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02/2019/0095

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PROPOSED SITE PLAN



WYNN ROGERS
Architectural Services

N. BRYN COLBORNE M.C.I.A.T
Chartered Architectural Technologist
G. LLOYD EVANS
Architectural Technologist

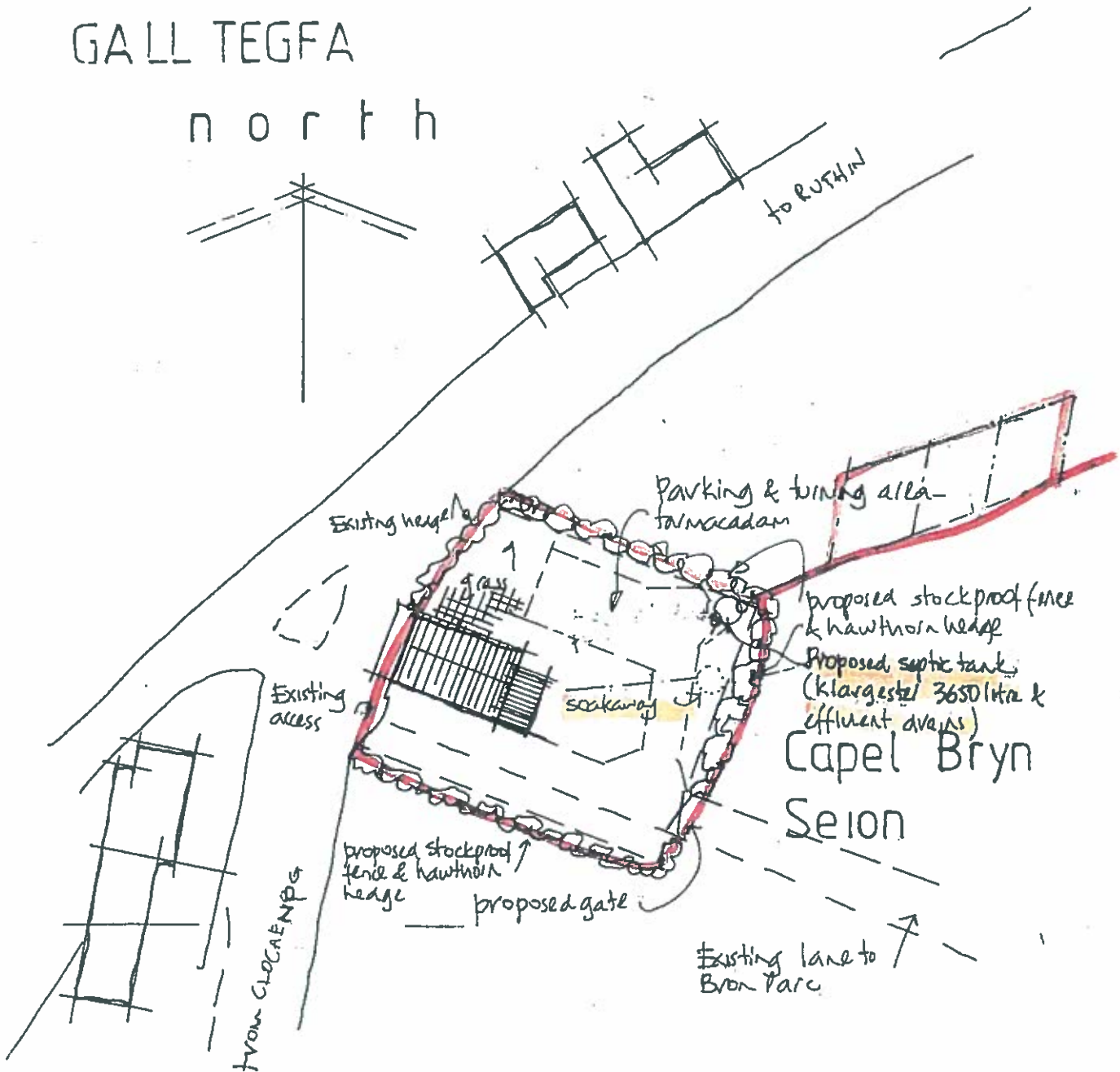
Studio 3, Rosemary Lane, Denbigh, LL16 3TT

01745 812100

CAPEL BRYN SEION

GALL TEGFA

n o r t h



BLOCK PLAN 1:500

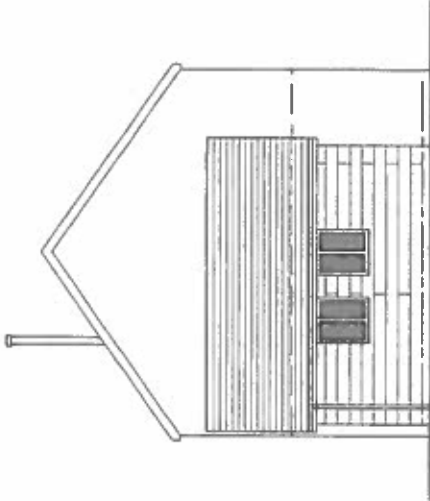
PROPOSED ELEVATIONS

CAPEL BRYN SEION, GALLTEGFA.

NOTES:

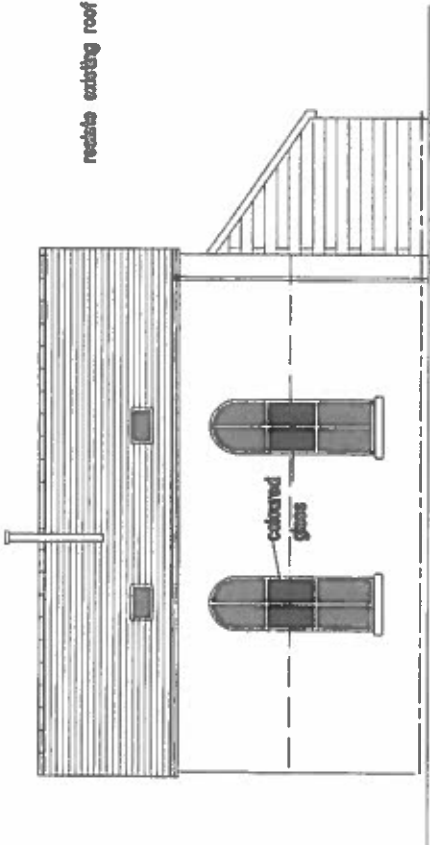
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR THE PURCHASE OF ANY MATERIALS. ANY DISCREPANCY MUST BE REPORTED IMMEDIATELY TO WYNN ROGERS ARCHITECTURAL SERVICES. www.wynnrogers.com CERTIFICATE

metal flue pipe

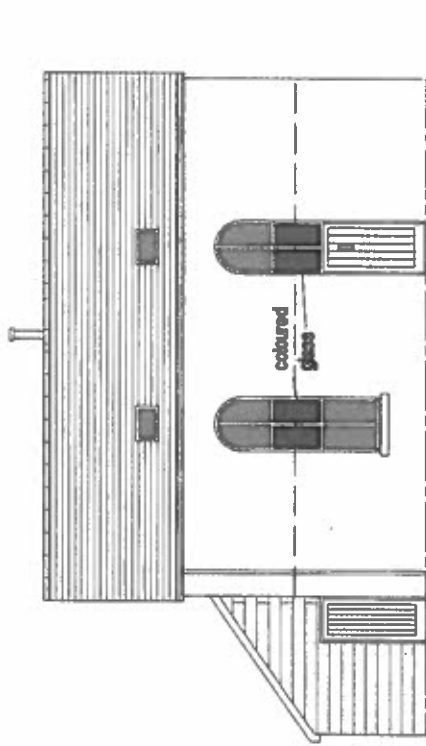


slate to match cedar boarding

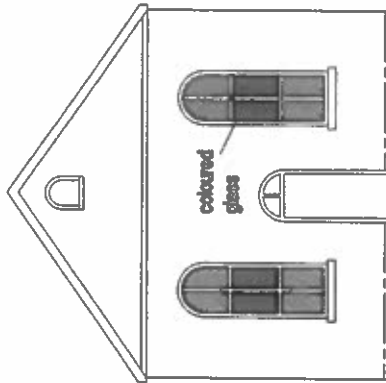
retain existing roof



coloured glass



coloured glass



coloured glass



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CIAT
Registered Firm

PROJECT NO. 571442 DRAWING NO. 5.
DRAWN NBC
SCALE 1:100 DATE JAN 19
CLIENT JONES BROS
PAPER A3

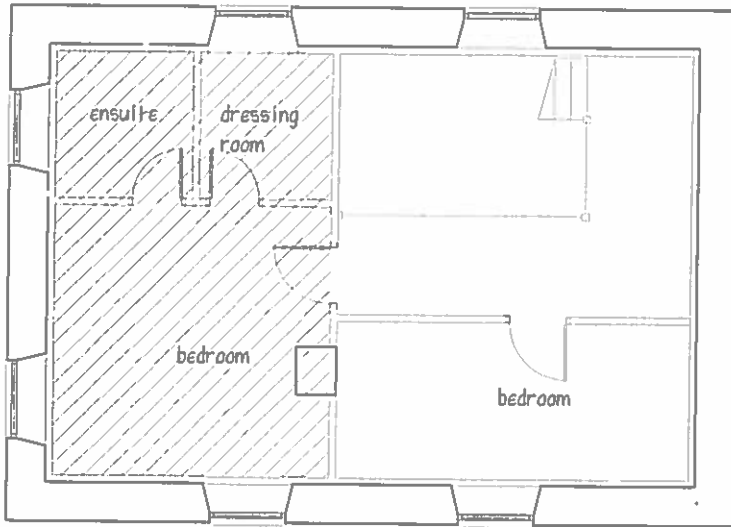
elevations AS PROPOSED 1 : 100 OPTION 4

PROPOSED FLOOR PLANS

CAPEL BRYN SEON, GALLTEGFA

NOTES:

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 IMMEDIATELY TO
 THE ARCHITECT'S OFFICE, GALLTEGFA
 (01743 817210)



BAT ROOST TO BATHED AREA
 WITH ROOF VOID

first floor plan AS PROPOSED 1 : 50 OPTION 4

REVISION	

WYNN ROGERS
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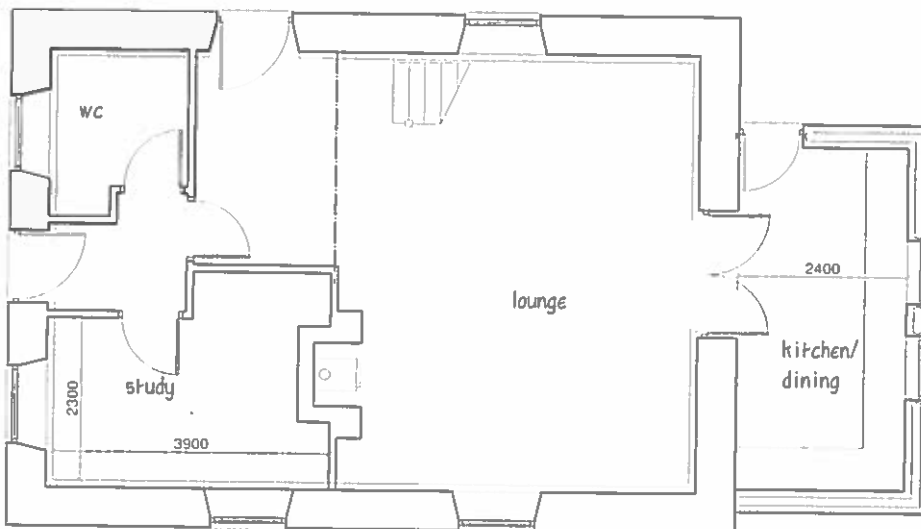
CIAT

PROJECT NO	01743 817210	ISSUED AS	4.
CLIENT	JOHES BROS	SCALE	NBC
DATE	JAN 18	PRICE	50
			43

CAPEL BRYN SEON, GALLTEGFA

NOTES:

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 TO THE ARCHITECT TO BE CORRECTED
 IMMEDIATELY TO
 THE ARCHITECT'S OFFICE, GALLTEGFA
 (01743 817210)



ground floor plan AS PROPOSED 1 : 50 OPTION 4

REVISION	

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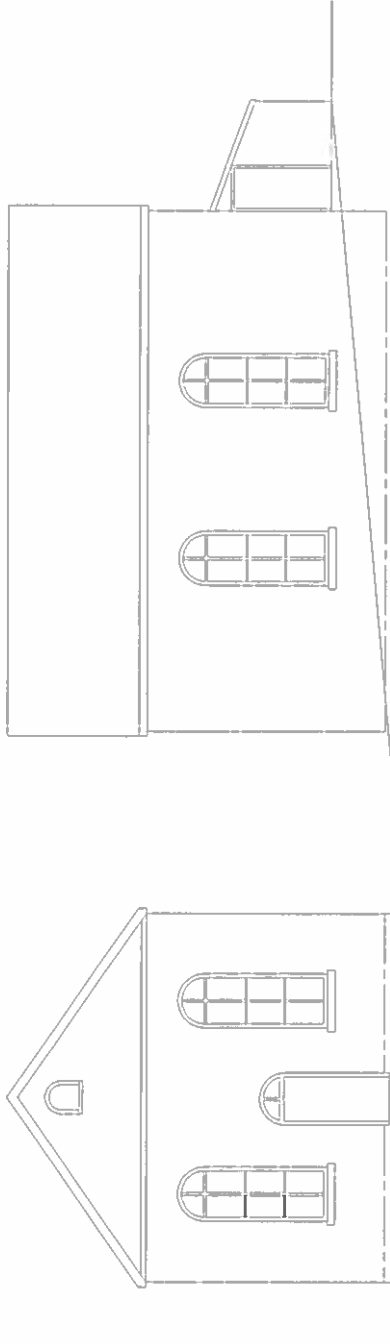
CIAT

PROJECT NO	01743 817210	ISSUED AS	3.
CLIENT	JOHES BROS	SCALE	NBC
DATE	JAN 18	PRICE	50
			43

EXISTING ELEVATIONS

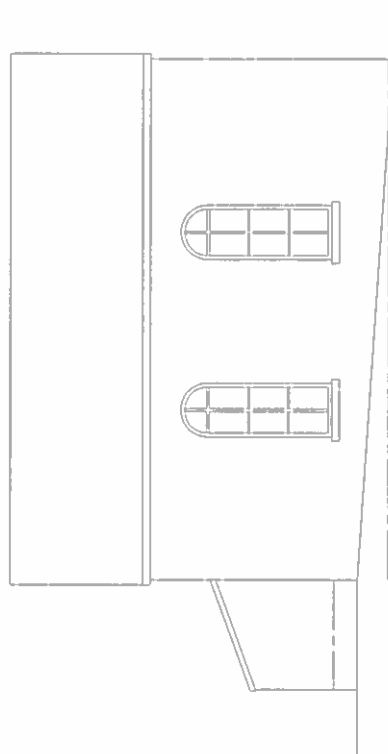
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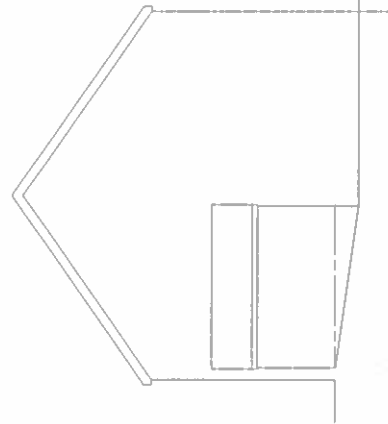


front

side



side



rear

REVISION



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01745 812100 (email: consult@wynn-rogers.co.uk)
www.wynn-rogers.co.uk

PROJECT NO. SJ1412 DRAWING NO. 2.
DRAWN BY NBC
SCALE 1:100
DATE JAN 19
PROJECT CAPTEL BRYN SEION GALLIEGFA
ELEVATIONS as existing
CLIENT JONES BROS
PAPER A3

WARD : Ruthin

WARD MEMBERS: Councillor Huw Hilditch-Roberts

APPLICATION NO: 02/2019/0095/ PF

PROPOSAL: Change of use of vacant/redundant Chapel to a dwelling, demolition of lean-to store and erection of new lean-to extension and provision of new treatment plant

LOCATION: Capel Bryn Seion Galltegfa Ruthin LL15 2AR

APPLICANT: Jones Bros

CONSTRAINTS: None.

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL
"No objection."

NATURAL RESOURCES WALES-

Foul Drainage: Significant concerns. Recommends that planning permission should only be granted if the scheme can meet the requirement of a revised scheme of foul drainage to prevent the risk of pollution to Drain (ref. EAEW1001000001010688)

Protected Species: Consider the site a lower risk case for bats, and the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

DWR CYMRU / WELSH WATER

No objection but recommend NRW are consulted on the foul water drainage and disposal.

CLWYD-POWYS ARCHAEOLOGICAL TRUST

No objection, subject to the imposition of a condition to facilitate a programme of historic building recording, the equivalent of an Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer-
No objection subject to the imposition of conditions around the parking and turning facilities being retained within the site and completed prior to the development being brought into use.
- Drainage Officer-
No objections subject to the imposition of conditions relating to surface water run off to the highway. NRW should be consulted on the foul water drainage.

- Ecologist-
Additional information is required before the application can be considered further due to the initial survey finding evidence of brown long eared bats.

RE-CONSULTATION RESPONSES

Additional information has been submitted including an alternative foul drainage scheme and a further bat emergence survey.

NATURAL RESOURCES WALES-

No objection on the assumption that the site is utilising a package treatment plant with soakaway to ground.

NATURAL RESOURCES WALES-

No objection providing a condition is attached to secure all avoidance and mitigation measures described in the bat report and listed below. The details should include:

1. Detailed avoidance and mitigation measures;
2. Detailed compensation measures including plans;
3. Submission and implementation of post construction surveillance;

The Local Planning Authority should attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Ecologist-

No objection providing a condition is attached to ensure that there are no negative impacts on protected species or the nature conservation value of the site

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Rob Scourfield, The Manse, Cresswell Quay, Cresselly

Summary of planning based representations in objection:

Lack of sensitivity in detailing and design of the side windows and inclusion of chimney stack. A matt-black stove pipe could be considered more appropriate.

EXPIRY DATE OF APPLICATION: 02/04/2019

EXTENSION OF TIME AGREED? Yes, 06/09/2019

REASONS FOR DELAY IN DECISION (where applicable):

- 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 Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks permission for the change of use and alterations to a former chapel to form a dwelling, demolition of a lean-to store and erection of a new lean-to rear extension and provision of a new treatment plant at Capel Bryn Seion, Galltegefa, Ruthin.

1.1.2 The proposed replacement lean-to extension would project to the rear by 2.6m and would have a length of 5.3m. It would have a total height of 4.3m and eaves height of

2.3m. It is proposed to be clad in timber cedar panels with a slate roof to match the existing building and two windows to the rear elevation and a door to the side.

1.1.3 The front of the building is proposed to remain unchanged. In the two side elevations, original windows are proposed to be split horizontally to deal with the addition of a first floor. Coloured glass is proposed to separate the upper and lower sections of the original tall windows to mask views of the new floor construction. Two rooflights are also proposed to each side of the roof and there would be an external flue to serve the heat appliances, projecting marginally above the main ridge of the roof.

1.1.4 An existing access will be retained and improved and a fence and hawthorn hedge is proposed to the south, west and north boundaries. A tarmac parking and turning area is proposed to the rear of the proposed dwelling.

1.1.5 Supporting information advises that the property had been marketed for a period of 6 weeks prior to going to auction.

1.2 Description of site and surroundings

1.2.1 The former detached chapel is located in open countryside approximately 120m to the west of the Bron Parc Farm complex and 3km from the centre of Ruthin. It is situated in an elevated position on the south side of the road at a junction. There is an existing hedgerow to the front of the site and access to the side.

1.2.2 It is understood the chapel was built in 1860 and has been redundant since 2002. It retains its original layout as well as historic fabric, fixtures and fittings. The chapel is built in the traditional stone vernacular for this period and type of building.

1.3 Relevant planning constraints/considerations

1.3.1 The site is not located within any specific designations 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 Amended plans have been submitted showing the removal of the originally proposed chimney, replacing it with a black stove pipe, as can be seen on the plans at the front of the report. Windows are to be altered and coloured glass used to replace the timber cladding within the main window openings. A bat emergence survey has been submitted, along with plans showing a package treatment plant and soakaway.

1.6 Other relevant background information

1.6.1 Councillor Huw Hilditch- Robers has requested that this application be considered at Committee.

2. DETAILS OF PLANNING HISTORY:

2.1 N/A

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 BSC3 – Securing infrastructure contributions from Development

Policy BSC11 – Recreation and open space

Policy PSE4 – Re-use and adaptation of rural buildings in open countryside

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Planning Obligations
Supplementary Planning Guidance Note: Recreational Public Open Space
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Space Standards
Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings
Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018
Development Control Manual November 2016
Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)
TAN 6 Planning for Sustainable Rural Communities (2010)
TAN 12 Design (2016)
TAN 16 Sport, Recreation and Open Space (2009)
TAN 18 Transport (2007)

Circulars

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 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology
- 4.1.8 Open Space

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Policy PSE 4 of the Local Development Plan relates to the re-use and adaptation of rural buildings in open countryside. It states that all conversions of rural buildings will

be expected to make a positive contribution to the landscape and ensure that any architectural and/or historic features are retained. Proposals for the conversion of rural buildings outside development boundaries for employment use will be supported. Proposals for the conversion of rural buildings outside development boundaries for residential use will only be permitted where:

- i) An employment use has been demonstrated not to be viable; and
- ii) The dwelling(s) are affordable to meet local needs.

The justification to Policy PSE 4 establishes, in line with national guidance, that the re-use for employment purposes will be the first priority. It states that residential re-use will only be permitted where it has been shown that an employment use is not viable and any new dwelling would be affordable to meet local need.

The SPG on the conversion of rural buildings provides further guidance on the subject. It sets out the requirement for an employment / marketing test which should be undertaken for a minimum of 12 months to test the interest in an employment use

As the marketing exercise for the building was only for a period of 6 weeks prior to the auction and no details have been provided as to how the building will assist in meeting local housing needs or be limited to use as an affordable unit, Members may appreciate that it is difficult for officers to conclude the proposal is compliant with Policy PSE 4 of the LDP and the SPG as it fails to provide the necessary justification.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 10 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

Initial representations were made regarding the proposed introduction of a domestic chimney and timber cladding within the window openings. These were raised with the agent and resulted in revised plans with the chimney removed in favour of a simple flue. The windows are proposed to remain glazed with coloured glazing between the floors in the centre of the windows, rather than timber cladding to hide the new first floor construction detail.

The proposed site will retain much of its existing form with parking spaces and turning areas being incorporated to the rear of the property, accessed from the existing access track that serves Bron Parc.

Having regard to the design, siting, scale, massing and materials of the proposed conversion, in relation to the character and appearance of the existing chapel, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

No representations have been received regarding residential amenity issues.

There are neighbouring properties to the front of the chapel across the road. The application is for the conversion of a redundant rural building and Officers consider the new use of the building to a dwelling would not have an unacceptable impact on residential amenity, given that there are other residential properties in the vicinity.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Ecology

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 (PPW 10) (Section 5.2), TAN 5 and the Conservation and Enhancement of Biodiversity SPG (2016), 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.

The County Ecologist has reviewed the ecological reports and has no objection providing conditions are attached obliging the submission of a mitigation plan with finalised details of what is being proposed. NRW have no objection to the proposal providing a condition is attached to secure all avoidance and mitigation measures described in the bat report. Officers consider it reasonable to attach the suggested conditions to any permission.

Subject to the imposition of conditions, the proposal is not considered likely to have an unacceptable impact on ecological interests and the nature conservation value of the site.

4.2.5 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 10) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 10) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are

defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

The Council's Drainage Officer has raised no objection to the proposal subject to the imposition of conditions around surface water run-off to the highway.

4.2.6 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

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 (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

The Highways Officer has raised no objection to the proposal subject to the imposition of conditions around the parking and turning facilities being retained within the site and completed prior to the development being brought into use.

Officers are of the opinion that the parking, access and turning arrangements within the site are acceptable, making use of an existing access. The surfacing is proposed to be tarmac and the parking is located within the site and is not visible from the road. Adequate turning space is provided in the site for the manoeuvring of vehicles so that there would be no need to reverse out onto the road. It is not considered that the proposal would have an unacceptable impact on the highways network.

4.2.7 Archaeology

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 10), Section 6 'Distinctive and Natural Places' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a local planning authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

The Clwyd- Powys Archaeological Trust have raised no objection to the proposal subject to the imposition of a condition to facilitate a programme of historic building recording, the equivalent of a Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration.

4.2.8 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 new 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.

An Open Space Assessment and Audit Report has been completed by the Council and provides the evidence base for Policy BSC 11. The report assesses the quantity, quality and accessibility of existing open spaces in the County on a community area basis with some additional information on an electoral ward basis.

In relation to the application, the assessment shows that Ruthin is deficient in the following types of open space: Provision for children and young people, natural and semi-natural greenspace and public parks and gardens.

On the basis of the evidence within the Open Space Assessment and Audit Report, it is considered that the proposal should make a financial contribution to mitigate the increased usage on the existing open space and equipment within the area.

Welsh Government Circular 16/2014 states that financial contributions should be secured through a planning obligation (legal agreement).

The proposal is considered acceptable in relation to open space policy subject to the requisite contribution being secured through a legal agreement.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 to be unacceptable in terms of the basic principles set out in Policy PSE4 as an employment use has not been demonstrated to be unviable and the dwelling is not proposed to be an affordable dwelling. The application is therefore recommended for refusal.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority that the principle of the development is not in accord with basic tests of the Council's planning policy relating to the conversion of rural buildings in open countryside, Policy PSE4, which requires a reasonable marketing exercise to demonstrate an employment use is not viable, and that the dwelling is affordable to meet local needs. As the marketing exercise for the building was only for a period of 6 weeks prior to auction and no details have been provided as to how the proposed dwelling will assist in meeting local housing needs or be limited to use as affordable unit, the proposal is therefore contrary to criteria i) and ii) of Policy PSE4 of the Denbighshire Local Development Plan along with The Council's adopted Supplementary Planning Guidance 'Re-use and adaptation of rural buildings'.