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44/2017/0072/PF

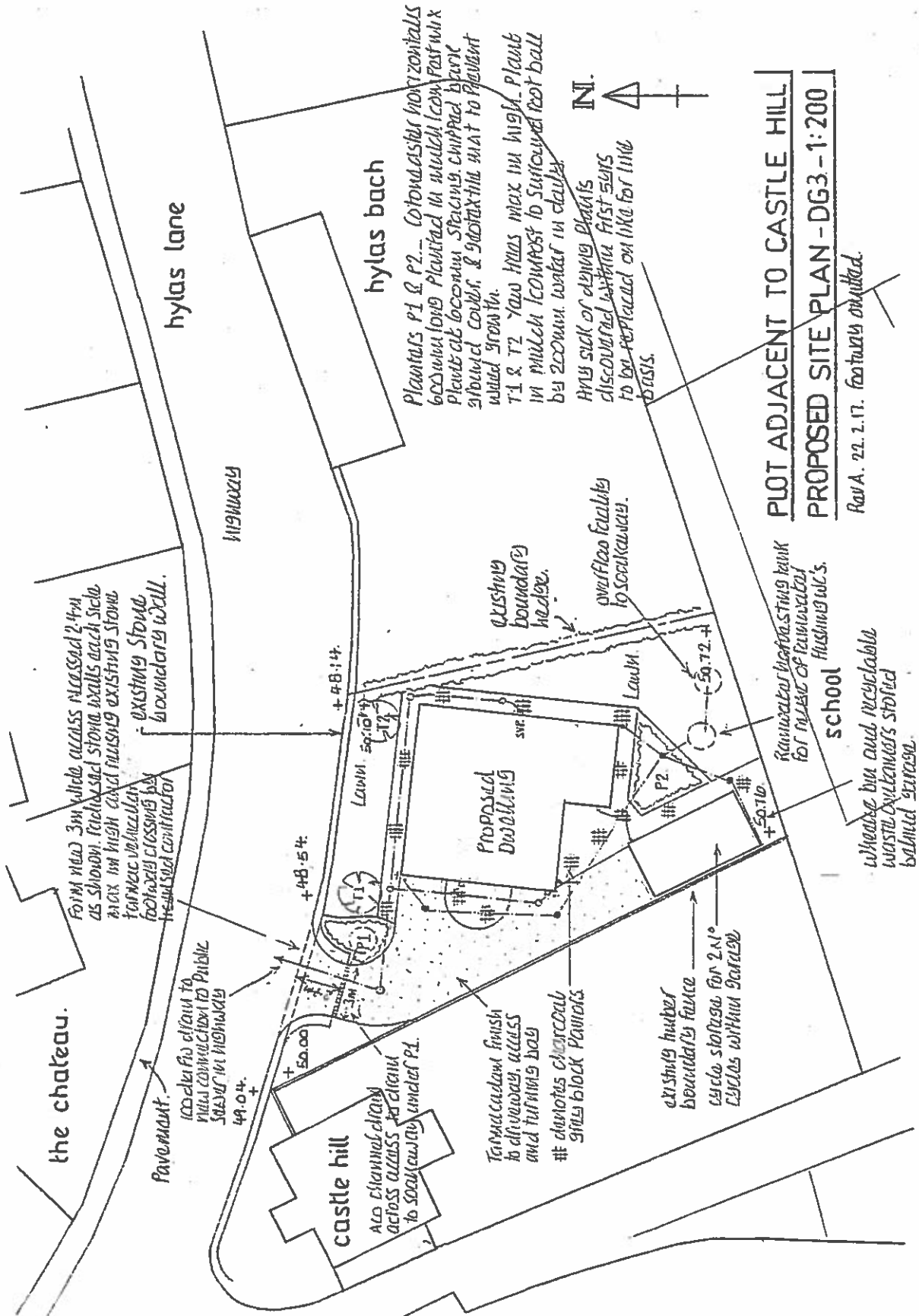
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PROPOSED SITE PLAN



the chateau.

Pavement.

castle hill

also existing drain across access to entrance to social area under P1.

Terracotta finish to driveway, access and turning bay # chariot charcoal grey block paving

existing timber boundary fence cycling storage for 2 x 10 cycles within garage

rainwater harvesting tank for reuse of rainwater

school

Waste bin and recyclable waste containers stored behind garage

Form view 3m wide access necessary 2.4m as shown. Retaining stone walls each side and in high canal rising existing stone boundary wall. Existing stone boundary wall. Form view 3m wide access necessary 2.4m as shown. Retaining stone walls each side and in high canal rising existing stone boundary wall. Form view 3m wide access necessary 2.4m as shown. Retaining stone walls each side and in high canal rising existing stone boundary wall.

Access to public sewer in highway

Lawn

existing boundary hedge.

overflow facilities to soakaway.

hulas bach

Plants P1 & P2... Cotoneaster horizontalis 600mm high planted in mulch from fast mix plants at bottom. Spacing, clipped every 2 weeks. Control & water till mat to prevent weed growth. T1 & T2 700mm high in high. Plant in mulch compost to support root ball by 200mm water in daily.



any sick or dying plants discovered within first 500 to be replaced on like for like basis.

Plot adjacent to Castle Hill
Proposed Site Plan - DG3 - 1:200

Rev A. 22. 2.17. Features omitted.

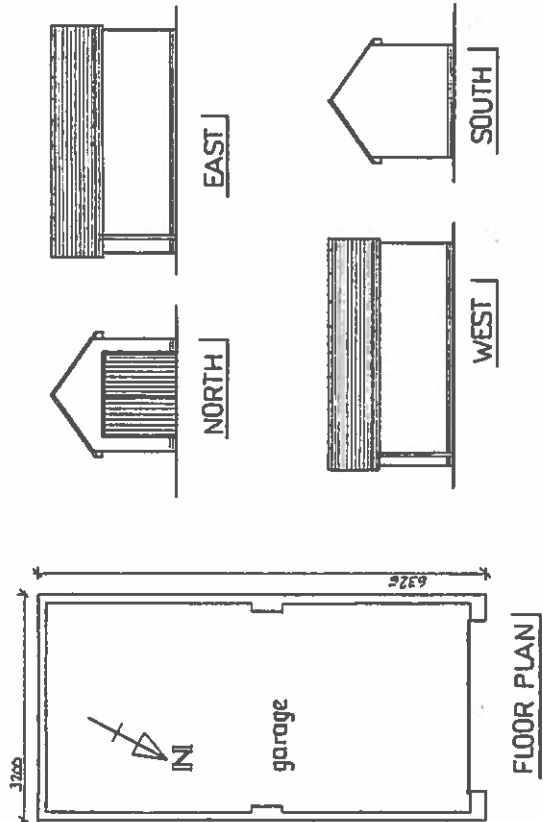
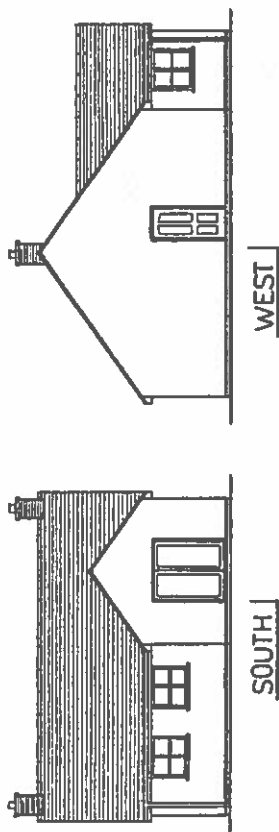
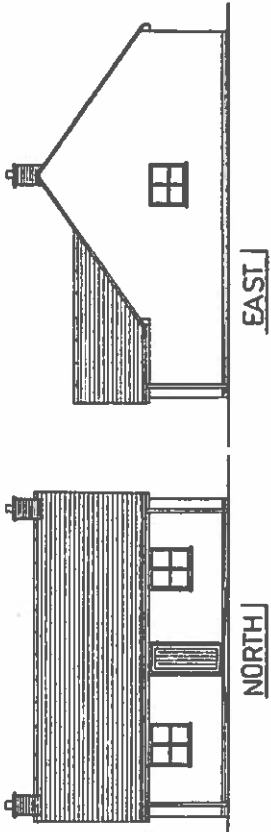
PLOT ADJACENT TO CASTLE HILL, RHUDDLAN-DE1

PROPOSED - 1:50+1:100

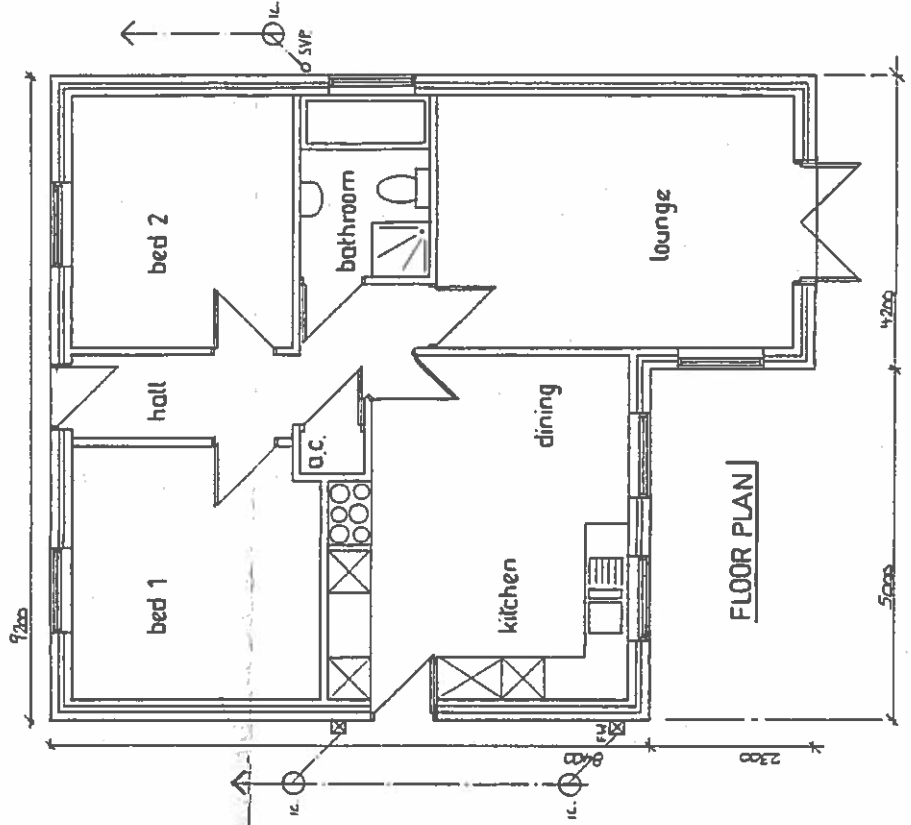
Proposed External Finishes.

*Roof: Natural blue mineral slates with charcoal grey ridge-tiles. Black powder coated seamless aluminium gutters and rainwater pipes white painted treated timber fascias etc.
Walls: White rough cast render with facing brick plinth.
Doors and windows: White painted treated softwood units*

24 JAN 2017



ELEVATION & FLOOR PLANS



WARD : Rhuddlan

WARD MEMBERS: Councillors Arwel Roberts (c) and Ann Davies

APPLICATION NO: 44/2017/0072/PF

PROPOSAL: Erection of 1 no. dwelling with detached garage and construction of a new vehicular access

LOCATION: Land adjacent to Castle Hill Hylas Lane Rhuddlan Rhyl

APPLICANT: Mr Tom Gallagher

CONSTRAINTS: Conservation Area

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Member request for referral to Committee by Councillor Ann Davies, to allow consideration of the detailing of the dwelling

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL –

“No objections as long as existing conditions are adhered to.”

WELSH WATER –

Standard comments relating to water discharge and sewerage.

HIGHWAY AUTHORITY –

Comments awaited.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 20/03/2017

REASONS FOR DELAY IN DECISION (where applicable): No delay

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal seeks consent to construct a detached single-storey dwelling containing two bedrooms, a bathroom, lounge, hall and kitchen/dining room. It is within the development boundary of Rhuddlan.
- 1.1.2 The dwelling would have a broadly rectangular footprint of 9.2 metres by 10.7 metres and a ridge height of 5.5 metres with eaves of 2.6 metres above ground level.
- 1.1.3 Windows in the house would be to the front and rear only, with the exception of a side facing obscure glazed window for the bathroom and a door to the other side opening out from the kitchen. The property is depicted as having a slate roof with white rendered walls.

- 1.1.4 In addition to the dwelling, the scheme proposes a single detached garage in the rear corner of the plot, with a footprint of 6.3 metres by 3.2 metres, with a pitched roof and materials to match the house.
- 1.1.5 The development requires the creation of a new access point onto the road, involving the removal of a 5 metre wide section of stone wall fronting Hylas Lane.
- 1.1.6 The proposed siting of the dwelling and garage is shown in the plans at the front of the report, alongside the approved plans from a previous consent for a dwelling and garage in 2012.

1.2 Description of site and surroundings

- 1.2.1 The site is a vacant open parcel of land separated from the dwellings on each side by a fence (bordering Castle Hill to the west) and by a hedge (bordering Hylas Bach to the east).
- 1.2.2 The land levels of the site rise up from the road to the south of the site. The front boundary is formed by a stone wall which is a feature of roads around the Castle. The rear (south) of the site backs onto the Ysgol y Castell playing fields.
- 1.2.3 The originally submitted plans incorrectly showed a footway running to the front of the site, but this has been corrected on revised plans submitted by the applicant's agent. There is a pavement on the north side of the road, which is shown on the revised plans at the front of the report.
- 1.2.4 The properties across the road are modern detached bungalows and houses typically formed from brick with tiled roofs, with the houses to each side of the site being more traditional with the use of stonework or white painted / rendered walls.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary as designated in the Local Development Plan, and is within a Conservation Area.

1.4 Relevant planning history

- 1.4.1 Previous applications include a consent in February 2012 for a detached dwelling and garage (illustrated earlier in this report as a comparison to the current proposal) which would now appear to have lapsed without being implemented.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 44/2011/1326 - Erection of a single storey dwelling and construction of a new vehicular access (site area 0.04ha): Granted 15/02/2012.
- 2.2 44/2014/1270 - Details of landscaping submitted in accordance with Condition 2 of planning permission Code No. 44/2011/1326/PF: Granted 18/11/2014.
- 2.3 44/2005/1021 - Development of 0.04 ha of land by erection of single dwelling and detached garage and construction of new vehicular access (outline application): Refused 13/10/2005 on the basis of impact on the Conservation Area and harm to the amenity of adjacent occupiers, but subsequently allowed at appeal on 10/07/2006 with the Inspector concluding that provided the proposed dwelling is single-storey in height, it would not have an adverse impact upon the amenities enjoyed by neighbouring residents and would not detract from character of the Conservation Area.

2.4 44/2008/1261 - Details of siting, design and external appearance of the building, access thereto and landscaping, submitted in accordance with condition no.1 of outline planning permission code no. 44/2005/1021/PO: Refused 16/11/2009. Reason - submitted design and details of the dwelling are unacceptable and would adversely impact upon the character and appearance of the Rhuddlan Conservation Area.

2.5 44/2007/1250 - Details of siting, design and external appearance of the building, access thereto and landscaping, submitted in accordance with condition no.1 outline planning permission code no. 44/2005/1021/PO: Refused 10/01/2008. Reason - design and appearance of the proposed dwelling and the associated driveway and access works proposed would neither retain nor enhance the character and appearance of the conservation area or the adjacent Listed Building.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing Infrastructure Contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and Open Space

Policy VOE1 – Key Areas of Importance

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

SPG – Access for All

SPG – Residential Space Standards

SPG – Residential Development Design Guidance

SPG – Residential Development

SPG – Parking Requirements in New Developments

SPG – Planning Obligations

SPG – Trees and Landscaping

SPG – Conservation Areas

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

Circulars

3.4 Other material considerations

None

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4). Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 and impact on the Conservation Area
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Recreation and Open Space
- 4.1.6 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the Local Development Plan which is relevant to the principle of housing development in towns is BSC1 which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries.

Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria.

Planning permission has been granted for a dwelling on the plot on appeal and as recently as 2012, so the principle of this development has been considered acceptable previously. There has been no significant change in the policies of the Local Development Plan, adopted in 2013, and the development would contribute to providing housing that has been identified as required in the county.

4.2.2 Visual amenity and impact on the Conservation Area

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 (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (v) 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.

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6) stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting. The SPG provides further guidance on the subject.

The principle of developing a dwelling at the site has been established by the previous decisions, both by a Planning Inspector in 2006 and by the Council in 2012. It is not considered that there has been any significant material change in circumstances since either of these dates, and whilst the planning policies have been updated via the Local Development Plan in 2013 and the more recent updates to the SPGs, neither of these introduce different considerations which would justify resisting the scheme in regard to its visual appearance or wider impact upon the Conservation Area. The appeal decision taken in 2006 therefore remains a valid material consideration to which due regard must be paid.

The appearance and siting of the proposed dwelling and garage remain very much the same as the 2012 approval, as can be seen on the plans at the front of the report, with the now lapsed 2012 permission showing a dwelling with a slate roof and white rendered walls. However, in consideration of the location close to the stone

dwelling at Castle Hill and the Castle itself, it is suggested that use of stonework would be appropriate and that a condition be attached requiring the approval of the details of external wall materials.

It is therefore concluded that the development complies with Policy RD 1 in regard to visual appearance and the scheme does not detract from the character and appearance of the Conservation Area, and that it is in accord with the guidance set out in the SPG.

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.

The proposed dwelling and garage are single-storey and located in a very similar position to that of a previous approval at the site, with the fence along the side boundary to Castle Hill and the hedge to the other side boundary to Hylas Bach both being shown as retained on the proposed layout plan. It is noted that the floor plans denote the inclusion of habitable room windows to the front and rear elevations only, with the relatively low ridge height of 5.5 metres restricting any potential for the creation of rooms within the roof space at a later date.

As the scheme is very similar to previous proposals at the site and the Inspector adjudged in 2006 that a single-storey dwelling could be accommodated at the site without undue harm to the amenity or privacy of the adjacent occupiers, it is concluded that the scheme as proposed is acceptable in terms of residential amenity considerations, including the requirements of Policy RD 1 and the SPGs relating to residential developments. It is recommended that a condition removing permitted development rights (which can include dormers) be attached to ensure that the longer-term privacy of the nearby residents is protected.

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.

Whilst the comments of the Highway officer were awaited at the time of drafting this report, the access proposed is in the same location as that previously approved and as such the development is considered entirely acceptable in this regard.

4.2.5 Recreation and Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings. At the time of this report being prepared, for single dwellings the payment of a commuted sum of £1237.22 was required.

The development is therefore considered to be able to comply with the requirements of Policies BSC 3 and BSC 11 via a suitable condition.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5 SUMMARY AND CONCLUSIONS:

5.1 The application is considered acceptable subject to conditions and is recommended to be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th March 2022.
2. 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 floor plan (Drawing No. 1) received 24 January 2017
 - (ii) Existing site plan (Drawing No. 2 Rev A) received 22 February 2017
 - (iii) Proposed site plan (Drawing No. 3 Rev A) received 22 February 2017
 - (iv) Location plan received 24 January 2017
3. Notwithstanding the approved plans, no works shall be permitted to commence on the external walls or roofs of the dwelling until the written approval of the Local Planning Authority has been obtained to the material to be used thereon, and shall include for the use of natural stone and slate to match that used on the adjoining dwelling Castle Hill. The development shall be carried out in accordance with the approved details.
4. Prior to the commencement of work thereon, the written approval of the Local Planning Authority shall be obtained in respect of the detailing of the rainwater goods and window materials to be used for the development hereby permitted and no materials other than those approved shall be used.
5. The access shall be laid in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site, and facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan prior to the dwelling being first occupied.
6. The dwelling shall not be occupied until the written approval of the Local Planning Authority has been obtained to the details of a full landscaping scheme.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the dwelling. Any trees or plants which within a period of 5 years from the completion 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, unless the local planning authority gives written approval to any variation.
8. The hedge along the eastern side boundary to Hylas Bach shall be retained in its entirety, and 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.

9. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
10. No development shall take place until a fully detailed scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before the occupation of the dwelling.
11. All groundworks shall be undertaken in the presence of a qualified archaeological contractor so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute for Archaeologists. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670 within two months of the fieldwork being completed.
12. The dwelling hereby approved shall not be occupied until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's policies and Supplementary Planning Guidance in relation to the provision of Open Space.

The reasons for the conditions 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 interest of visual amenity and to ensure that the facing materials for the dwelling are sympathetic to the adjacent property at Castle Hill.
4. In the interests of the visual amenity of the Conservation Area.
5. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. In the interests of landscape and visual amenity.
7. In the interests of visual and residential amenity.
8. In the interests of visual amenity.
9. In the interests of residential and visual amenity.
10. To ensure satisfactory drainage of the site.
11. In the interest of preservation of archaeological remains.
12. In the interest of compliance with adopted open space policies.