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11/2014/1188/PF

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Denbighshire Boundary  
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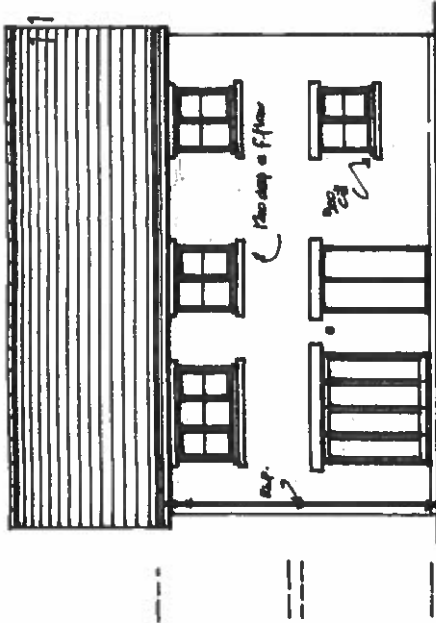




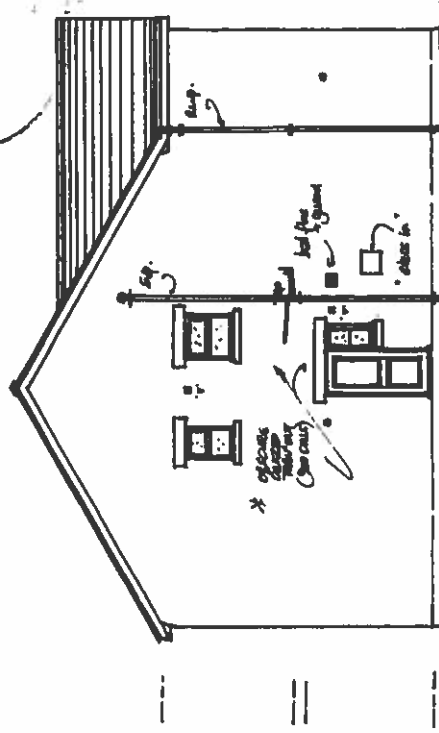


# PROPOSED ELEVATIONS

- 2 OCT 2014



REAR 1:100

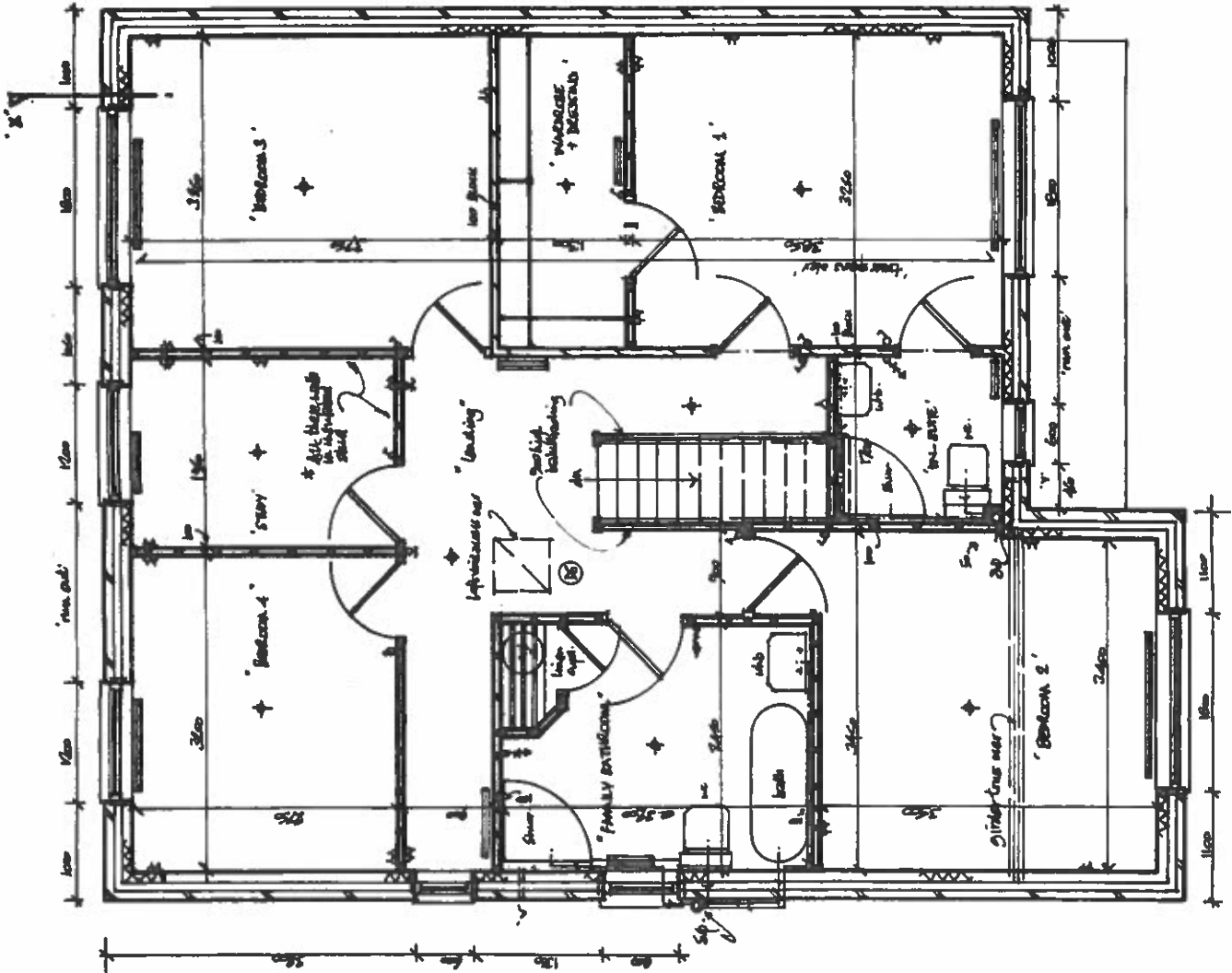


SIDE ( SOUTH TO S. EAST ) 1:100

## " PLOTS 1 & 2 DETAILS "

PROPOSED DEVELOPMENT TO REAR  
 'GLANDWYR', CLOCAENOG, NR. RUTHIN,  
 for the erection of 5 No. DWELLINGS, NEW  
 PRIVATE ROADWAY & BIOMIMIC TREATMENT  
 PLANT,  
 for Mr & Mrs. M. TIMMON.

DATE: 14/02/14, SCALE: AS SHOWN, DRAWN: 14/10/13 BY  
 RB/STW



1st FLOOR PLAN 1:50









**WARD :** Efenechtyd

**WARD MEMBER(S):** Cllr Eryl Williams

**APPLICATION NO:** 11/2014/1188/ PF

**PROPOSAL:** Erection of 2 no. detached dwellings

**LOCATION:** Land to rear of Glandwr Clocaenog Ruthin

**APPLICANT:** Mr Martin Tinson

**CONSTRAINTS:**

**PUBLICITY** Site Notice – Yes

**UNDERTAKEN:** Press Notice – Yes

Neighbour letters - Yes

**REASON(S) APPLICATION DELEGATED:**  
**Scheme of Delegation Part 1**

**CONSULTATION RESPONSES:**

**CLOCAENOG COMMUNITY COUNCIL:**

“Clocaenog Community Council meeting the Members have the following observations to the above planning application:-

1. The highway access to the proposed application site is far too dangerous for the supply of a minimum of four vehicles due to the serious lack of visibility at the entrance and also located near a junction bend and also a large number of primary/nursery school children walk past the entrance on a daily basis.
2. There is septic tank overflow from three adjacent properties (Nant Llarfarddu, Stryt Cottage and 1 Erw Las) that overflows to plot 2 of the proposed development.
3. There are a number of endangered newts on the proposed development site.”

**NATURAL RESOURCES WALES (Flood Risk)**  
No objection

**DWR CYMRU / WELSH WATER**  
No objection

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**  
Head of Highways and Infrastructure

- Highways Officer: No objections subject to conditions relating to the improvement of the access being imposed.
- Footpaths Officer: No response received at time of writing

**Biodiversity Officer**

No objections subject to controls being put in place relating to the timing of site clearance, lighting scheme and Reasonable Avoidance Measures for the protection of otters.

**RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

Mr & Mrs Robin Jones, 2 Erw Las, Clocaenog  
Anthony and Barbara Collins, Nant Llafarddu, Clocaenog  
C. E Ford - 1 Erw Las, Clocaenog  
Mrs C.S. Black - Stryt Cottage

Summary of planning based representations in objection:

- Impact upon highway safety; inadequate access and surrounding transport infrastructure
- Drainage problems resulting from the dwellings at the rear currently using the site as a soakaway
- The site is located in a flood plain
- Impact upon protected species, in particular, newts.

**EXPIRY DATE OF APPLICATION: 23/3/15**

### **REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

### **PLANNING ASSESSMENT:**

#### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the development of 0.98ha of land by the erection of 2 detached dwellings.
- 1.1.2 The dwellings would each provide 4 bedrooms, lounge, kitchen and dining room, utility and integral garage. They would be constructed of facing brick external walls and natural slate roofs.
- 1.1.3 The ridge height of the dwellings would be 8 metres, and each would provide approximately 200m<sup>2</sup> of floor space over 2 floors.
- 1.1.4 The access would be from an existing access way into the site, which ranges from 4.3 to 5 metres wide. It would run between the dwellings Nant Llafarddu and Glandwr.

##### 1.2 Description of site and surroundings

- 1.2.1 The site is located within the development boundary of Clocaenog, and is currently unused grassland. It was previously used in the 1990's as pasture land.
- 1.2.2 To the north of the site are modern two storey dwellings along Erw Las, and the older cottage, Stryt Cottage. East of the site are the dwellings Nant Llafarddu and Glandwr.
- 1.2.3 The site boundaries are in the main well established and marked by mature planting and trees.

##### 1.3 Relevant planning constraints/considerations

- 1.3.1 The Development Advice Maps contained in TAN 15 indicates that the site is located within a C2 floodzone.

##### 1.4 Relevant planning history

1.4.1 Planning permission was granted in 2007 for the development of part of this site for 1 dwelling. This previous scheme utilised the same as access as what is now being proposed.

1.5 Developments/changes since the original submission

1.5.1 Additional information and discussions have taken place in relation to the sites location within the flood zone. Denbighshire County Councils own hydrological and hydraulic modelling study of the Nant Ddu and Nant y Cefn watercourses running through the village has been used to demonstrate that the site is not at risk of flooding.

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

2.1 11/2006/1393 Development of 0.089 hectares of land for single dwelling, installation of new private treatment plant and means of access (Outline application) GRANTED 22<sup>nd</sup> January, 2007.

**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 BSC 1 – Growth strategy for Denbighshire  
Policy BSC 3 – Securing infrastructure contributions from development  
Policy BSC 11 – Recreation and open space  
Policy VOE 5 – Conservation of natural resources

3.1 Supplementary Planning Guidance

SPG – Open space requirements in new development  
SPG – Trees and development  
SPG – Residential space standards  
SPG – Nature conservation and species protection  
SPG – Residential development design guide

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January (2016)  
Technical Advice Note 5 – Nature conservation and planning (2009)  
Technical Advice Note 12 – Design (2016)  
Technical Advice Note 15 – Development and Flood Risk (2004)  
Technical Advice Note 18 – Transport (2007)

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8 (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 Density of development
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Open Space
- 4.1.9 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales 8 (PPW) confirms the general 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).

In relation to the principle of the development, the relevant planning policy context in the Local Development Plan is Policy BSC 1 which sets out the basic growth strategy for Denbighshire and makes provision for new housing development, including within settlements like Clocaenog which are defined as villages. Policy RD1 relates to development proposals within development boundaries and sets out tests to ensure that development proposals do not have an unacceptable impact on the amenity and appearance of the area.

The application site is within the development boundary of Clocaenog, and therefore the principle of development is considered acceptable subject to an assessment of impacts as set out below.

4.2.2 Density of development

Policy RD 1 states that development should make the most efficient use of land by achieving a minimum density of development, unless local circumstances dictate a lower density. Policy RD 1 also requires development to respect the character of the surrounding area.

The site measures approximately 0.13ha (excluding the access road) and based on the required density could accommodate 4 dwellings. The surrounding area is not densely developed, and is characterised by a mix of dwelling types, including large detached dwellings in generous plots, and a mixed development pattern.

In Officer's view, it is considered that to develop a site of this size, in this location with a greater number of dwellings would be incongruous in the context of the character of the area. It is accepted therefore that in this instance it is reasonable to allow a lower density figure than 35 dwellings per hectare referred to in Policy RD 1 as appropriate to make the most efficient use of land.

4.2.3 Visual amenity

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the visual amenity of the area. There is a general requirement for development proposals to respect the site and surroundings by virtue of siting, scale, form, character, materials and spaces in and around buildings. Public views into and out of townscapes and across the open countryside should be respected.

The proposed two storey dwellings would be sited in an area with no clear layout pattern, and a mix of dwelling types. The dwelling would be constructed with facing brickwork and slate roof. Within the surrounding area there is a wide range of building materials evident. The proposed dwellings would be set back from the highway with parking and turning area located to the front, replicating the general form of development within the locality. The area typically has mature vegetation and trees forming boundaries.

It is considered that the scale and form of the dwellings are in keeping with the character of the area. The choice of materials is considered acceptable in this location, and the layout of the site would not appear at odds with the surrounding area. Within the scheme there is scope for suitable landscaping to help assimilate the development into the character of the area. The proposal is therefore considered to be acceptable in terms of visual amenity and its impact upon the character of the area, and is in accordance with Policy RD 1 in terms of visual amenity.

#### 4.2.4 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. Adequate standards of amenity for the proposed development itself should also be provided. Supplementary planning guidance note 7 advises that a minimum amount of amenity space for a dwelling is 40 square metres. Rear to rear separation distances of a minimum of 21 metres are generally considered acceptable.

The nearest dwellings to the proposed dwellings are those along Erw Las, some 22 metres to the north of the site. The rear elevation of plot number 2 would be approximately 21.5 metres from the rear elevation of 1 Erw Las at the nearest point. The rear elevation of plot two would not face directly at 1 Erw Las, but between 1 Erw Las and Stryt cottage. The proposed access would be between Glandwr and Nant Llafarddu. The proposed dwellings would have private garden areas in excess of 100 square metres.

Given the separation distances involved (21 metres at the nearest point), and the orientation of the dwellings in relation to existing dwellings, it is not considered that the proposed dwellings would result in an unacceptable loss of privacy for surrounding properties. With in excess of 100 square metres of garden space, the proposed dwellings would have sufficient amenity space for future occupants. With regard to the access and the impact upon the two adjacent dwellings, it is considered that the principle was established in 2006 through the grant of outline planning permission (including access) for the development of this site by way of one dwelling and which used the same access track. In terms of residential amenity the proposed dwelling is considered acceptable and in accordance with the relevant planning policies and guidance.

#### 4.2.5 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. 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.

Within the site and along the boundaries are a number of mature trees. These trees have the potential to host protected species and other wildlife. They are also landscape features in their own right. The proposal seeks to remove a number of them to allow for the development. The site has been surveyed for protected species, and an arboriculture report has been submitted. Residents and the Community Council have raised concerns that there may be newts present on the site. However, no objections have been received from Natural Resources Wales, or the Council's Biodiversity Officer and neither have made reference to the potential for newts.

It is accepted that some trees may need to be removed from the site if the development is to proceed. There is scope to assess the site further to retain some trees, and to replant new ones as mitigation for the lost trees. The applicant has agreed to the imposition of planning conditions to secure this. In terms of wildlife, the advice of the Council's Biodiversity Officer is that the proposal is acceptable provided schemes of reasonable avoidance measures relating to otters are requested, along with relevant conditions protecting trees. The proposal is therefore considered acceptable in terms of biodiversity; subject to the imposition of the aforementioned conditions.

#### 4.2.6 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material 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 site lies partially in Zone C2 as defined by the Development Advice Map (DAM) contained within TAN15: Development & Flood Risk. Natural Resources Wales' (NRW) Flood Map information confirms that the site lies partially within the extreme flood risk outline. Since the submission of this application, Denbighshire County Council has instructed Waterco Limited to undertake a hydrological and hydraulic modelling study of the Nant Ddu and Nant y Cefn watercourses running through the village. Earlier this year, Natural Resources Wales undertook a technical review of this study and concluded that the outputs were generally fit for purpose. On this basis, NRW have advised that the report also considered the effects of climate change over the next 100 years, and also the flood risks to the community should there be blockage of various hydraulic structures along the course of both watercourses. The site is shown to be flood free in all flood events considered in the study.

Residents of adjacent properties have also raised concern that the site currently acts as an overflow/soak away for the septic tanks. The applicant/landowner advises that this is not a formal arrangement. On this basis, it is not considered to be an issue that can be afforded much weight in determining this application, and would potentially be a matter best addressed through the building regulations process.

In conclusion, it is considered that the proposal is acceptable in terms of flooding and drainage, and complies with Local Development Plan RD 1, Planning Policy Wales, and TAN 15.

#### 4.2.7 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.

The proposal involves improvements to an existing access onto the highway. It would feature visibility splays based on an SSD of 20 mph (the road has a 30 mph limit). There is a parking and turning area to the front of each dwelling. No objections have been received from the Highway Officer. The Community Council have raised concerns regarding the adequacy of the access and impact upon highway safety. This concern is echoed by local residents.

The applicant has submitted plans which show achievable visibility splays of approximately 45 metres in each direction. It is also noted that this access was granted permission for use for one dwelling in 2006. Although that permission has not been implemented, it establishes the principle that it is reasonable to use this access to serve a limited number of dwellings. With respect to the comments of the Community Council and local residents, it is Officers opinion that the proposed access for use by two additional dwellings is acceptable in terms of highway safety.

#### 4.2.8 Open Space

Policy BSC 3 seeks to secure, where relevant, infrastructure contributions from development. Policy BSC 11 requires all new residential development to provide a contribution to recreation and open space either on site, or by the provision of a commuted sum.

The proposal is for two dwellings. The applicant has agreed to pay a commuted sum in the region of £2474.43 towards the provision of improved recreational facilities within the community.

It is considered that in this instance the provision of a commuted sum is preferable to the option of on site provision, given that the proposal is for two dwellings. It is therefore considered that the proposal is in accordance with Policy BSC 3 and Policy BSC 11, subject to a condition to secure the mechanism by which the commuted sum would be secured.

## 5. SUMMARY AND CONCLUSIONS:

5.1 Whilst noting the comments of the Community Council and local residents, it is the opinion of Officers that the concerns have been addressed by the applicants. The proposal is considered to comply with adopted planning policy and therefore it is recommended that planning permission be granted.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Proposed elevations and ground floor plan (Drawing No. 14/10/2 of 7) received 2 October 2014
  - (ii) Proposed elevations and first floor plan (Drawing No. 14/10/3 of 7) received 2 October 2014
  - (iii) Proposed section (Drawing No. 14/10/6 of 7) received 2 October 2014
  - (iv) Proposed site plan (Drawing No. 14/10/1C of 7) received 26 January 2015
  - (v) Location plan received 26 January 2015
2. The development hereby permitted shall be begun before 20th April 2021.
3. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

4. The visibility splays shown on the approved plan shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05m above the level of the adjoining carriageway.
5. 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.
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;
  - (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. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
8. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is brought into use.
9. 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.
10. **PRE-COMMENCEMENT**  
No development shall take place until the mechanism for securing the provision of Recreation and Open space has been agreed in writing with the Local Planning Authority.
11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
12. Prior to occupation, a lighting plan shall be submitted to and approved in writing by the local planning authority to demonstrate that the watercourse corridor will not be inappropriately lit.
13. Prior to the commencement of construction, a scheme of Reasonable Avoidance Measures for otters shall be submitted to and approved in writing by the local planning authority.

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. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of visual amenity.
4. To ensure that adequate visibility is provided at the point of access to the highway.
5. 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 provide for the parking of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
8. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.
10. In the interest of providing public open space.
11. In the interest of protecting the biodiversity of the area.
12. In the interest of protecting the biodiversity of the area.
13. In the interest of protecting the biodiversity of the area.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.