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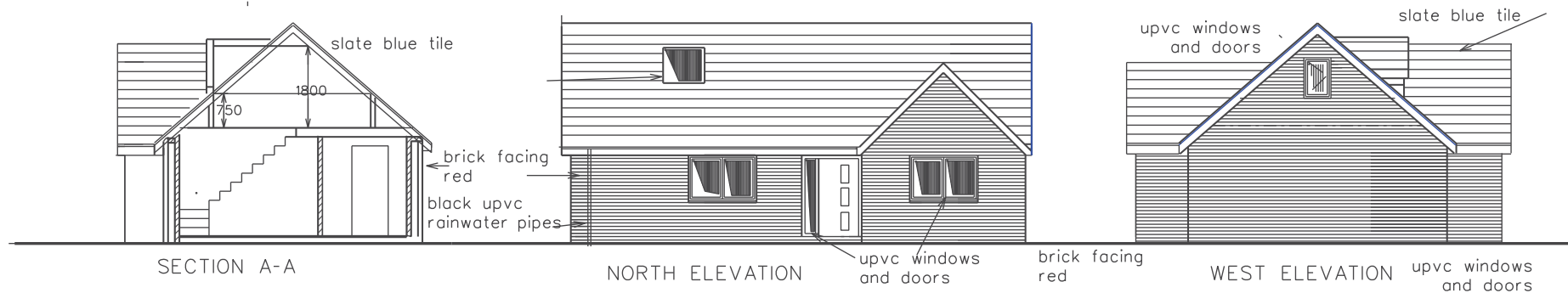


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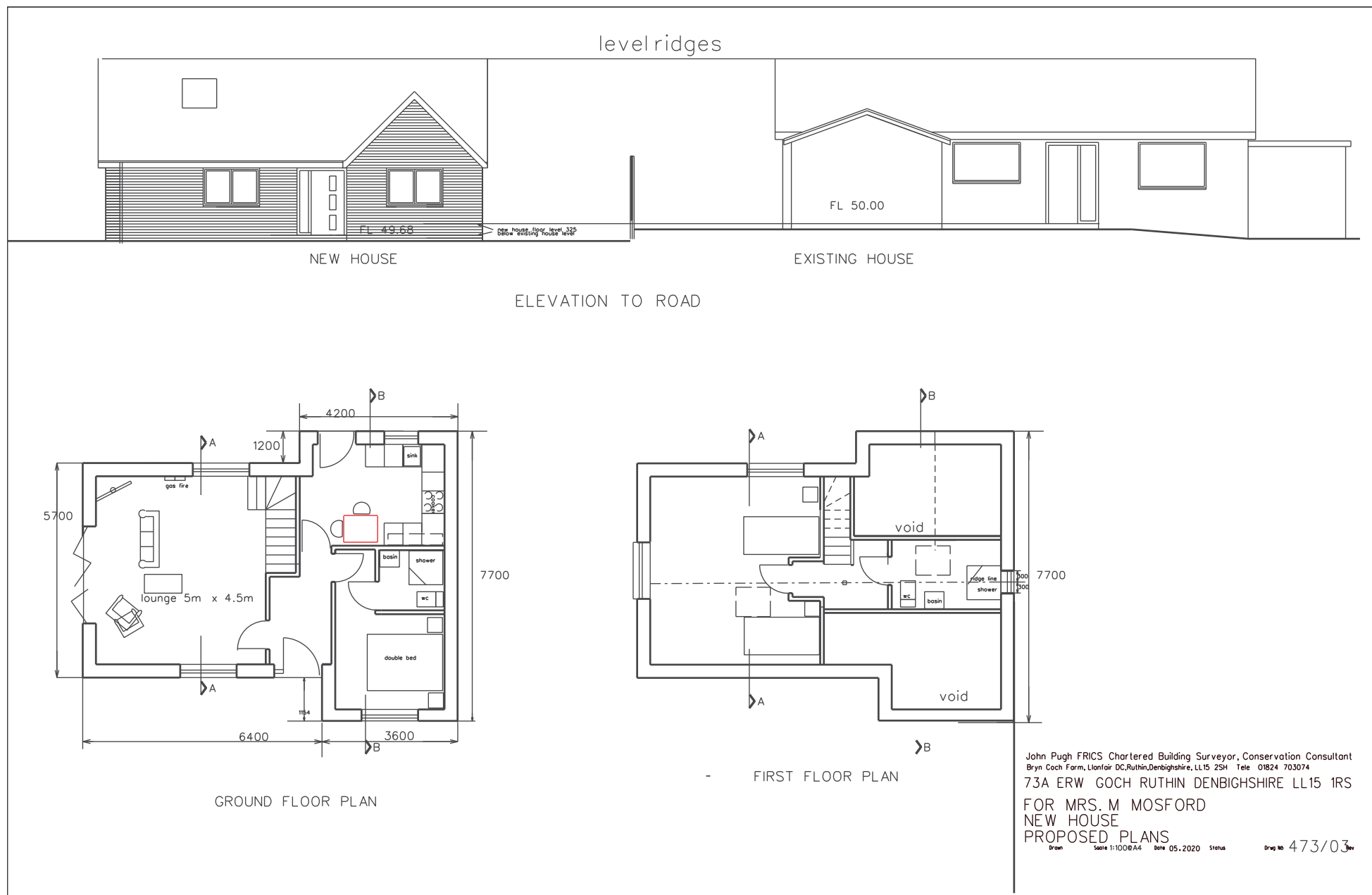






John Pugh FRICS Chartered Building Surveyor, Conservation Consultant  
 Bryn Coch Farm, Llanfair DC, Ruthin, Denbighshire, LL15 2SH Tele 01824 703074  
 73A ERW GOCH RUTHIN DENBIGHSHIRE LL15 1RS  
 FOR MRS. M MOSFORD  
 NEW HOUSE  
 ELEVATIONS  
 Drawn Scale 1:100@A3 Date 05.2020 Status Draw No 473/04





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## Eitem Agenda 5 / Agenda Item 5







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**WARD :** Ruthin

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

**APPLICATION NO:** 02/2020/0811/ PF

**PROPOSAL:** Erection of a detached dwelling, construction of a new vehicular access and associated works

**LOCATION:** Land at (Part Garden of) 73A Erw Goch Ruthin LL15 1RS

**APPLICANT:** Mrs Mairwenna Mosford

**CONSTRAINTS:** PROW

**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-**

'Members continue to feel that this represents inappropriate development and would be overdevelopment of the site. It would result in lack of amenity space for the new dwelling.'

**DWR CYMRU / WELSH WATER-**

No objection but recommended attaching a condition which seeks to control the surface water/land drainage directly or indirectly into the public sewer.

**TREE CONSULTANT-**

The trees are +-10m away from the site but they are still a material consideration in the determination of the application because of their maturity. Consider that an Arboricultural Impact Assessment should be undertaken prior to the application being determined, this should look at shading as well as the need to safeguard tree roots.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

**- Highways Officer-**

-No objection but advise that separate consent will be required under Section 184 of the Highways Act for the vehicular footway crossing.

**Ecology Officer-**

Informally commented that a PEA would not be required but they should probably do an arb assessment, to ensure that the development does not impact on the roots of the neighbouring trees. Suspect that much of this development is within the root protection area for those trees, given their size (if the trees have a diameter at breast height of 83cm, this would work out at an RPA of 10m).

If they damaged the roots of the trees, it would ultimately affect the health of the trees and could cause failure of the tree which would harm biodiversity, and potentially become dangerous.

- Footpaths Officer-

Public Footpath 28 in the Community of Ruthin abuts the application area, but will not be directly affected by the development. However, safety of the Path users must be ensured at all times during the construction phase.

Furthermore, in the absence of any other evidence, 73A will own to the centre-line of the path, which encompasses a bank adjacent to the Footpath and their boundary fence. Therefore, If any works need to be done to enforce this bank as part of the construction process, or that vegetation needs to be cleared, they should contact the Public Rights of Way Officer on 01824 706872.

**RECONSULTATION RESPONSES:**

Submission of a tree report.

**TREE CONSULTANT-**

The information supplied is insufficient to show the proposal would not have a detrimental impact on the nearby trees. The Root Protection Areas need to be shown on the layout plan which are within the position of the proposed bungalow. An Arboricultural Impact Assessment is required in line with the British Standards (BS5837:2012).

**RECONSULTATION RESPONSES:**

Submission of an addendum to the tree report written by Agent and amended plans showing the dwelling moved back into the site and reduced ridge height.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

- Highways Officer-

Comments remain the same as previous.

**TREE CONSULTANT-**

Recommends that the application is refused. The additional information provided does not meet the British Standards (BS5837:2012). It does not identify the Root Protection Areas (RPA's), examine the feasibility of the development within the tree constraints identified. Cambrian Woodland Services identify a Category A tree RPA which extends across half the site's width with three other trees RPA's also extending into the site. The trees afford significant amenity. No Tree Protection Plan has been provided which is a requirement where trees are affected by proposed development.

Supplementary to this, no Arboricultural Impact Assessment has been undertaken in accordance with paragraph 5.4 of BS5837 taking into account such factors as shading, future pressure removal and seasonal nuisance mentioned under paragraph 5.3. As a result the application does not comply with BS5837:2012 or Denbighshire County Council's own Supplementary Planning Guidance Note – Trees and Landscaping which reaffirms, at a local level, the process for the consideration of development affecting trees.

**RECONSULTATION RESPONSES:**

Further information submitted in the form of addendum report by the applicant's Tree Consultant and clarification drawings by the agent.

**TREE CONSULTANT-**

Objection remains. The conclusion of the applicant's Tree Consultant is based on the assumption that the existing underground services in the location would have already cut tree roots. It should be noted that Planning Authorities are not responsible for overseeing works carried out to the public highway and do not ensure the safeguarding of underground services.

The sycamore #6 has a Root Protection Area (RPA) that extends across half the site's width whilst the three other trees have RPAs that significantly extend into the site. No modification of the RPA to account for the

new development has been demonstrated.

The British Standards (BS5837:2012) states that the default position is that structures are located outside of RPAs and assessment should take account the shading of buildings and open areas, future pressure for removal and seasonal nuisance. Taking into account the number of trees, their heights' and orientation, the type of development and its proximity to the trees it is considered that there would be a poor a juxtaposition between the trees and dwelling. This poor juxtaposition is likely to result in complaints about the trees and pressure for them to be removed.

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

J & K Ferguson, 70 Erw Goch, Ruthin

A Ferguson, 70 Erw Goch, Ruthin

Summary of planning based representations in objection:

#### *Highways*

Concerns over parking on the road as the new dwelling would have only a single driveway.

Concerns that parking on the road would raise safety concerns for users of the road including large milk tankers and tractors.

#### *Trees and biodiversity*

Concerns that the trees adjacent to the property would be impacted by a new dwelling and have to be felled. They support tawny owls and other bat and bird species.

#### *Residential Amenity*

Loss of light by erection of the dwelling to property opposite.

Overdevelopment of the plot site not intended to accommodate two dwellings.

Concerns with existing struggling sewerage system capacity on the estate.

## **RECONSULTATION RESPONSES:**

### In objection

Representations received from:

K Ferguson, 70 Erw Goch, Ruthin

Summary of planning based representations in objection:

#### *Visual amenity*

The new dwelling will be obtrusive in the street-scene and will have detrimental impact on the visual amenity of the area.

#### *Residential amenity*

The proposal would result in an overdevelopment of the site

Lack of amenity space for both the existing property and the proposed dwelling

#### *Trees*

Impacts to the mature trees adjacent to the site

**EXPIRY DATE OF APPLICATION: 17/12/2020**

**EXTENSION OF TIME AGREED: 16/04/2021**

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

- Submission of additional information and amended plans
- Re-consultation periods on additional information and revised plans
- Deferral to await consideration by Committee

**PLANNING ASSESSMENT:**

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

- 1.1.1 The application is a resubmission of a previously refused scheme (ref.02/2020/0462) and seeks permission for the erection of a single dormer bungalow and formation of access on land adjacent to 73a Erw Goch, Ruthin.
- 1.1.2 The application site area is approximately 200sqm. The footprint of the proposed dwelling would be 64.8sqm with approximately 60sqm of usable amenity space not including circulation/car parking space remaining.
- 1.1.3 Amendments have been made the original submission which include the dwelling being set back off the roadside at the nearest point by 1.7m compared to 0.83m and a reduction in the ridge height by 32.5cm.
- 1.1.4 The dwelling is proposed to comprise a lounge, kitchen and en suite double bedroom to the ground floor and an additional bedroom with separate bathroom to the first floor.
- 1.1.5 The proposed dwelling would have a ridge height of 4.67m and an eaves height of approximately 2m. It is proposed to have one rooflights to the front elevation and a small dormer to the rear elevation.
- 1.1.6 The walls are proposed to be red brick and roof tiled to match the adjacent bungalow.
- 1.1.7 Bi-folding doors are proposed to the side elevation to serve the lounge and a window is proposed at first floor level to serve the bedroom.
- 1.1.8 A low brick wall to 60cm is proposed to the front boundary with timber post and rail fence to the side and rear boundaries.
- 1.1.9 Parking space is proposed on the driveway adjacent to the dwelling which is proposed to accommodate 2 vehicles.
- 1.1.10 Plans and elevations of the proposal are shown at the front of this report.

## 1.2 Other relevant information/supporting documents in the application

- 1.2.1 None.

## 1.3 Description of site and surroundings

- 1.3.1 The site is an existing garden area connected to a detached bungalow located on a corner plot off Erw Goch. The existing bungalow is oriented with the widest elevation parallel to the road and is the first of a row of similar style dwellings oriented with the narrowest elevation to the road on the south side of the Erw Goch.
- 1.3.2 The north side of the road is characterised by two storey detached properties. A single storey front extension has recently been granted to the bungalow resulting in the majority of the garden area available located east side of the dwelling.

## 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Ruthin as described by the LDP.
- 1.4.2 There is a public right of way which runs down the southern boundary of the property.

## 1.5 Relevant planning history

- 1.5.1 A previous submission for a similar scheme was withdrawn and the resubmission was refused under delegated powers due to the impact on the character of the area and

the residential amenity of the adjacent occupiers.

**1.6 Developments/changes since the original submission**

- 1.6.1 Submission of a Tree Report, addendum to tree report and revised plans showing the dwelling set back into the site and a reduced ridge height.

**1.7 Other relevant background information**

- 1.7.1 The application was agreed to be deferred from Planning Committee in December 2020 to allow the applicants to address the issue of the impact on the trees more adequately.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 02/2020/0123 Erection of dwelling, formation of access and associated works WITHDRAWN 09/03/2020.

- 2.2 02/2020/0462 Erection of dwelling, formation of access and associated works REFUSED under delegated powers on 13/08/2020  
Reasons for refusal:

*1. It is the opinion of the Local Planning Authority that the proposed dwelling would, by virtue of its siting and height in a prominent location within the residential estate, have an adverse visual impact on the open character and appearance of the estate. The proposal is therefore considered to be in conflict with criteria i) of Policy RD1 of the Denbighshire Local Development Plan, guidance contained within the Residential Development Supplementary Planning Guidance Note and Planning Policy Wales (Edition 10).*

*2. It is the opinion of the Local Planning Authority that the proposal would result in an unacceptable impact on the residential amenity of the neighbouring property, Duinrell due to the separation distance between the proposed side elevation and an existing habitable room window and through the reduction in the extent of the usable private amenity space available. It is therefore considered to be in conflict with criteria test vi) of Policy RD1 of the Denbighshire Local Development Plan and guidance in paragraph 6.44 of the Residential Development Supplementary Planning Guidance Note.*

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

**3.1 Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC11** – Recreation and open space

**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 Development Design Guide](#)

Supplementary Planning Guidance Note: [Residential Space Standards](#)  
Supplementary Planning Guidance Note: [Trees & Landscaping](#)

### 3.2 **Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021  
Future Wales – The National Plan 2040  
Development Control Manual November 2016

Technical Advice Notes:

TAN 1 Joint Housing Land Availability Studies (2015)  
TAN 5 Nature Conservation and Planning (2009)  
TAN 12 Design (2016)  
TAN 16 Sport, Recreation and Open Space (2009)  
TAN 18 Transport (2007)

Circulars

## 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 Impact on trees and ecology
- 4.1.5 Highways (including access and parking)
- 4.1.6 Open Space

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 and villages 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.

As the site is within the development boundary of Ruthin as defined in the Local Development Plan, the principle of the development proposed would be acceptable in terms of BSC1. The determination of the application should therefore rest on



assessment of the local impacts of the proposal, which are reviewed in the following sections 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 (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) 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.

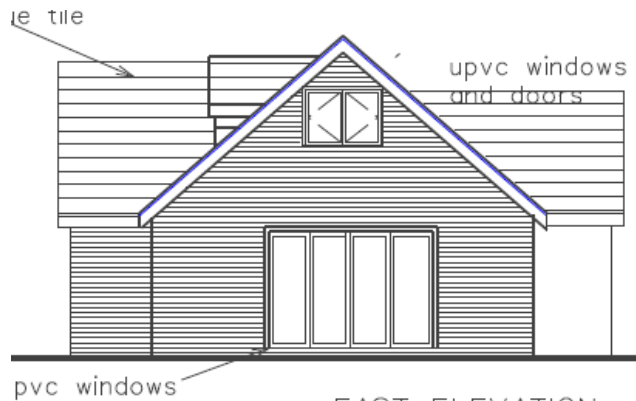
The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact 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.

Representations have been received raising visual amenity concerns around the impact the new dwelling would have on the streetscene and character of the area.

The proposal is for the erection of a one and half storey dwelling including new vehicular access on a corner plot, to the side of an existing bungalow within the garden area.

The proposed detached dwelling is not considered to be unacceptable in this location in terms of size and design, in itself.

However, having regard to visual amenity, it is considered that the site is a relatively small triangular parcel of land which was never intended to be developed and was to be incorporated into the garden area of the bungalow adjacent. The corner point of the plot is in a prominent location on Erw Goch with a Public Right of Way to the rear side and the pavement to the front side. The proposed dwelling would be the first in a row of 5 similar style bungalows. The proposed dwelling would have a ridge height of 4.67m which, the Agent has confirmed, is level with the ridge on the adjacent bungalow. However, Officers consider, given the slope of the land, that the side gable would be a prominent, obtrusive feature in the streetscene and would appear out of context and would impact negatively on the visual amenity of the area causing detrimental harm to the character of the area.



*View of proposed dwelling heading down Erw Goch towards Ruthin.*

The existing dwellings on this side of the road are all set back from the pavement approximately more than 2.5m. The proposed dwelling would be set back by 1.7m (at its nearest) from the pavement. It is considered that this would lead the development to appear cramped in the plot and out of character with the existing building lines of development in the area.



*View on approach north down Erw Goch*

The proposed front elevation of the new dwelling would be approximately 1.7m at the nearest point from the proposed low boundary wall to the front of the dwelling to separate the pavement from the site. The Erw Goch Estate is characterised by dwellings which are set back from the road and enjoy amenity space and parking to the front which adds to the visual amenity and character of the area. It is considered that the front elevation would be too close to the boundary and would detract from the open fronted nature and the general built form of the estate.

In terms of landscaping and boundary treatments, it is proposed to have a closed fence panel to the rear boundaries and an open style post and rail fence to the side boundary with a low boundary wall to the front of the site. Officers have concerns regarding the privacy of future occupants and that a closed panel fence may be erected to enclose the site in the future which would have a negative impact on the visual amenity of the area.



*Site visit photo taken by Case Officer showing side and rear (abutting PROW) boundary treatments.*

To conclude, it is considered that owing to its height and siting in relation to the adjacent bungalows, and its distance to the highway, the proposal would appear cramped and obtrusive within the street-scene. It would not be in keeping with the character of the area. It is therefore concluded that the development is in conflict with Policy RD 1 in regard to visual amenity as the scheme would unacceptably detract from the character and appearance of the area and as such is contrary to the guidance set out in the Residential Development Supplementary Planning Guidance document.

#### 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 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.

Representations have been raised regarding residential amenity issues including loss of light and that the dwelling would result in an overdevelopment of the plot and a lack of amenity space for the future occupants and the occupants of the bungalow adjacent.

The proposal is for the erection of a one and half storey detached dwelling including a new vehicular access. The nearest residential neighbour is Duinrell, 73a to the west of the site set at a slightly lower level.

Having regard to the comment received around the loss of light, Officers do not consider the proposal would result in a noticeable loss of light or privacy to the dwelling opposite the site, some 18m away. The arrangement between the site and the opposite dwellings is a common arrangement seen throughout the entire estate.

With regard to the impact on the nearest neighbouring bungalow, Duinrell, there would be a separation distance of 8m between the side elevation of the proposed dwelling and the side elevation of the existing bungalow, separated by a fence down the boundary line. The side elevation of Duinrell has the only available lounge window which serves a habitable room which would, as a result of the development face out onto a small strip of garden area of just 4m in depth and onto the side elevation of the new dwelling at total of 8m away. The Residential Development SPG states that *'where a wall containing windows of a lounge, dining room, bedroom or kitchen overlooks a wall with no windows on an adjacent property, the distance should be a minimum of 15m'* (para 6.44).

It is therefore considered that given the short distance between the habitable lounge window and the side elevation of the proposed dwelling, that the distance should be 15m minimum in line with advice contained in the Residential Development SPG and just 8m in distance would result in an unacceptable impact to the residential amenity of the occupiers of Duinrell.

As Duinrell has limited rear amenity space given there is an existing rear extension at the property, there would be a greater reduction in usable remaining amenity space

up to the boundary fence separating the properties as can be seen in the photo below.



*Side elevation of existing bungalow showing main lounge window and patio doors on extension facing new dwelling.*

It is therefore considered that the residential amenity of the occupiers of Duinrell would be compromised by the development being in such close proximity.

The proposed front windows of the proposed dwelling would serve a bedroom and lounge and would be between 1.7m and 2.5m from the front boundary of the site adjacent to the pavement. It is considered that the front elevation windows would be close to the boundary which may impact negatively on the residential amenity of the future occupiers. There is also a PROW to the rear of the site which would result in the proposed dwelling feeling 'sandwiched' between two public rights of way.

Having regard to comments received in relation to an overdevelopment of the plot, the new dwelling would have a garden area of around 60sqm which exceeds the 40sqm standard set out in the Residential Space Standards SPG. However, as the plot was originally part of the garden area of the bungalow adjacent, the amount of usable amenity space connected with this dwelling would be severely reduced. However, it is acknowledged that there would be over 40sqm of amenity space remaining at Duinrell to the rear, side and front garden of the property but Officer's question the amount of remaining 'usable' private outdoor space remaining.

Therefore, having regard to the scale, location and design of the proposed new dwelling, it is considered that the proposals would have an unacceptable impact on the residential amenity of the occupiers of bungalow adjacent, and would therefore be in conflict with the tests of the policies referred to.

#### **4.2.4 Impact to trees and ecology**

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 ecological impacts of development should therefore be regarded as a potential material consideration.

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.

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Trees and Landscaping SPG section 5.1 states that development proposed near to existing trees, woodlands or hedgerows must be in accordance with the design and protection principles set out in this Local Planning Guidance Note and BS 5837: 2012 "Trees in relation to design, demolition and construction - Recommendations".

It states that '*for small scale applications (e.g. four dwellings or less, floor space of less than 1000 m<sup>2</sup>, or outline applications of less than 0.5 Ha) where trees are on or within influencing distance of the proposed development site, a land survey, a BS 5837 Tree Survey and a Tree Protection Plan will be required. Include details of which trees are to be retained, removed and pruned*'

Comments were received concerning the impacts to the trees to the rear of the site and negative impacts to wildlife residing in the trees.

No ecology report was submitted with this application and the County Ecologist confirmed one was not required. Having regard to the representations received, it is noted that the trees are not included within the application site red line boundary but are in close proximity to the site. The guidance in the Trees and Landscaping SPG, states that where trees are *within influencing distance* of the proposed development site a tree survey will be required.

No tree survey was initially submitted with the application and the Council's Tree Consultant recommended that an Arboricultural Impact Assessment was needed to assess the potential impacts to the trees as a result of the development given their close proximity and maturity. Information was received regarding the trees in the form of a tree survey report, photographs, survey plan and cross section plan along with an addendum to the tree survey report submitted later. The report highlights that the trees are located at a noticeably lower level than the site, and that the creation of the public footpath and drainage pipes between the site and the trees are likely to have impacted on the root systems already. The report considers that given these factors, the foundations of the proposed dwelling are unlikely to be impact upon the root system of the trees.



The Council's Tree Consultant has considered the information and the addendum report and has advised that the additional documents do not follow the methodology set out in figure 1 of BS5837:2012 which should, following the identification of the RPAs, examine the feasibility of development within the tree constraints identified. Areas (RPA's), examine the feasibility of the development within the tree constraints identified. The tree survey report identifies a category A tree RPA which extends across half the site's width with three other trees RPA's also extending into the site. See extract from the tree report below.



*Extract from tree report showing RPAs*

No Tree Protection Plan has been provided which is a requirement where trees are affected by proposed development. Supplementary to this no Arboricultural Impact Assessment has been undertaken in accordance with paragraph 5.4 of BS5837 taking into account such factors as shading, future pressure removal and seasonal nuisance mentioned under paragraph 5.3.

Having regard to the information submitted with the application and the comments received from the Council's Tree Consultant, Officers conclude that the application does not comply with BS5837:2012 or Denbighshire County Council's Supplementary Planning Guidance Note – Trees and Landscaping, which reaffirms, at a local level, the process for the consideration of development affecting trees.

The application has therefore failed to demonstrate that the proposal would not have a detrimental impact on the mature trees adjacent to the site which are considered to offer a significant amount of amenity to the area. An appropriate Arboricultural Impact Assessment and Tree Protection Plan compliant with the requirements of BS5837 'Trees in relation to design, demolition and construction – Recommendations' have not been submitted to support the application. It is therefore considered that the proposal is contrary to Local Development Plan Policy RD1 criteria iii) and v), Supplementary Planning Guidance- Trees and Landscaping, the British Standard 5837:2012 'Trees in relation to design, demolition and construction – Recommendations', and Planning Policy Wales (Edition 10, 2018).

#### 4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

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.

Representations have been received on the issue of vehicles parking on the road outside the proposed site.

The Highways Officer raises no objections to the proposals.

It is considered that the proposal provides adequate parking for 2 vehicles on the driveway and the access arrangements are acceptable in this residential location for a 2 bed dwelling. It is not considered there are reasonable highway grounds to resist the development.

#### 4.2.6 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 open space. 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 have a detrimental impact on the character of the Erw Goch estate and on the residential amenity of the occupiers of the adjacent dwelling, Duinrell. The application has failed to demonstrate that the proposal would not have a detrimental impact on the mature trees adjacent to the site. 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 proposed dwelling would, by virtue of its siting and height in a prominent location within the residential estate, have an adverse visual impact on the open character and appearance of the estate. The proposal is therefore considered to be in conflict with criteria i) of Policy RD1 of the Denbighshire Local Development Plan, guidance contained within the Residential Development Supplementary Planning Guidance Note and Planning Policy Wales (Edition 11).
2. It is the opinion of the Local Planning Authority that the proposal would result in an unacceptable impact on the residential amenity of the neighbouring property, Duinrell due to the separation distance between the proposed side elevation and an existing habitable room window. It is therefore considered to be in conflict with criteria vi) of Policy RD1 of the Denbighshire Local Development Plan, guidance in paragraph 6.44 of the Residential Development Supplementary Planning Guidance Note and advice contained in Planning Policy Wales (Edition 11).
3. In the opinion of the Local Planning Authority the application has failed to demonstrate that the proposal would not have a detrimental impact on the mature trees adjacent to the site. An appropriate Arboricultural Impact Assessment and Tree Protection Plan compliant with the requirements of BS5837 'Trees in relation to design, demolition and construction – Recommendations' has not submitted to support the application. It therefore considered that the proposal is contrary to Local Development Plan Policy RD1 criteria iii) and v), paragraph 5.1 (ii) of Denbighshire County Council's Supplementary Planning Guidance- Trees and Landscaping, the British Standard 'Trees in relation to design, demolition and construction – Recommendations' (BS 5837:2012), and Planning Policy Wales (Edition 11).