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02/2018/0065
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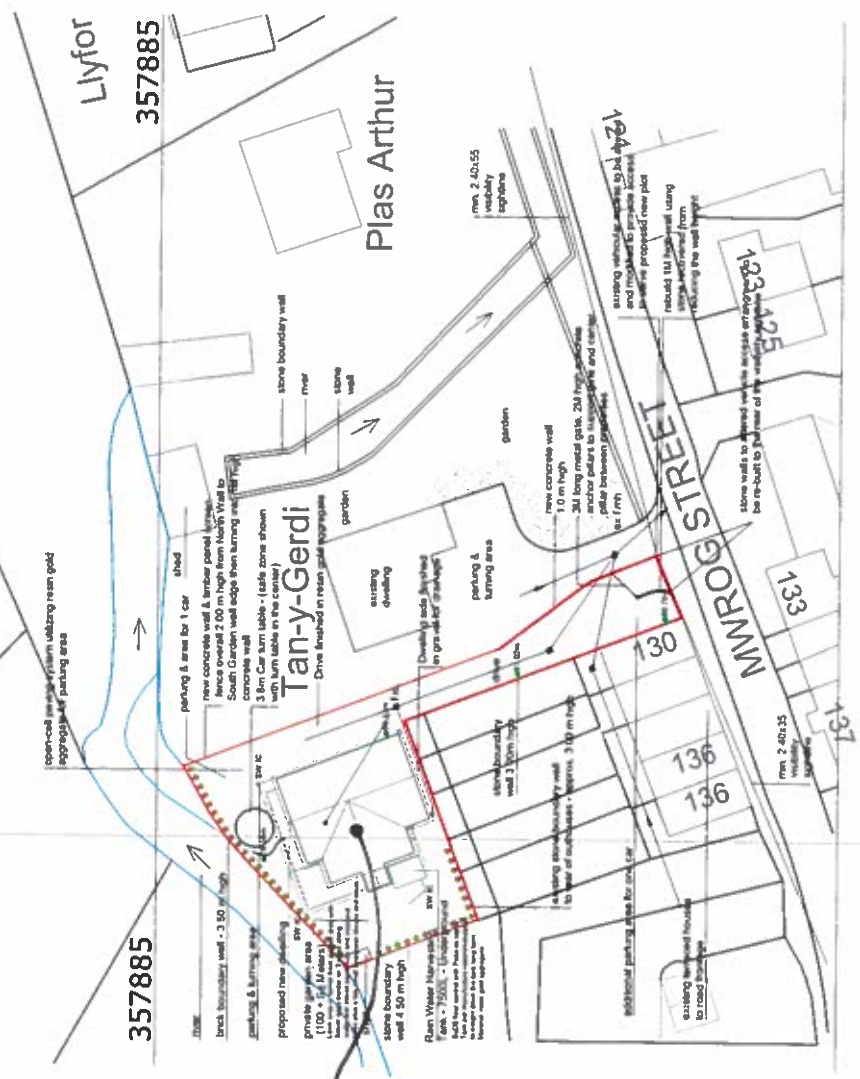


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SITE PLAN

Plot@Tan-Y-Gerddi, Ruthin LL15 1LG
PROPOSED SITE PLAN
 Land Plot
 AREA 90m x 90m
 SCALE 1:500 on A3
 CENTRE COORDINATES 311513, 357885

311513



PROPOSED DWELLING

N PROPOSED SITE LAYOUT PLAN
 SCALE 1:500



ELEVATION PLANS

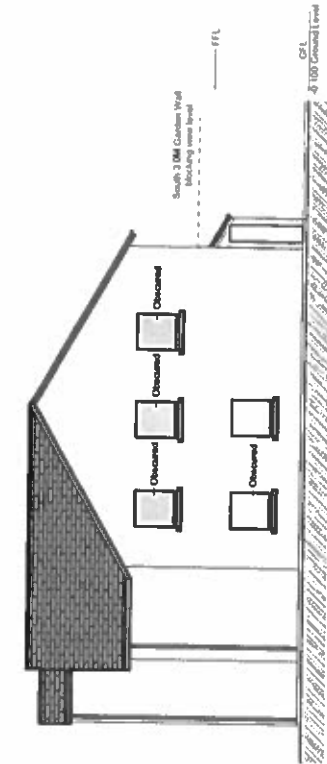
NO.	DESCRIPTION	BY	DATE

PROJECT TITLE: Planning Submission

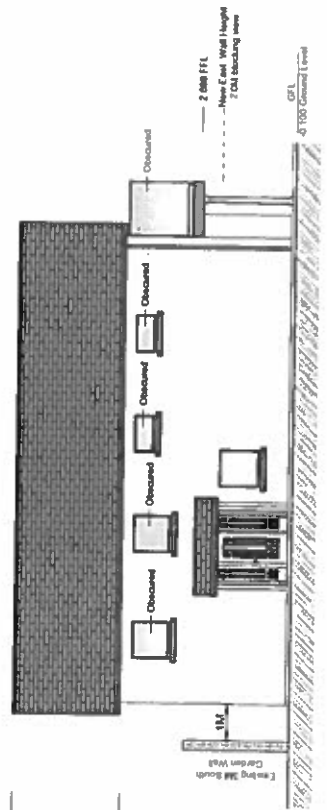
PROJECT DESCRIPTION: Plot@Tan y Gerddi, Mwrog St. Ruthin LL15 1LG

DRAWINGS PROVIDED BY: Mark Braxton

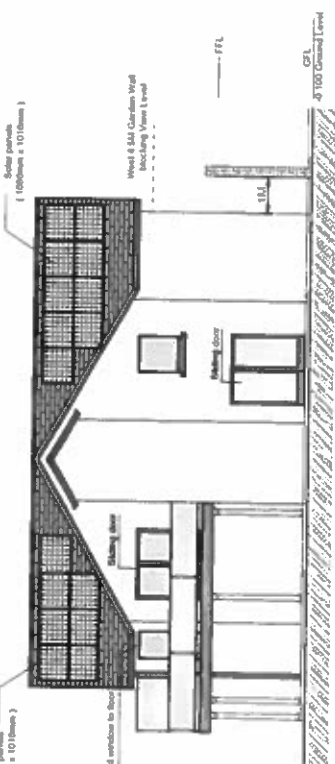
DATE: 15/01/18
 SCALE: 1:100
 SHEET: A-2



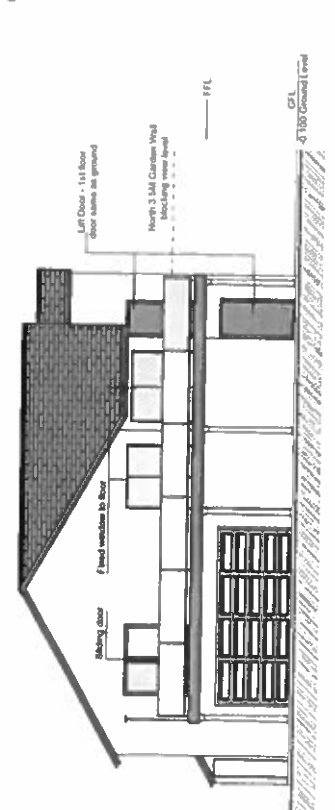
East Facing Elevation towards Tan y Gerddi



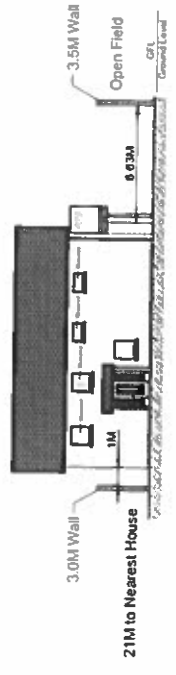
South Facing Elevation towards Terraced Houses



West Facing Elevation toward 4.5M Wall



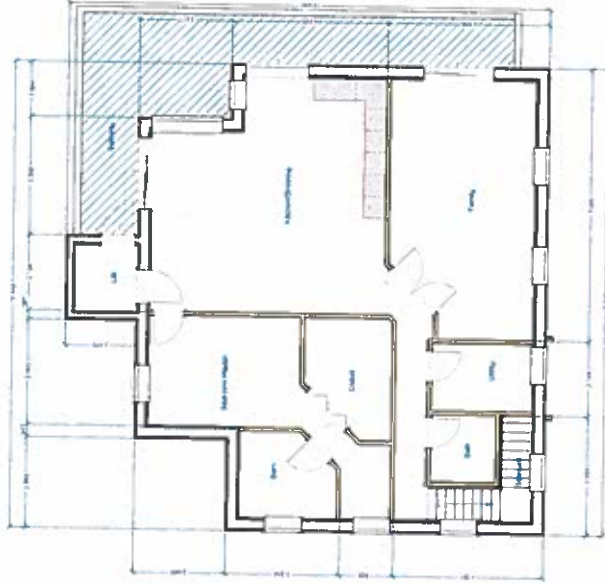
North Facing Elevation towards Farmer's Field



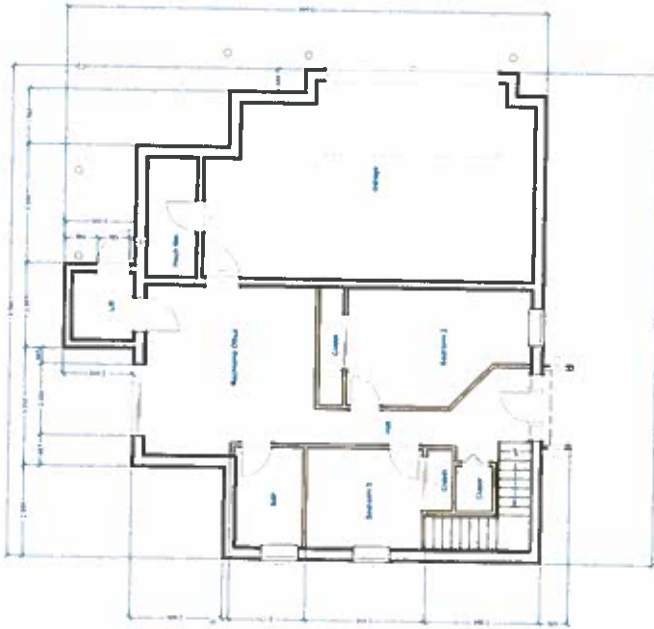
Typical Site Section Detail 1:200

- External Materials**
- Roof: New Slate Roof Tiles - Welsh Dark Blue/Grey
 - Walls: Grey self colored silicone render (waterproof)
 - Windows & Doors: Power Coated Aluminium dark grey doors & trimmed windows
 - Rain Water Goods: Stainless Steel
 - Balcony: Stainless Steel with transparent glass
- line : garden wall blocking view in front of dwelling (foreground)
 All dwelling height measurement are from GFL
 All windows are fixed except bedroom windows for use in case of fire

FLOOR PLANS



1st Floor



Ground Floor

DRAWINGS PROVIDED BY: Mark Braxton		PROJECT DESCRIPTION: Land at Tan Y Gerddi Ruthin LL15 1LG	SHEET TITLE: Floor Plan	NO. DESCRIPTION BY DATE	
DATE: 05/02/2018	SCALE: 1:100	SHEET: A-2			

WARD : Ruthin

WARD MEMBER(S): Cllr Bobby Feeley
Cllr Huw Hilditch-Roberts
Cllr Emrys Wynne (c)

APPLICATION NO: 02/2018/0065/ PF

PROPOSAL: Erection of a detached dwelling, alterations to the existing vehicular access and associated works (amended scheme to that previously approved under application code no. 02/2015/0995)

LOCATION: Land at (part garden of) Tan Y Gerddi Mwrog Street Ruthin

APPLICANT: Mr Mark Braxton

CONSTRAINTS: C2 Flood Zone

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

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

“Wishes to confirm there is a strong objection to the application due to the siting, scale, design and massing of the building. The proposed plan is larger than the dwelling granted permission in 2015, especially the massing at first floor level. Members remain of the opinion that the scale and massing of the proposed building would constitute overdevelopment of the site, and would have an adverse impact on neighbouring properties in the Conservation Area”.

NATURAL RESOURCES WALES

No objection

DWR CYMRU / WELSH WATER

No objection

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection, suggest archaeological watching brief condition

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to a standard condition to ensure the access is constructed in accordance with the submitted plan and completed prior to use.

Conservation Officer

No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Catherine Cordova, 130 Mwrog Street, Ruthin
Oliver and Clare Beardwood, 132 Mwrog Street, Ruthin
Catrin Phillips, Penlan, Mwrog Street, Ruthin
Arnold and Diana Highes, Argoed, Wrog Street, Ruthin
Caeri Roberts, 123 Mwrog Street, Ruthin

Summary of planning based representations in objection:

Visual Impact and Character of Conservation Area – the proposal is out of keeping with the area; the building is too large and oversized.

Residential Amenity – the proposal would overlook neighbouring properties; would impact on the view of neighbouring properties; balcony would overlook neighbouring properties causing an invasion of privacy;

Highway Safety – already a busy road and cannot facilitate more vehicles turning and entering on to it.

EXPIRY DATE OF APPLICATION: 01/04/2018

REASONS FOR DELAY IN DECISION (where applicable): N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a detached dwelling, alterations to the existing vehicular access and associated works (amended scheme to that previously approved under application code no. 02/2015/0995) on land at Tan y Gerddi, Mwrog Street, Ruthin.
- 1.1.2 The proposed property would be accessed from a widened access from Mwrog Street, which would also serve the existing property Tan y Gerddi. An existing outbuilding to the front of the site has been removed to allow for the improvements to the access.
- 1.1.3 The dwelling proposed is a 2 storey dwelling consisting of an integral garage, an office, 2 bedrooms and bathroom at ground floor level with a living room, kitchen/diner, bedroom and bathroom/en-suites at first floor level.
- 1.1.4 Externally, the eaves height of the property would be 4.8m and 7.8m to the ridge. It is proposed to render the property in grey and the roof would be clad in slate. Windows are shown to be powder coated aluminium in dark grey. On the north elevation and wrapping around partly to the western elevation it is proposed to erect a balcony and also on the western elevation it is proposed to locate solar panels on the roof slope.
- 1.1.5 At the access point on the Mwrog Street it is proposed to re-build a stone wall which would be curved with a black powder coated metal gate located approximately. 4m back from the road.
- 1.1.6 The application has been submitted as a 'self build' project by the applicant and it has been stated that 'Lifetime Home' Standards are to be incorporated, with solar panels

and a rainwater harvesting system; SuDS drainage and many other sustainable building principles.

1.1.7 The plans are at the front of the report.

1.2 Description of site and surroundings

1.2.1 The site lies to the rear side of Tan Y Gerddi which is a single storey property. The application site has been part of the garden area of Tan y Gerddi, which is set within a tall walled garden. The wall is 3m high, is constructed of brick and stone and surrounds the application site on 3 sides.

1.2.2 The site also lies to the rear of a row of 2 storey terraced houses fronting Mwrog Street, with the 3m high wall forming the boundary between the terrace and the application site. To the north is open land, to the east is Tan y Gerddi and to the west is 'Argoed' which is located approximately 35m from the boundary of the site with its curtilage abutting the application site.

1.2.3 Within this area of Mwrog Street there are different types of properties ranging from traditional stone terraces with slate roofs to modern bungalow properties constructed of buff brick and pebble dashed finishes with red and brown roof tiles.

1.2.4 The site is accessed off Mwrog Street which has residential properties fronting the road on both sides.

1.3 Relevant planning constraints/considerations

1.3.1 The site stands within the development boundary of Ruthin and is in the Conservation Area.

1.4 Relevant planning history

1.4.1 Planning permission for a dwelling has previously been granted in 2015 and a permission was refused in 2017 on the basis of the submitted details (see section 2.1 below)

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The applicant has been in dialogue with Planning and Conservation Officers following the 2017 refusal.

2. DETAILS OF PLANNING HISTORY:

2.1 02/2015/0995/PF Erection of a detached dwelling and alterations to the existing vehicular access GRANTED under delegated powers on 30th November 2015.

02/2017/0431/PF Erection of a detached dwelling REFUSED under delegated powers on 17th July, 2017 for the following reason:-

"It is the opinion of the Local Planning Authority that the proposal does not respect the site and surroundings by virtue of its siting, scale, design and massing and would therefore have an adverse impact upon the visual amenity of the area and fail to enhance or preserve the character of the Conservation Area. As such the proposal is in conflict with Local Development Plan Policies RD 1 and VOE 1, advice as contained in SPG Residential Development, SPG Conservation Areas and Planning Policy Wales (Edition 9) 2016."

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 BSC 11 – Recreation and Open Space

Policy VOE1 - Key areas of importance

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance: Residential Development

Supplementary Planning Guidance: Access for All

Supplementary Planning Guidance: Parking Standards in New Development

Supplementary Planning Guidance: Conservation Areas

Supplementary Planning Guidance: Open Space

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Technical Advice Note 24: The Historic Environment

3.3 Other material considerations

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 including Impact on Conservation Area

4.1.3 Residential amenity

4.1.4 Open Space

4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP 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. The site has the benefit of planning permission for a dwelling granted in 2015 which established the principle of residential development. The proposals are considered acceptable in terms of the general principles of these policies.

4.2.2 Visual amenity including Impact on 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.

There are local representations raising visual amenity impacts and general comments relating to the character of the Conservation Area.

As noted, Mwrog Street is characterised by a mix of dwelling types. In close proximity to the site to the south is a terrace of 2 storey stone properties with slate roofs, to the east are modern detached dwellings finished with pebble dash and buff brick with red/brown roof tiles, and directly opposite on Mwrog Street are 2 storey dwellings finished with brick, stone and pebble dash.

It is acknowledged that the proposed dwelling would be larger than the properties that immediately surround the site. However, it is relevant that the site is set back from the road and is surrounded on 3 sides by a 3m high brick/stone wall. The proposed dwelling would only be visible in part from the dwelling to the south, from a section of highway on approach to the site and the gap between Tan Y Gerddi and 130 Mwrog Street. The dwelling would be rendered with a slate roof and the roof height and its design has been modified to reduce the size and height, so when viewed from the east, it would have a traditional roof pitch sloping away from Tan y Gerddi.

The proposed dwelling would have an eaves height of 4.8m and 7.8m height to the ridge. The height, materials and roof configuration of the proposed dwelling have been amended following the previous refusal and whilst it is acknowledged that the design is somewhat unconventional, having regard to the location of the site set back off the road, the 3m high wall surrounding the site, the mix of property designs and detailing within the area and overall design approach, overall the proposal is considered acceptable. Notwithstanding this, whilst changes have been made to window detailing it is still considered this element is capable of improvement and if a permission is granted, a planning condition is suggested requiring amended window treatment.

In officers' opinion, having regard to the scale, form and character of the dwelling and development in the locality, on balance it is considered that the proposal is acceptable and overall having regard to all factors would respect the site and surroundings and comply with Policy RD 1 and VOE 1.

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. Supplementary Planning Guidance Note Residential Development offers guidance as to what separation distances between dwelling, windows, amenity spaces etc are considered acceptable.

There are local representations raising residential amenity impacts, with reference to overlooking and loss of privacy.

There are dwellings located to the south and east of the site. 'Argoed' is located approximately 35m away to the west.

The proposed plans show that there would be windows within the first floor of the property facing Mwrog Street, Argoed and Tan y Gerddi.

In relation to the dwelling located to the south on Mwrog Street; there would be a bedroom window, bathroom and hallway window at first floor level which are all shown to be obscurely glazed, so there is no overlooking potential from these windows. This elevation is located approximately 21m away from the rear elevation of properties in the terrace, which would be in accordance with SPG guidance and having regard to distance, scale and location of windows, it is not considered there would be any overbearing impact on the residents of these properties. It is suggested that the windows be retained with obscure glazing to avoid any overlooking of private garden space.

In relation to the dwelling located to the west ('Argoed'), this property is located approximately 35m away from the application site boundary. On the west elevation of the proposed dwelling there is a small part of the balcony and a bedroom window however due to the distance in between 'Argoed' and the proposed dwelling it is not considered that there would be any significant adverse effect on the amenities of this property. The boundary brick walls also act as a very effective screen and it is also proposed to landscape the west, north and part of the south boundary.

In relation to the dwelling to the east at 'Tan y Gerddi' this is a single storey property and is the property located closest to the application site. The dwelling has been orientated with its entrance on the east elevation fronting Tan y Gerddi and it is proposed to insert windows at first floor level within this elevation which would serve a stairway, utility room and the living room. The plans indicate all these windows to be obscurely glazed; in relation to the stairway and utility room which are non-habitable rooms this is considered acceptable as they only serve to provide light. In relation to the living/family room, the windows have been included to add interest and are understood to be for visual purposes only as the glazing on the north elevation is the main source of light and aspect for the property and its main living space. Tan y Gerddi does have windows within its western elevation facing the application site, but as the windows at first floor level are intended to be obscurely glazed it is not considered that there would be any loss of privacy for this property. A 2m high fence (1m high closer towards the highway) would be erected in between the 2 properties which would act as a solid boundary and effective screen in between the properties.

The balcony on the north elevation would overlook open fields and would have obscurely glazed panels on the eastern corner to ensure there is no loss of privacy for the residents at Tan y Gerddi and therefore would not result in an unacceptable level of overlooking owing to its siting and the screen on the corner.

With regard to window to window relationships, SPG Residential Development advises a minimum of 21 metres separation distances. The submitted plans indicate that this distance would be achieved and in relation to overlooking of private gardens, it is advised that the relevant first floor windows serve mainly non-habitable rooms and the applicant has indicated they are all to be obscurely glazed.

In acknowledging the comments of the objectors, there is no right to a view and given the location, detailing, design and orientation of the proposed dwelling it is not

considered that it would cause significant harm by an overbearing impact or loss of privacy which would justify a refusal of planning permission.

4.2.4 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.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

It is considered that the proposal would be acceptable in relation to open space policy subject to the requisite contribution being secured. It is considered that this could be done through an appropriately worded condition.

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

4.2.5 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.

A comment has been submitted by a local resident with regards to the additional use of Mwrog Street which is already a busy road.

The scheme will utilise the existing access point onto Mwrog Street which currently serves the existing dwelling, with the access widened and improved to allow for it to serve an additional property. It is proposed to erect a curved stone wall at the access point with gates set back.

The property would be served by a driveway and there is space to the rear for vehicles to enter and manoeuvre however a car turn table is also proposed to the rear to ease access in to the integral garage should this be required by the applicant in future.

Highways Officers have been consulted and raise no objection to the proposal subject to a standard condition to ensure the access is constructed in accordance with the submitted plan and completed prior to use.

The scheme is therefore considered to be in accordance with Policies RD 1 and ASA 3.

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 detailing of the development is considered acceptable. It is not considered that there would be any unacceptable impacts subject to the imposition of conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 14th March 2023.
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) Design and Access Statement - Received 5 February 2018
 - (ii) Supporting Document - Received 5 February 2018
 - (iii) Solar Panel Specification - Received 5 February 2018
 - (iv) Motorised Turntable Specification - Received 5 February 2018
 - (v) Proposed Site Plan - Received 5 February 2018
 - (vi) Proposed Access Plan - Received 5 February 2018
 - (vii) Proposed Access Elevations - Received 5 February 2018
 - (viii) Proposed Floor Plans - Received 5 February 2018
 - (ix) Proposed Elevations - Received 5 February 2018
3. 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.
4. Notwithstanding the submitted plans, the detailing of the proposed windows shall not be as shown, but shall be in accordance with such details as may be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.
5. The first floor windows shown on the proposed south and east elevations shall be fitted with obscure glazing, and shall be retained with obscure glazing at all times.
6. The dwelling shall not be occupied until the written approval of the Local Planning Authority has been obtained to details of a full landscaping scheme including details of all hard surfaces, boundary treatments and planting specifications. The approved details shall be implemented in full no later than 6 months following the first occupation of the dwelling.
7. The access shall be laid out and constructed in accordance with the submitted plan before the dwelling is first occupied and shall be retained at all times thereafter.

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 compliance with adopted open space policies.
4. In the interest of visual amenity and character of the Conservation Area.
5. For the avoidance of doubt and in the interests of protecting residential amenity.
6. To ensure a satisfactory standard of development and to protect the visual amenity of the area
7. To ensure the formation of a safe and satisfactory access in the interest of highway safety.

NOTES TO APPLICANT:

In relation to Condition 3 you are advised that a commuted sum payment of £1237.22 is required towards the provision of Open Space in accordance with Policy BSC 11 in the Denbighshire Local Development Plan. Please note the amount payable is correct at the time of issuing this planning permission however it may change. For further information please refer to the Local Development Plan and Open Space Calculator which is available on our website at www.denbighshire.gov.uk

Highways Notes

Suggest the following matters be drawn to the applicant's attention as Advisory Notes.

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991 - Part N Notice.
- (iii) Highways Act 1980 Section 184 Consent to Construct/Alter a Vehicular Crossing Over a Footway.

Please be advised that separate consent will be required under Section 184 of the Highways Act 1980 for the widening of the existing access, please contact Gail McEvoy to discuss on 01824 706882.