

© Crown copyright and database rights 2017 Ordnance Survey 100023408.

02/2018/1090

Scale: 1:1250

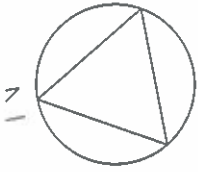
Printed on: 20/12/2018 at 13:45 PM



© Denbighshire County Council



# ILLUSTRATIVE SITE PLAN



LOCATION PLAN scale 1:1250

HOUSE TYPE SCHEDULE  
PRIVATE (2 No) 4 BED DETACHED

A-18.11.18 AMENDMENT FOLLOWING CONSULTATION WITH LA PLANNING

LAND AT PENNANT, BRYN GOODMAN, RUTHIN,  
DENBIGHSHIRE, LL15 1EL

MR & MRS E JONES

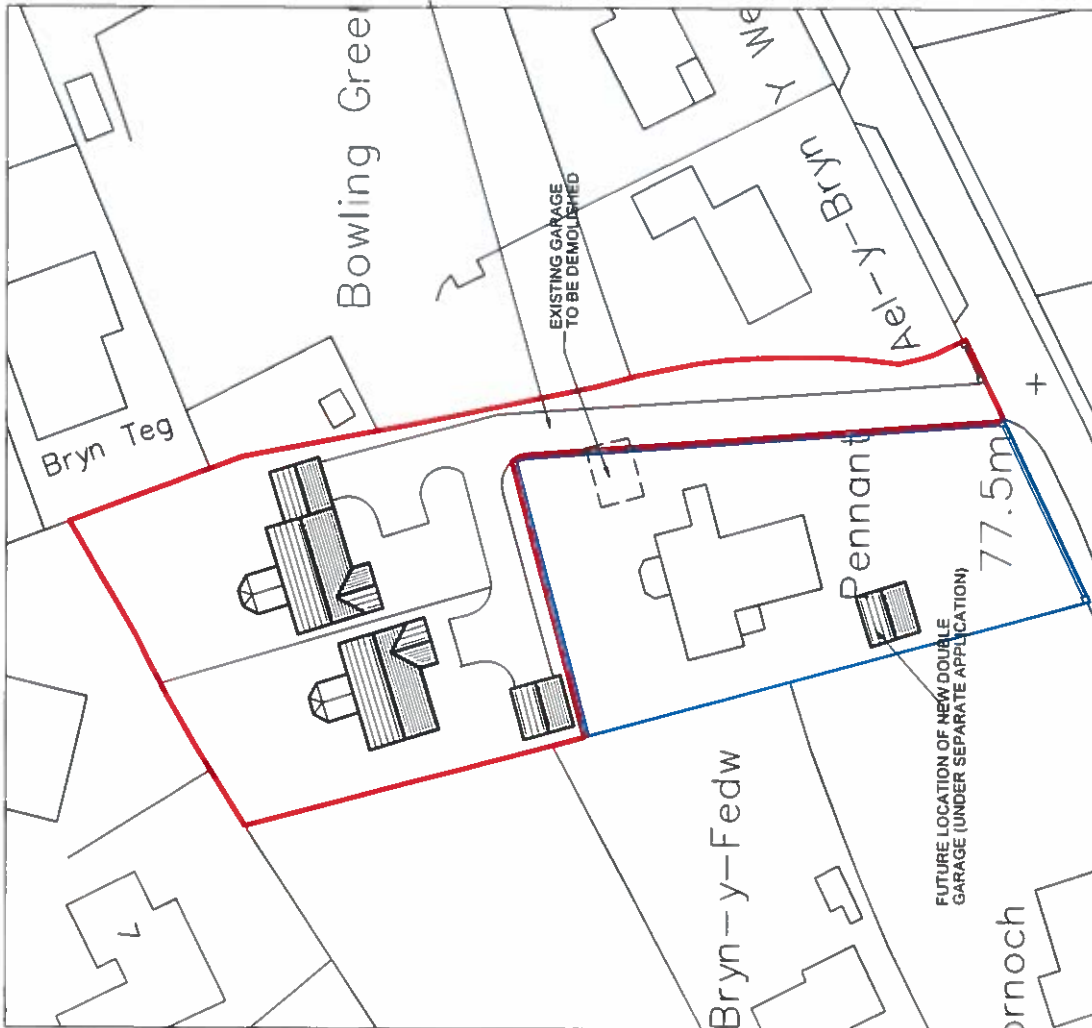
PROPOSED SITE LAYOUT



DESIGN SERVICES

BRO GYNIN, RUTHIN ROAD, DENBIGH  
DENBIGHSHIRE LL16 3EU  
t: 01745 814515 m: 07831 338549  
e-mail: jeff@iwdesignservices.wales

Drawn by AL080/1 RY A.

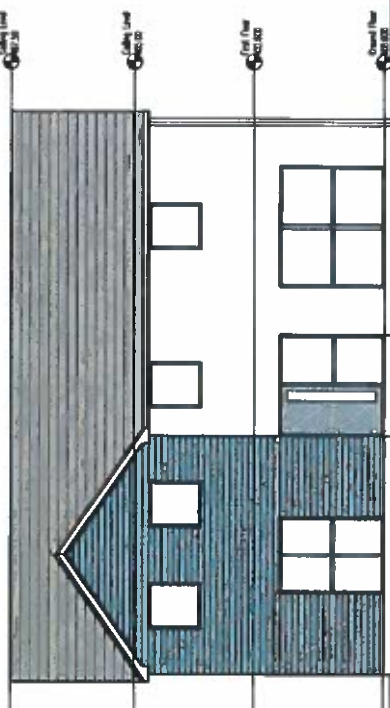


PROPOSED SITE LAYOUT scale 1:500

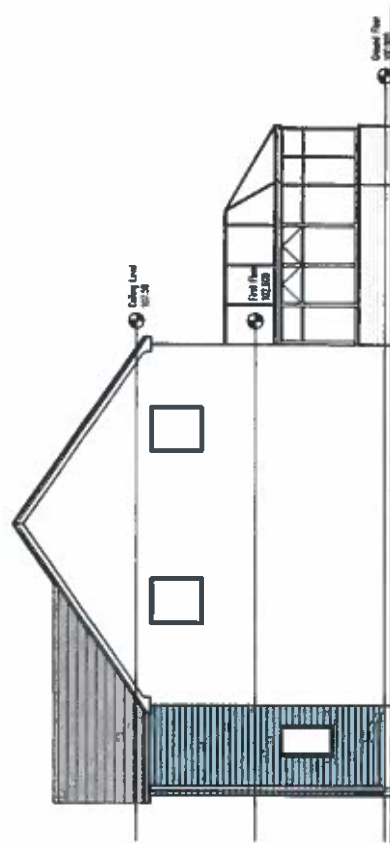
This drawing must not be reproduced without permission.  
This drawing must not be scaled. Dimensions are in millimetres unless specified otherwise.



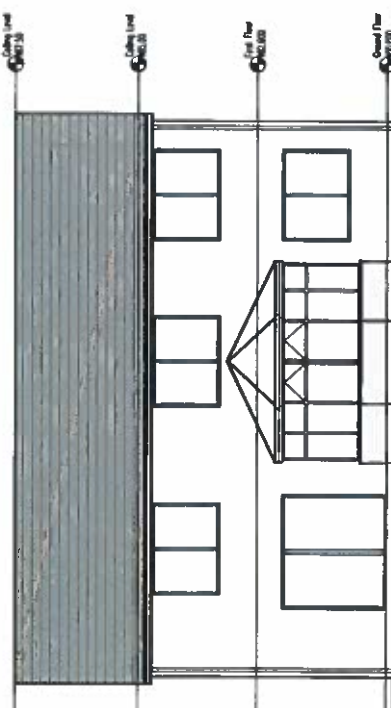
# ILLUSTRATIVE ELEVATION PLANS



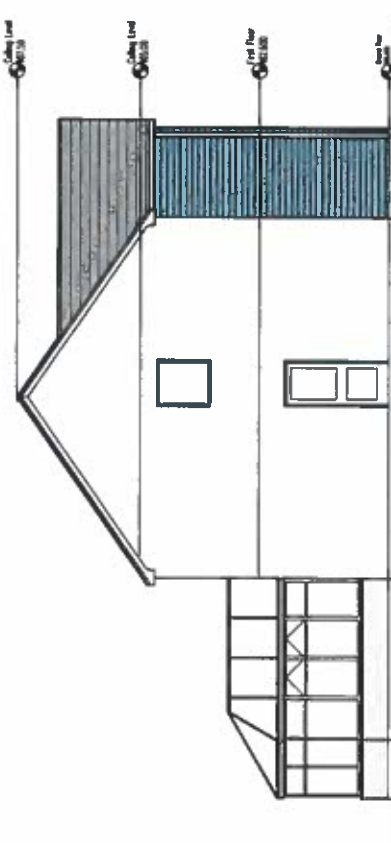
**PROPOSED FRONT ELEVATION**  
scale 1:100



**PROPOSED SIDE ELEVATION**  
scale 1:100



**PROPOSED REAR ELEVATION**  
scale 1:100



**PROPOSED SIDE ELEVATION**  
scale 1:100

A-18.11.18 AMENDMENT FOLLOWING CONSULTATION WITH LA PLANNING

PROJECT  
**LAND AT PENNANT, BRYN GOODMAN, RUTHIN,  
DENBIGHSHIRE, LL15 1EL**

CLIENT  
**MR & MRS E JONES**

PROPOSED ELEVATIONS (ILLUSTRATIVE)

DATE  
**NOVEMBER 2018**

SCALE  
**1:100 @ A3**

PROJECT NO.  
**JW080**



**DESIGN SERVICES**

BRO GYNN, RUTHIN ROAD, DENBIGH  
DENBIGHSHIRE LL11 3EU  
t 01745 614515 m 07831 538549  
e-mail jef@jvwdesignservices.wales

AP0802

The drawing must not be reproduced without permission.  
The drawing must not be scaled. Dimensions are in millimeters unless specified otherwise.



**WARD :** Ruthin

**WARD MEMBERS:** Cllr Emrys Wynne (c )  
Cllr Bobby Feeley  
Cllr Huw Hilditch Roberts

**APPLICATION NO:** 02/2018/1090/ PO

**PROPOSAL:** Development of 0.17 ha of land by the erection of 2 no. detached dwellings (outline application - all matters reserved)

**LOCATION:** Land at (Part garden of) Pennant Bryn Goodman Ruthin LL15 1EL

**APPLICANT:** Mrs Gillian Jones

**CONSTRAINTS:** None

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

**REASON(S) APPLICATION REFERRED TO COMMITTEE:**

- Town Council objection
- 4 or more objections

**CONSULTATION RESPONSES:**

**RUTHIN TOWN COUNCIL**

"Councillors on Ruthin Town Council's Planning Committee object to outline planning application 02/2018/1090 – Land at (part garden of) Pennant, Bryn Goodman, Ruthin – as the proposal for two dwellings on the site represents overdevelopment of the site. The size and scale of the dwellings would make the site too cramped."

**DWR CYMRU / WELSH WATER**

No objection subject to conditions relating to drainage.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

Highways Officer –

No objection to the principle of the development.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Trustees of Ruthin Bowling Club, Bryn Goodman, Ruthin.

Ann Roberts, Bryn Teg, Wern Ganol, Ruthin.

Bryn Algar, 8 Maes Hyfryd, Ruthin

Kerr Walker, Liosmor, Kirkton of Tough, Alford, Aberdeenshire.

Summary of planning based representations in objection:

Residential Amenity- two storey dwelling would have an overbearing impact on neighbours.

Visual Amenity- Proposal for two storey dwellings would be out of keeping with the area and would result in an overdevelopment of the site.

Boundary treatment to bowling club boundary needs to be tidied up.

**EXPIRY DATE OF APPLICATION: 13/01/2019**

## EXTENSION OF TIME AGREED? 21/01/2019

### REASONS FOR DELAY IN DECISION (where applicable):

- Awaiting consideration at Planning Committee

### PLANNING ASSESSMENT:

#### 1. THE PROPOSAL:

##### 1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission (with all matters reserved) for the development of 0.17ha of land by the erection of 2 dwellings on land at Pennant, Bryn Goodman, Ruthin.
- 1.1.2 Indicative plans submitted with the application show two detached dwellings sited within part of the current rear curtilage of the existing bungalow.
- 1.1.3 Access is proposed to the site from the existing access off Bryn Goodman. An existing garage to the west of the house would be demolished to facilitate the development.

##### 1.2 Description of site and surroundings

- 1.2.1 The site lies to the rear/side of Pennant and is part of the large rear garden area of the existing dwelling.
- 1.2.2 The site is currently overgrown, with a number of mature trees along the boundaries.

##### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary as designated in the Local Development Plan.

##### 1.4 Relevant planning history

- 1.4.1 None.

##### 1.5 Developments/changes since the original submission

- 1.5.1 None.

##### 1.6 Other relevant background information

- 1.6.1 The application is submitted with an ecological report and a tree survey.

#### 2. DETAILS OF PLANNING HISTORY:

- 2.1 None

#### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design  
**Policy BSC3** – Securing infrastructure contributions from development  
**Policy BSC11** – Recreation and open space  
**Policy ASA3** – Parking standards

##### 3.1 Supplementary Planning Guidance

- SPG – Residential Space Standards
- SPG – Access for All
- SPG – Parking
- SPG - Residential Development
- SPG – Residential Development Design Guide



### 3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

### 3.3 Other material considerations

## 4 **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Recreation and open space

#### Other matters

### 4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The main policy in the Local development Plan (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 proposals would therefore be acceptable in terms of the general principles of these policies.

The detailed impacts are reviewed in the following paragraphs 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 (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 individual representations raising concerns over visual amenity impacts, on the basis that a proposal for two storey dwellings would be out of keeping with the area and would result in an overdevelopment of the site.

In noting the basis of objection, the proposal is for outline planning permission only, with all matters reserved for future approval. Indicative plans have been submitted in support of the application showing 2 two storey dwellings. Whilst the size of the footprint is to be considered at reserved matters stage, the upper and lower limits of the proposed dwellings are: Width – 11.01 metres, Depth – 8.99 metres, Height to eaves – 4.5 metres, Height to ridge – 7.5 metres, The footprint of dwellings is the region of 84.75 sq metres.

In respecting the objections, in the absence of fully detailed plans for consideration a full assessment cannot be made on the visual impact of the development. Nonetheless, on the basis of the indicative layout and site plan, it is considered that two dwellings could be accommodated on the site without significant harm to visual amenity.

In respect of the above, it is considered that the proposal to develop the site by way of two dwellings is unlikely to have a detrimental impact upon the visual amenity of the area and it is not considered the proposal is in conflict with general development control requirements as specified in policy RD 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.

Concerns have been raised by the Town Council and neighbours over the residential amenity impacts of the development, suggesting two storey dwellings would have an overbearing impact on neighbours, and that the size and scale would make the site too cramped.

Whilst an indicative plan has been submitted in support of the application showing a possible siting for 2 two storey dwellings, it has to be recognised that proposal is for outline planning permission only, with all matters reserved for future approval, hence matters of overdevelopment and cramping can only be properly assessed at reserved matters stage.

The site area of the dwellings is 0.17 hectare. The illustrative plans show the , dwellings would have a minimum garden depth of 10 metres and 12 metres respectively with a considerable amount of space to the front and sides of the houses. With regard to the impact on neighbours, in terms of 'back to back' window to window distances, SPG Residential Development advises a minimum of 21 metres separation between dwellings. The submitted plans indicate that a minimum distance of 21 metres would be achieved between the dwellings to the rear (on Maes Hyfryd) and the existing dwelling to the front (Pennant), and on this basis it is not considered that the proposal would result in a direct loss of privacy to adjacent dwellings.

In officer's opinion it is considered that the dwellings could be accommodated on this site without resulting in an overdevelopment or cramping of development. Given the size of the site it is considered that the proposal to develop for two dwellings is unlikely to have a detrimental impact upon the amenity of the area and it is concluded the proposal complies with general development control requirements in policy RD 1.

#### 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.

The development would utilise the existing access point onto Bryn Goodman which currently serves the existing dwelling. The Highway Officer raises no objection to the proposal.

It is considered that the access in this location is adequate to serve two additional dwellings, and that the scheme is in accordance with Policies RD 1 and ASA 3.

#### 4.2.5 Recreation and 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 proposal is for two dwellings, and in line with SPG Open Space, open space provision should be contributed to by way of a commuted sum payment. The current calculation for 2 dwellings is £2474.43.

Welsh Government Circular 016/2014, The use of planning conditions in development management, states that commitments on behalf of the developer involving transfers of land or payments to be made to the local planning authority are more appropriately required through a planning obligation and should not be required in a condition. This is expanded on in Welsh Office Circular 13/97.

On this basis the applicant is prepared to enter into a legal agreement with the Local Authority to pay a commuted sum of £2474.43 at a reasonable trigger point in the development process. It is suggested that this money be paid prior to the occupation of the first dwelling.

It is officers' opinion therefore that subjection to a legal agreement being entered into, the proposal is acceptable in terms of the provision of open space.

#### 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 proposal is considered to comply with adopted planning policy, and is in support of general development strategies of the Local Development Plan.

5.2 It is therefore recommended that planning permission be granted subject to the following conditions and the completion of a section 106 agreement with the Local Authority to pay £2474.43 to provide additional public open space in the community. The sum should be paid prior to the occupation of the first dwelling. The planning permission would only be released on completion of the Section 106 Agreement.

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

1. Approval of the details of the appearance of the building(s), landscaping, scale, layout and appearance and access (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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) Existing site plan (Drawing No. AL080/2) received 19 November 2018
  - (ii) Proposed site and location plan (Drawing No. AL080/1 Rev. A) received 19 November 2018
5. 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 occupation of the dwelling 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.
6. 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.
7. **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.
8. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and shall be completed prior to the proposed development being brought into use.
9. Notwithstanding the submitted documents the proposed site layout plan, elevations and floorplans has been treated for illustrative purposes only and does convey the Local Planning Authority's approval to the landscaping, scale, layout, and appearance of the development.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.

5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. In the interests of visual amenity.
8. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. For the avoidance of doubt, as the application is for outline permission only.