

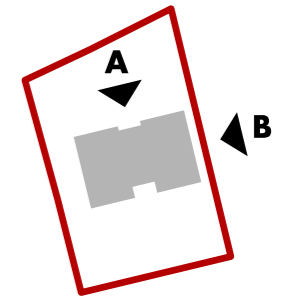
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02/2021/0179

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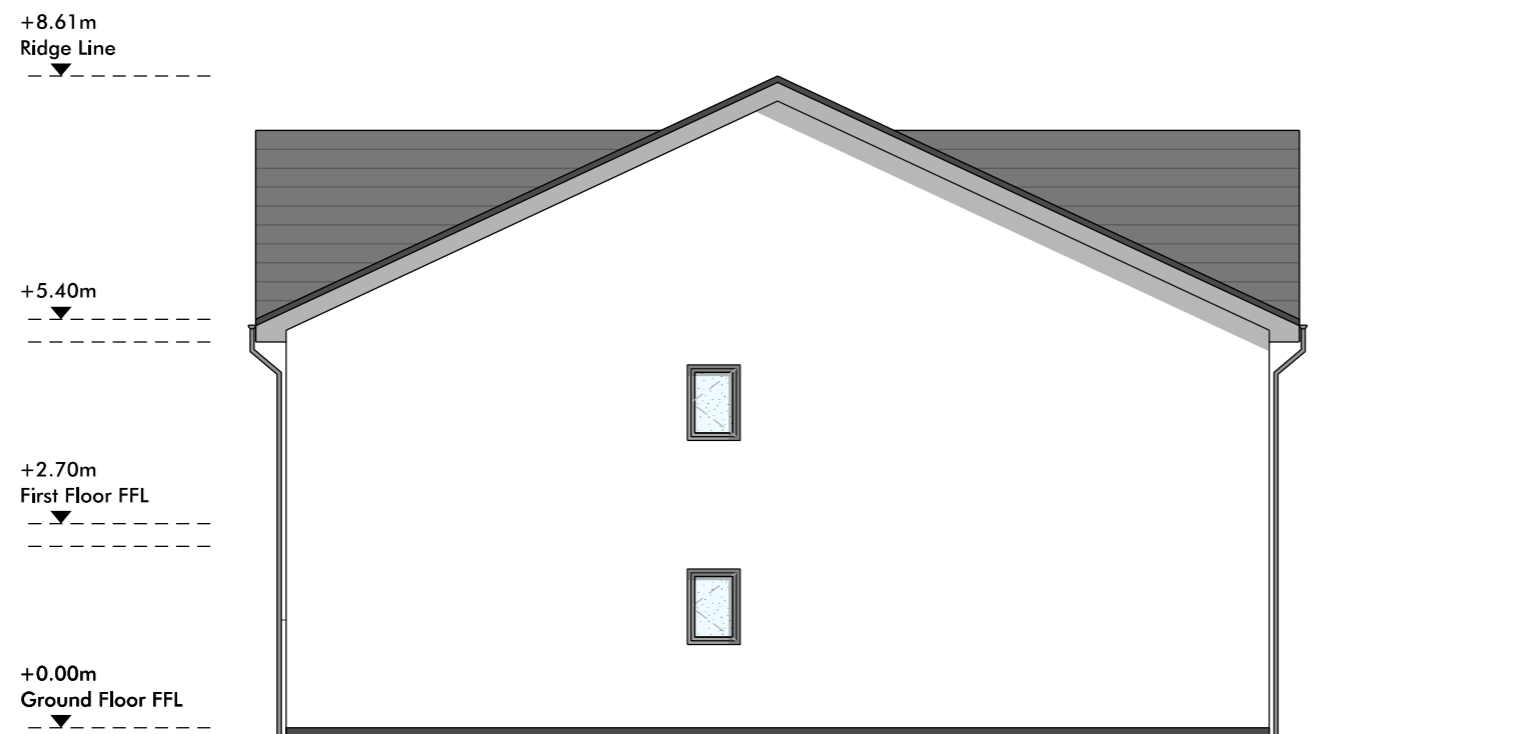


Proposed Front Elevation (A)

**Drawing Key**

Through Colour Render	Aluminium Windows
Aluminium Doors	Composite Timber Cladding
Curtain Walling	Facia/Bargeboard/Soffit
Roof Tile	Glazed Balustrade/Top Rail
Rainwater Goods	Obscured Glazing

19.03.21



Proposed Side Elevation (B)

# The Building Plot

Unit 4, Ffordd yr Onnen  
 Lon Parcwr Industrial Estate  
 Ruthin, North Wales, LL15 1NJ

01824 562 017  
 mail@thebuildingplot.com  
 www.thebuildingplot.com

Project. The Nooke, Bryn Goodman, Ruthin

Drawing No. 19.033.A008

Revision. P01

Scale. 1:100

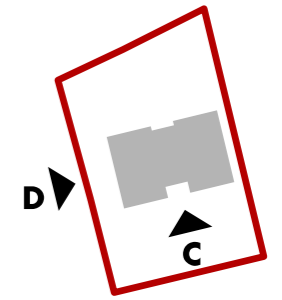
Paper Size. A3

Date. 23.02.21

## Proposed Elevations (1 of 2)

The contractor is requested to check the accuracy of the drawings and dimensions before work is put in hand and report any discrepancies to the architects for rectification as soon as is practically possible. For building elements between drawings refer to all applicable for clarification. If in doubt contact the Architect. Survey information provided by Land Survey Wales. The Building Plot are not responsible for the accuracy of this information.

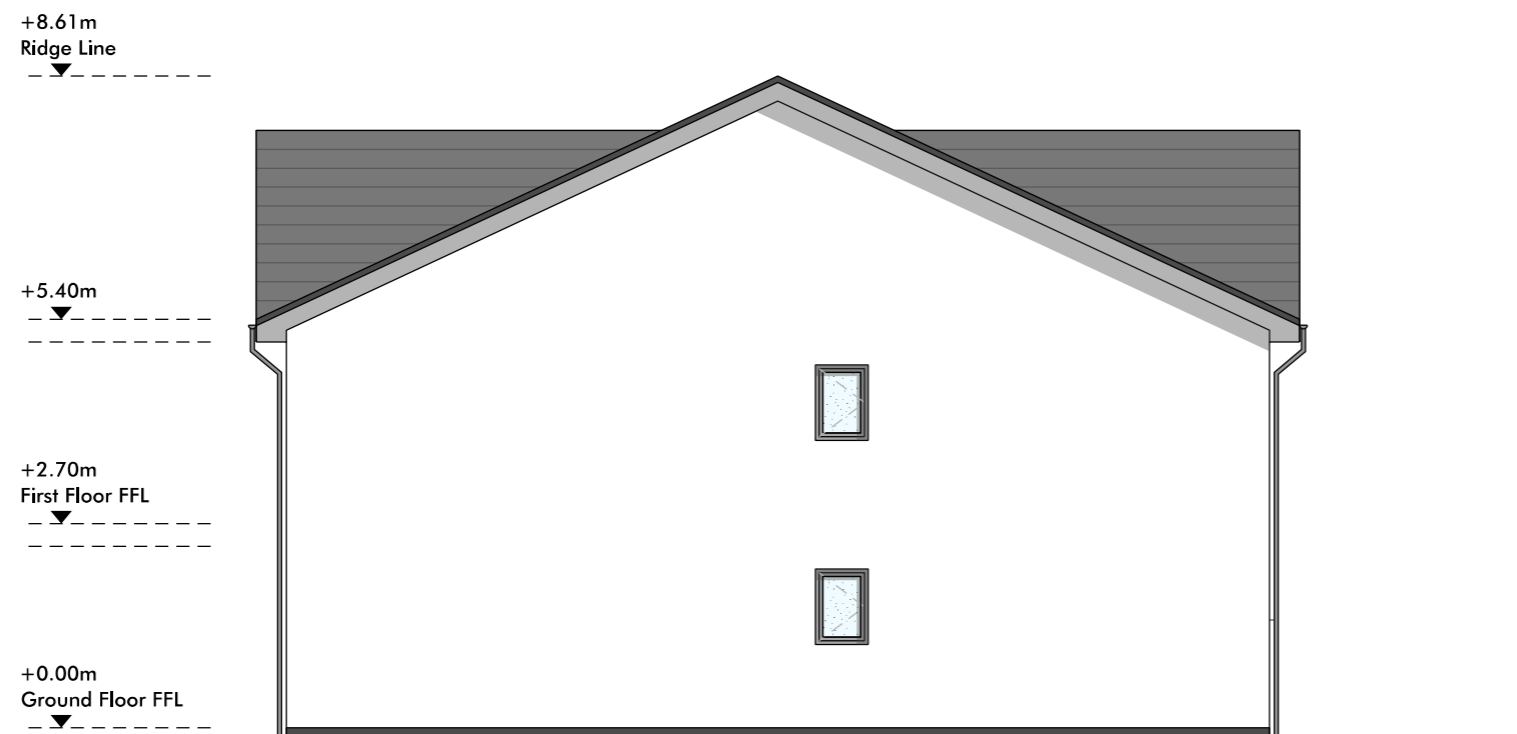




Proposed Rear Elevation (C)

**Drawing Key**

Through Colour Render	Aluminium Windows
Aluminium Doors	Composite Timber Cladding
Curtain Walling	Facia/Bargeboard/Soffit
Roof Tile	Glazed Balustrade/Top Rail
Rainwater Goods	Obscured Glazing



Proposed Side Elevation (D)

# The Building Plot

Unit 4, Ffordd yr Onnen  
 Lon Parcwr Industrial Estate  
 Ruthin, North Wales, LL15 1NJ

01824 562 017  
 mail@thebuildingplot.com  
 www.thebuildingplot.com

Project. The Nooke, Bryn Goodman, Ruthin

Drawing No. 19.033.A009

Revision. P01

Scale. 1:100

Paper Size. A3

Date. 23.02.21

## Proposed Elevations (2 of 2)

The contractor is requested to check the accuracy of the drawings and dimensions before work is put in hand and report any discrepancies to the architects for rectification as soon as is practically possible. For building elements between drawings refer to all applicable for clarification. If in doubt contact the Architect. Survey information provided by Land Survey Wales. The Building Plot are not responsible for the accuracy of this information.



## Eitem Agenda 5 / Agenda Item 5



The Site





## Eitem Agenda 5 / Agenda Item 5



Access looking west



## Eitem Agenda 5 / Agenda Item 5



Access looking east



## Eitem Agenda 5 / Agenda Item 5



Trees on boundary



## Eitem Agenda 5 / Agenda Item 5



View down proposed driveway





## Eitem Agenda 5 / Agenda Item 5



Oak to front of site



## Eitem Agenda 5 / Agenda Item 5



View towards Bryn Eryl



## Eitem Agenda 5 / Agenda Item 5



Parking area for site



**WARD :** Ruthin

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

**APPLICATION NO:** 02/2021/0179/ PF

**PROPOSAL:** Demolition of existing dwelling and erection of 4 no. residential apartments with associated parking and rear access

**LOCATION:** The Nook Bryn Goodman Ruthin LL15 1EL

**APPLICANT:** Roberts Homes Ltd.

**CONSTRAINTS:** None

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

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

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

**CONSULTATION RESPONSES:**

**RUTHIN TOWN COUNCIL:**

“The proposal would overdevelop the site, and it would be out of character with neighbouring properties. It would cause an increase in traffic. Concern was expressed also whether the place for access to the rear is feasible with the trees on the site. Members were of the opinion that a professional tree survey report was required.”

**NATURAL RESOURCES WALES:**

No objections provided that the mitigation proposals detailed in the submitted Bat and Nesting Bird Assessment Report are conditioned and adhered to.

**DWR CYMRU / WELSH WATER:**

No objection subject to conditions relating to details of foul water drainage scheme, and advisory note informing the applicant of the need to secure consent from the SuDS Approval Body (SAB) prior to work commencing.

**CLWYD POWYS ARCHAEOLOGICAL TRUST**

No objection subject to the imposition of a condition requiring a Level 2 building survey to be carried out prior to the commencement of development.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Highways Officer  
No objections

**County Ecologist:**

Awaiting response, but noted no objections were raised to the previous proposal, and conditions were suggested.

Flood Risk Engineer:  
Awaiting response

Strategic Housing & Policy Officer:  
No objections, advice given as to the required affordable housing and open space contributions.

Tree Specialist  
No objections. The proposed layout and mitigation measures are acceptable in principle. However, given that it is important that any lopping of the trees is done correctly it is suggested that the final details of canopy lift should be required by planning condition.

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

Michelle Arthur, 15, Bryn Eryl, Ruthin Gillian Jones, Pennant, Bryn Goodman, Ruthin Edwin Harding Evans, Gorwel Jo Powell, Bryn Eryl, Bryn Goodman Myrna O'Hare, Lasynys, Bryn Goodman, Ruthin John Collister, Coppins, Bryn Goodman, Ruthin Eifion & Mary Jones 11 Bryn Eryl, Ruthin Dr Kerr C Walker, Dornoch Bryn Goodman K. Almond, Bryn-y-Fedw, Bryn Goodman, Ruthin

Summary of planning based representations in objection:

Impact on residential amenity by way of additional noise/disturbance, overshadowing, loss of privacy, overbearing

Impact on visual amenity by way of design, siting and scale in relation to the character of the area.

Impact on heritage asset through the loss of what is considered to be a relatively rare building.

Impact on highway safety by way of additional vehicles using Bryn Goodman

**EXPIRY DATE OF APPLICATION: 27/04/2021**

**EXTENSION OF TIME AGREED: 18/5/21**

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

- delay in receipt of key consultation response(s)
- additional information required from applicant

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

1.1.1 Full planning permission is sought for the demolition of an existing dwelling and erection of a block of 4 no. residential apartments with associated parking and rear access.

1.1.2 Each apartment would provide 2 bedrooms, lounge, kitchen and diner.

1.1.3 Proposed front elevation:





1.1.4 Parking and turning for 8 vehicles would be provided – 4 spaces to the front of the apartments, and 4 to the rear. The parking area would be made of a hardstanding as detailed in the submitted tree survey.

1.1.5 Proposed site layout:



1.2 Other relevant information/supporting documents in the application

1.2.1 The application is submitted with a Tree Report, a Protected Species Survey and a Design and Access Statement.

1.3 Description of site and surroundings

- 1.3.1 The site is located on an un-adopted road. It is relatively flat, and is currently occupied by a 1.5 storey dwelling of an unusual design. Access and parking is to the front of the site.
- 1.3.2 There are a number of mature trees within the site, which have recently been protected with a Tree Preservation Order.
- 1.3.3 The surrounding area is characterised by large detached dwellings in large plots. Many of the plots are well landscaped, with mature trees making a noticeable contribution to the character of the street scene.

#### 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is within the development boundary of Ruthin, as defined in the adopted Local Development Plan.

#### 1.5 Relevant planning history

- 1.5.1 In relation to the site itself, Members are advised that a previous application for the development of 4 apartments in a manner similar to that now proposed was refused consent at a 'non-determination appeal'. The background to the appeal is complicated, but the pertinent points are that in the process of the appeal the Local Planning Authority raised concerns with the Inspectorate about the proposal in terms of it resulting in a detrimental impact upon the protected trees within the site and a detrimental impact upon character with the surrounding area by introducing an over intense form of development.
- 1.5.2 These concerns, along with comments raised by local residents were considered fully by the Planning Inspector as part of the appeal.
- 1.5.3 In relation to the impact the proposal would have on the character of the area, the Inspector concluded that the proposal *would* respect the site and surroundings in terms of its siting, layout, scale, form, character and design, in line with Policy RD1 of the Denbighshire Local Development Plan.
- 1.5.4 In considering concerns raised by residents relating to residential amenity the Inspector concluded:-  
  
*"The proposed development would take a two-storey side elevation several metres closer to the neighbouring dwelling, Bryn Eryl, which is at a lower level. Whilst it would be much more visible from Bryn Eryl than the existing dwelling, I do not consider that it would be so close or so large as to have an oppressive or over-dominant impact on the neighbouring occupiers. Neither would it cause a detrimental loss of sunlight or daylight to the property. There would be no adverse impact on dwellings at the rear of The Nooke."*
- 1.5.5 In considering concerns raised by residents relating to parking and additional traffic in the area, the Inspector concluded that the number of vehicles entering the plot, including to the permitted dwelling at the rear, would not cause significant harm or annoyance to existing occupiers by way of noise and fumes, or from the increased amount of traffic in Bryn Goodman.
- 1.5.6 However, in considering the impact on the trees the Inspector reached a clear conclusion that the scheme as submitted would have had a detrimental impact upon the protected oak tree to the rear. The final conclusion reads:  
  
*"The proposed location and construction of the hard-surfaced parking area, however, would be a considerable threat to the health and life expectancy of the protected oak on the front boundary. The loss or depletion of this tree would be significantly detrimental to the amenity of the area. This is reason in itself to refuse the appeal."*

1.5.7 Members are also advised that to the rear of the site, planning permission has previously been granted for a detached dwelling. The planning reference for this permission is 02/2018/1072.

1.5.8 The permission to the rear has not been implemented. The site belongs to the applicants, it is understood. The applicants acknowledge that if this earlier permission was implemented, the scheme now being considered could not be implemented (if permission were granted) and vice versa. The applicants advise that should this permission be granted, they would consider revising the proposed layout of the site to the rear to enable both schemes to be implemented.

1.6 Developments/changes since the original submission

1.6.1 The parking layout has been amended to pull it further away from the protected oak tree to the front of the site. Additional information has also been submitted in relation to the impacts of the driveway on the protected trees to the side of the site.

1.7 Other relevant background information

1.7.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 02/2020/0282 - Demolition of existing dwelling and erection of 4 no. residential apartments with associated parking and rear access. Determined by Appeal – refused on the basis of impact on protected trees.

**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 BSC4** – Affordable Housing

**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: Affordable Housing

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

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes  
TAN 1 Joint Housing Land Availability Studies (2015)  
TAN 2 Planning and Affordable Housing (2006)  
TAN 5 Nature Conservation and Planning (2009)  
TAN 10 Tree Preservation Orders (1997)  
TAN 12 Design (2016)  
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 11 (February 2021) 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 Impact on trees
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Archaeology
- 4.1.9 Affordable Housing
- 4.1.10 Open Space

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 principle of the development of 4 apartments within the development boundary is considered acceptable and in accordance with the development strategy of the LDP, subject to an assessment of its impacts.

The detailed impacts of the proposals for the proposal 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 (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.

The proposal would introduce a large block of 4 apartments, with parking for 4 vehicles to the front and 4 to the rear of the proposed apartment block. The apartment block would be approximately 20metres wide, and 8.6metres high. It would be within 2m of the north eastern boundary, and 6m of the south western boundary.

#### Proposed street scene elevation:



Whilst respecting the concerns raised in relation to the impact of the proposal upon the character and appearance of the area, Officers are bound to remind Members of the conclusion of the Planning Inspector in the previous appeal in which it was observed that

*“The proposed block would have a domestic, residential character in keeping with other dwellings nearby. The recessed central portion of the proposed building, which would have a lower ridge height than the main roof, would break up the frontage, lessen its bulk and thus give the appearance of it being separate houses rather than an apartment block. Whilst considerably larger than some of the surrounding dwellings, there is much variety in the street. The proposed development would thus appear similar in scale to others, including houses to the east.”*

The Planning Inspector further considered that the separation distances to neighbouring dwellings was acceptable, and would not result in a terracing effect, that parking to the front of the dwelling would not be out of character with the area as such arrangements already exist along Bryn Goodman.

On the basis of the details submitted, and the comments of the Planning Inspector, it is considered that the proposal would not be unacceptable in terms of its impact upon the character and appearance of the area. The proposal therefore complies with Policy RD1 of the adopted Local Development Plan in this respect.

#### 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.

Concerns have been raised by the Town Council and neighbours over the residential amenity impacts of the development, suggesting the proposal would have an overbearing impact on neighbours, would result in additional disturbance by way of vehicular movements and that the size and scale of the development would make the site too cramped.

In terms of space within the site it is noted that there is well in excess of 200 square metres of garden area available for the residents. The adopted Residential Space Standards recommends a minimum of 50 square metres, plus 10 square metres for each flat. This would equate to 90 square metres being required. The proposal therefore significantly over provides, and on that basis it would difficult to sustain a refusal on the grounds of over development.

In terms of impact upon neighbouring properties by way of loss of light, loss of privacy and additional disturbance, Officers must again refer to the previous appeal decision in which the Planning Inspector considered such issues. The Inspector concluded that the proposal would not appear cramped against 'The Coppins', would not be so close or so large as to have an oppressive or over-dominant impact on the neighbouring occupiers, such as those at Bryn Eryl, would not result in a loss of privacy or light, and would not have an unacceptable impact on dwellings to the rear of The Nook. The Inspector further commented that the number of vehicles entering the plot, including to the permitted dwelling at the rear, would not cause significant harm or annoyance to existing occupiers by way of noise and fumes, or from the increased amount of traffic in Bryn Goodman.

On the basis of the details submitted, and the comments of the Planning Inspector, it is considered that the proposal would not be unacceptable in terms of its impact upon the residential amenity of the area and would not represent overdevelopment of the site. The proposal therefore complies with Policy RD1 of the adopted Local Development Plan in this respect.

#### 4.2.4 Ecology

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.

NRW have been consulted and note that the bat report submitted in support of the above application has identified that bats are present at the application site. From the information submitted, NRW consider that the proposed development represents a lower risk for bats. As this is a lower risk case for bats, it is considered that 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.

The County Ecologist has not formally responded to this application, however, it is noted that on the previous application he raised no objections subject to conditions being imposed to ensure that appropriate mitigation measures are implemented, and that an external lighting scheme is submitted prior to it being installed.

Based on the details submitted and the responses of technical consultees, it is considered that the proposal would not have an unacceptable impact upon the biodiversity of the site, or any protected species. The proposal is therefore considered to be acceptable in this regard.

#### 4.2.5 Impact on trees

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Criteria v) of RD1 requires development proposals to incorporate existing landscape or other features (such as trees for example). Planning Policy Wales (section 6.2.24) emphasises the need to protect trees and take them into account when considering development proposals.

Concerns have been raised locally regarding the impact on the protected trees.

There are a number of trees present on the site, 3 of which are the subject of a Tree Preservation Order (TPO). A tree survey has been submitted with the application, which addresses how the proposal would impact upon the 3 key trees on the site. It focuses on the issues which were raised during the appeal and were ultimately the reason for the previous application being refused. It details the impact of the hardstanding/driveway on the Oak tree to the front boundary, the Scots Pine to the side boundary, and the Beech also to the side boundary. The submitted tree report details that before any building works commence it is essential that all tree protection fencing and cellular confinement system is in place to protect the root protection areas. Important areas will be designated as 'no dig' areas and tree protection fencing will be installed during works.

The Council's Tree Consultant has commented that the proposed layout is unlikely to have a detrimental impact upon the health and viability of the trees. It is noted that the hardstanding area has been repositioned/redesigned from the previously refused scheme to ensure that it does not encroach unacceptably into the root protection

area. Two separate tree reports have been submitted with the application, and whilst there is some contradiction between them as to what works would be required to the oak tree to the front, it is considered that the works can be controlled through a suitably worded planning condition.

On the basis of the information provided and the response of the tree consultant, it is not considered that the proposed development would have an unacceptable impact upon the health and vitality of the protected trees on the site.

#### 4.2.6 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

No objections have been received in relation to the drainage proposals for the site. It is noted that foul waste would be discharged to the mains sewer, and surface water drainage would be via soakaways.

#### 4.2.7 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

Highway Officers have raised no objection to the proposal, and in the previous appeal the Planning Inspector found no reason to refuse the proposal on the basis of additional traffic, access details or parking arrangements.

The proposal is not considered to be in conflict with policies listed above.

#### 4.2.8 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

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 11), 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.

Clwyd Powys Archaeological Trust (CPAT) have commented that the existing bungalow on the site is thought to have been constructed in the earlier part of the 20<sup>th</sup> century, and despite having undergone some renovation in the 1960's, the timber frame of the bungalow in Edwardian style is now relatively rare. Given that the proposals would result in the demolition of this building, CPAT consider it important to obtain a record of the structure in its present form, prior to demolition, all details of which will inevitably be lost once the building is levelled.

In accordance with Planning Policy Wales (Edition 11, Feb 2021) and TAN 24 (May 2017) guidance CPAT recommend as a condition of consent that a programme of historic building recording, the equivalent of an Historic England Level 2 building survey is completed prior to demolition to obtain a permanent record of the building in its present form. The Level 2 survey would include a detailed photographic survey, written descriptive survey and a measured survey using annotated architects plans.

Based on the information submitted, and the responses received the proposal is not considered to be unacceptable in terms of its impact upon the archaeology of the site, provided that a record of the existing building is made before its demolition.

#### 4.2.9 Affordable Housing

Policy BSC 1 of the Local Development Plan states that developers will be expected to provide a range of house sizes, types and tenures to reflect local need and demand.

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4.

Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units.

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

Planning Policy Wales (PPW 11) Section 4.2.25 states that a community's need for affordable housing is a material planning considerations which must be taken into account in formulating development plan policies and the determination of planning applications. It states that where development plan policies make clear that an element of affordable housing is required on specific sites, this will be a material consideration.

The financial contribution is calculated using the BICS building figure and the average dwelling size. This is then multiplied by 10% of the number of planned units. The average dwelling size is based on the Gross Internal Floor Area (GIA).

The proposed development consists of 4 apartments with an average GIA of 97.1m<sup>2</sup>. A financial contribution of £45,326.28 (figures correct as of March 2021) will be required for affordable housing.

It is Officers' opinion therefore that subject to a legal agreement being entered into, to secure the financial contribution towards affordable housing, the proposal is acceptable in terms of compliance with the Council's affordable housing policy.

#### 4.2.10 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.

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.

The Strategic Planning & Housing Team advise that Ruthin is deficient in outdoor space for children and young people against FIT standards as well as natural and semi natural greenspace, public parks and gardens. On the basis of a development of 4 apartments (a net gain of 3 dwellings), a financial contribution of £3711.65 would be required for open space.

It is Officers' opinion therefore that subject to a legal agreement being entered into, the proposal is acceptable in terms of the provision for 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 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 Whilst respecting the concerns raised by local residents, Officers are of the strong opinion that the concerns raised have already been addressed and dismissed as insufficient to justify refusal of planning permission.
- 5.2 The only matter that was unacceptable previously was the impact upon the protected trees. This application seeks to overcome that objection, and in Officers opinion the proposal is acceptable.
- 5.3 It is therefore recommended that planning permission be granted subject to the following conditions and the completion of a legal agreement to secure a contribution of £3711.65 towards public open space in the community, and a contribution of £45,326.28 towards affordable housing provision in the area.
- 5.4 The planning permission would only be released on completion of the legal agreement. Failure to complete the Agreement within 12 months of the date of the Committee meeting

would oblige the application to be reported back to Committee and reconsidered against policies and guidance in place at that time.

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

1. The development to which this permission relates shall be begun no later than 14th July 2026
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Proposed elevations (1 of 2) (Drawing No. TBP\_19.033\_A008 P01) received 25 February 2021
  - (ii) Proposed elevations (2 of 2) (Drawing No. TBP\_19.033\_A009 P01) received 25 February 2021
  - (iii) Proposed ground floor plan (Drawing No. TBP\_19.033\_A005 P01) received 25 February 2021
  - (iv) Proposed first floor plan (Drawing No. TBP\_19.033\_A007 P01) received 25 February 2021
  - (v) Proposed roof plan (Drawing No. TBP\_19.033\_A008 P01) received 25 February 2021
  - (vi) Existing site elevation and section (Drawing No. TBP\_19.033\_A010 P01) received 25 February 2021
  - (vii) Proposed site elevation and section (Drawing No. TBP\_19.033\_A011 P01) received 25 February 2021
  - (viii) Existing site plan (Drawing No. TBP\_19.033\_A003 P01) received 25 February 2021
  - (ix) Proposed site plan (Drawing No. TBP\_19.033\_A004 P03) received 21 May 2021
  - (x) Existing site location plan (Drawing No. TBP\_19.033\_A001 P01) received 25 February 2021
  - (xi) Proposed site location plan (Drawing No. TBP\_19.033\_A002 P01) received 21 May 2021
  - (xii) Tree report received 21 May 2021
  - (xiii) Design and Access Statement received 25 February 2021
  - (xiv) Bat and Nesting Bird Assessment report received 3 March 2021
3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
4. 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.
5. 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.

6. **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.
7. 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.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted.
9. The development hereby approved shall be carried out in strict accordance with the mitigation, compensation and enhancement measures set out in Section 4 of the approved Bat & Nesting Bird Assessment (PJ Ecological Solutions dated March 2019).
10. No development shall be permitted to commence until the details of the provision for roosting bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans. The development shall proceed in strict accordance with the approved plan and details.
11. No external lighting shall be permitted to be installed or operated, including emergency / security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage onto foraging habitats for bats. The scheme shall be carried out strictly in accordance with the approved details.
12. The development should include access through site boundaries for hedgehogs. The location and specification of these features should be determined by a suitably qualified ecologist, details of which should be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.
13. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.
14. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Assistant, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: [sophie.watson@cpat.org.uk](mailto:sophie.watson@cpat.org.uk) Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
15. A Landscape Management Plan, including management company details, management responsibilities and maintenance schedules for all landscaped areas within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of

any of the dwellings on the site. The landscape management plan shall be carried out as approved.

16. 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.
17. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any retained trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority, no later than the next planting season.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. In the interests of visual amenity.
7. 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.
8. In the interest of visual amenity.
9. In the interests of nature conservation.
10. To protect the favourable conservation status of protected bat and bird species.
11. To ensure the favourable conservation status of protected bat species.
12. In order to protect ecological interests.
13. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
14. To allow an adequate analytical record of the building to be made, before it is demolished, to ensure that the buildings main features, character and state of preservation are recorded.
15. In the interests of visual amenity.
16. In order to protect existing trees and hedgerows, in the interest of visual amenity.
17. In the interests of visual and residential amenity