radius splays, and footways into the site. The Highway Officer raises no objections to the submitted plans.

In relation to the parking for plot 9, as noted by the Town Council, this is a matter which can be dealt with through condition if the proposals are approved. There is space for 3 vehicles to be parked within the curtilage of the Plot 14 dwelling. Provision would need to be made at construction stage for pedestrian access across the entrance onto Ruthin Road, which would cover the other point raised by the Town Council.

4.2.5 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 applicants have stated they do not consider it appropriate to provide Open Space within the site given the proximity to other open space in the town, and they intend to pay a commuted sum in accordance with the Council's standards in order to meet the planning policy / Supplementary Guidance requirement.

Officers' opinion on the issue is that the value of an open space within a small cul de sac of the type proposed would be limited and that it would fit better with the Council's approach to adopting further open areas, to accept the commuted sum approach in order to improve existing facilities / provision in the town.

4.2.6 Density of development

Local Development Plan Policy RD1 test ii) seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density.

There are representations raising concern over the number and density of dwellings having regard to the setting and character of the locality and reference to a previous outline permission being for a maximum of 6 dwellings.

For the record, the layout plan submitted with the outline application was treated for illustrative purposes only and Condition 14 confirmed that this did not convey approval to the number of dwellings shown (15), which is a matter for consideration as part of the current application.

In noting the comments on the history of outline submissions and the number of dwellings referred to by applicants at various points in time, Officers suggest this is of limited significance as the issue of density has to be assessed with respect to current planning policy and to the acceptability of the development on the locality. Factually, the developable site area is approximately 0.5 hectares, hence a total of 14 dwellings would represent a density of approximately 28 dwellings to the hectare. From observation, it is accepted that long established development along Ruthin Road in this area is at a very low density, these being substantial properties in large plots, but Officers would respectfully suggest that development on the site will not be readily viewed alongside these properties as it is set well behind Ruthin Road, and it is not considered that the density proposed would have an unacceptable impact on the character of that area. The site is bordered on two sides by modern housing development in Crud y Castell of similar density to that proposed as part of the application, as can be seen from the location plan at the front of the report. Given there was no restriction on numbers of dwellings imposed on the 2014 outline permission, and with respect to the points raised, it is considered that there are no reasonable planning grounds to oppose the development of the density proposed, which is marginally lower than the average suggested in Policy RD1 but is considered appropriate in the context of the locality. The provision of 14 dwellings would also make a positive contribution to housing supply in the County, a matter of some relevance in the context of Welsh Government's position in respect of the 5 year supply figures for housing land.

Other matters

The applicants have clarified the proposed treatment of boundaries with surrounding property on the revised plans. However, there remain issues to address over the proposals in relation to the plot 14 dwelling, and the height of the fencing along the boundary with Dunelm. In the latter case, it will only be possible to assess the need for higher fencing than the 1.2m proposed once the clearance of existing trees and hedgerows has been completed, and the proximity to the residential unit facing

towards the new access road into the site can be fully appreciated. It is suggested that if the application is to be approved, it would be sensible to attach conditions requiring the further approval of the details of the fencing, including once the tree/hedge removal has taken place along the boundary with Dunelm.

The matter of consultation by executors of the property with local residents is not a matter for consideration by the Local Planning Authority.

The application is reported to Committee as there are more than 3 individual objections to the proposals, so residents views will be considered by Members.

There are no new wildlife issues to address in relation to the reserved matters application.

5 SUMMARY AND CONCLUSIONS:

5.1 The site is within the development boundary of Denbigh and has a current outline permission, granted in 2014, which established the acceptability of the principle of the development, and the access to the site.

5.2 The report sets out the main planning issues which appear relevant to the consideration of the detailing of the development. There are concerns raised again over highway issues, and to relationships with adjacent properties. Access into the site is not however for reconsideration as part of this reserved matters application. The proposals have been revised to address issues pertaining to relationships between existing and proposed dwellings. Respectfully, it is not considered that there are any substantive grounds to resist the approval of the plans as amended.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. No development shall be permitted to commence on the external faces of the walls or roofs of the dwellings or the garage on plot 6 until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used thereon. The development shall be carried out in accordance with the approved details.
2. Notwithstanding the submitted plans, none of the dwellings shall be permitted to be occupied until the written approval of the Local Planning Authority has been obtained to the design, height and materials proposed for the screen walls and fences, and all boundary treatment relating to the development. All the screen walls and/or fences relating to each plot shall be erected before the dwellings to which they relate are first occupied. The screen fence proposed along the western boundary of the site with Dunelm shall be erected prior to the occupation of any dwelling on the site. All screen fences / walls shall be retained as approved at all times thereafter.
3. 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.
4. 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 season following the commencement 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.

5. The access to the site shall be completed in accordance with the approved plan before the first dwelling is occupied, and shall be retained as approved at all times thereafter.
6. With the exception of plot 9, the facilities for the parking and turning of vehicles within each plot, and the parking area for plots 11-13 shall be completed in accordance with the approved plan before the dwellings to which they relate are first brought into use, and shall be retained as approved at all times thereafter. The detailing of the plot 9 layout shall be revised to make provision of the parking of 2 vehicles within the plot, clear of the garage, and the provision shall be completed prior to the first occupation of the dwelling.
7. Notwithstanding the submitted details, the Plot 14 dwelling shall not be occupied until the written approval of the Local Planning Authority has been obtained to the detailing and position of a 1.8m fence along the north west boundary with the parking area for the Plot 11-14 dwellings to provide a privacy screen for the private rear garden, and the fence has been erected. . The fence shall be retained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of visual amenity.
5. To ensure the development is served by a safe and satisfactory access, and in the interests of the free and safe movement of traffic on the adjacent highway.
6. To ensure the development is served by a safe and satisfactory access and parking/turning facilities, and in the interests of the free and safe movement of traffic on the adjacent highway.
7. In the interests of the privacy and amenity of the occupiers of the Plot 14 dwelling.

NOTES TO APPLICANT:

In the interests of the privacy and amenity of the occupiers of the Plot 14 dwelling.