

02/2021/1179



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View of the site facing south from the access off Bryn Goodman





View facing north towards
Llys Gwyn



View from the site facing east



View from the site facing
south



View from the site facing west



Proposed site
plan showing
new dwellings



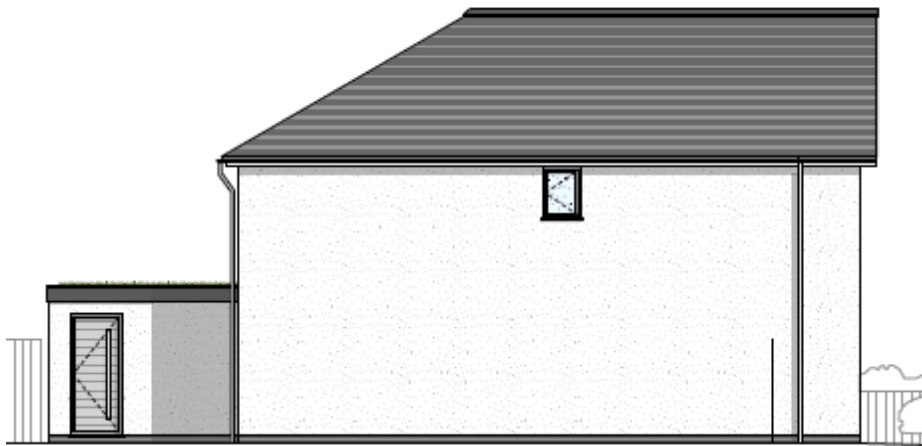
Proposed front
elevation



Proposed side elevation



Proposed rear and side elevation



WARD : Ruthin

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

APPLICATION NO: 02/2021/1179/ PF

PROPOSAL: Erection of 2 no. detached dwellings and associated works

LOCATION: Land at (Part garden of) Llys Gwyn Bryn Goodman
Ruthin LL15 1EL

APPLICANT: Ian Roberts Roberts Homes Ltd.

CONSTRAINTS: Within 67m Of Trunk Road

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-

Objection based on potential overdevelopment of the site, adverse effect on traffic levels and environmental impact on the local wildlife.

DWR CYMRU / WELSH WATER-

No objection subject to a condition being attached regarding no surface and or land drainage be allowed to connect directly or indirectly with the public sewerage network 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.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

-Highways Officer
No objection.

-Land Drainage Officer-
SAB approval will be required.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Geraint Owain, 5 Les Tourettes, Chateauponsac, FranceGethin and Mari Hughes, Hafan Deg, Wern Fechan, Rhuthun

Eric Owen, Tynyberllan, Wernfechan, Ruthin Basil Thomas, Dedwyddfa, Bryn Goodman,

RuthinJ A Lloyd, Tegfan, Bryn Goodman, Ruthin

R Bell, Pentir, Wernfechan, Ruthin

Tim & Sherry Edwards, Coetmor, Ruthin

K Almond, Bryn y Fedw, Bryn Goodman, Ruthin

Summary of planning based representations in objection:

Principle

Not put forward as affordable housing and local people cannot afford them.
No need for the new dwellings with other developments in the area

Visual amenity

House sizes are too large for the plot, gardens are too small
Not in keeping with the surrounding development
Overdevelopment of the plot
The dwellings should be built facing Bryn Goodman not in this orientation which is not sympathetic to the character of the area

Residential amenity

Overlooking concerns to the properties to the west and into back gardens and rooms of two adjoining dwellings on Wernfechan and Pentir
Concerns over noise and car headlights
Loss of privacy
Loss of sunlight to the rear of property (Hafan Deg)
Garden sizes too small for large properties

Highways

The road is in a poor state of repair and is dangerous for users
Additional traffic using the road will exacerbate the problems along with the other developments on this road.
Parking provision not adequate at the site for occupiers and visitors
Single access for existing dwelling and 2 dwellings not acceptable
Concerns over the safety of school children walking down Bryn Goodman by the increased traffic
Concerns over the safety of the access from Bryn Goodman onto Greenfield Road with increased traffic.

Ecology

The field has been empty for over 10 years and has hedgehogs, dormice, crested newts occupying the site
The trees to the south are home to owls and bats which will be impacted by the development.
The existing trees on the site have been removed already

Environment

Renewable energy not considered as part of the proposal
No refuse or recycling arrangement on plans
Loss of trees already at the site

Drainage

Additional surface water run off onto smaller gardens below

Other matters

High hedges

Maintenance of boundary hedgerow at certain height

Building regulations

Concerns over drive level and loading onto retaining wall at Hafan Deg

EXPIRY DATE OF APPLICATION: 26/01/2022

EXTENSION OF TIME AGREED: 11/02/2022

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of two detached dwellings on land which was formerly part of the garden of Llys Gwyn, Ruthin.
- 1.1.2 The proposed dwellings are proposed to have a floor area of 205.4sqm and would measure 11m x 10.5m with a ridge height of 7.4m and eave height of 5m.
- 1.1.3 They are proposed to comprise a entrance hall, lounge, snug, utility and WC and open plan kitchen/dining/family room to the ground floor and 4 bedrooms including 1 en-suite/dressing room, family bathroom and study to the first floor.
- 1.1.4 They are proposed to be clad in composite to the front gable and between the windows to the front and rear with white render elsewhere and a hipped tiled roof. They are proposed to have an attached flat roof garage to the side extending beyond the rear elevation measuring 6.5 x 3.5m with a height of 2.7m.
- 1.1.5 The dwellings are proposed to be accessed via the existing access to Llys Gwyn (now separated by a boundary fence) with parking and turning provided to the front of each dwelling.
- 1.1.6 The rear gardens are proposed to measure approximately 180sqm and would have a slope up to the east of nearly 2m from ground floor level.



Proposed front elevation



Proposed side elevation



Proposed site plan

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 located in a residential area along Bryn Goodman Road. The site is situated to the rear of Llys Gwyn and was formerly used as extended garden area which is separated by a hedge from the rear amenity space directly behind the dwelling Llys Gwyn. This area has since been fenced off to separate the garden from the application site. There is a mix of dwelling styles and sizes in the locality.



Garden boundary of Llys Gwyn

1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the Development Boundary of Ruthin as defined by the LDP.

1.5 Relevant planning history

1.5.1 An application was refused in 1988 for the erection of a single dwelling on the site due to it being a form of back-land development. A resubmission was also refused in 1997 on the grounds that there would be unacceptable residential amenity impacts and a lack of amenity standards retained as a result of the development.

1.6 Developments/changes since the original submission

1.6.1 None.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

02/733/96/PO Development of 0.1ha of land by erection of a dwelling (outline) REFUSED on 10/01/1997

The reasons included that the proposal was out of keeping with the character of the adjoining and nearby dwellings and would result in a degree of disturbance to Llys Gwyn due to the location of the access and a degree of overlooking and loss of privacy. The reduction in the garden area would be severely reduced as a result of the proposal which would be inappropriate for the size of the property at Llys Gwyn. The proposal would be severely overlooked from Llys Gwyn and adjoining residential properties with no street frontage of its own and lacking in adequate amenity standards.

9/9122 Erection of a Dwelling REFUSED on 29/02/1988

Reason: The proposal provides for a form of residential development out of keeping with the character of adjoining and nearby dwellings. It represents an unacceptable backland development with no separate access of its own, and no street frontage, which would detract from the amenity of

the area, particularly by way of potential overlooking and loss of privacy. It is further considered that the development would create an undesirable precedent which would result in similar proposals for adjacent land which the District Planning Authority would in all equity find difficult to resist.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th 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: 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

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 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

TAN 18 Transport (2007)

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.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard

to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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
- 4.1.6 Highways (including access and parking)
- 4.1.7 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

Policy RD1 supports development proposes within development boundaries subject to compliance with policy criteria.

The site is located within the development boundary of Ruthin as defined by the LDP.

The principle of housing development is therefore considered acceptable and Officers would suggest the acceptability of the particular proposals therefore has to rest on assessment of the local impacts, which are reviewed within 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 (iv) 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.

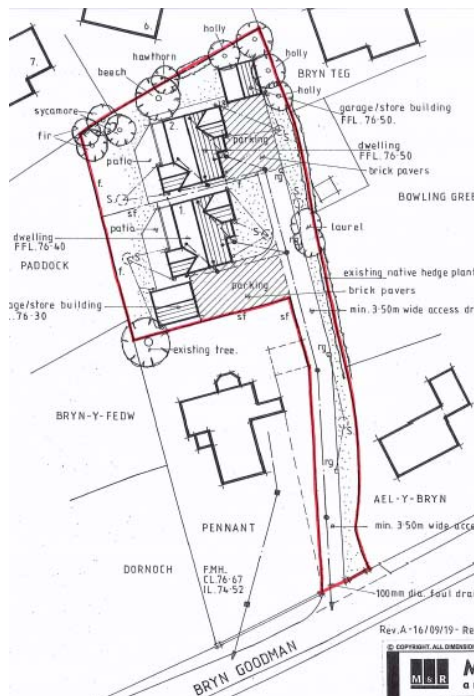
The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact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

Objections have been received from the Town Council and members of the public on visual amenity grounds including that the proposal is not in keeping with built development on Bryn Goodman and it would be an overdevelopment of the plot.

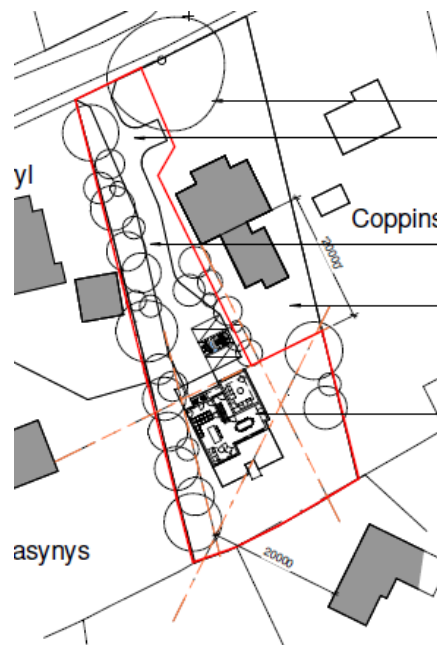
The dwellings proposed are two substantial, modern, two storey dwellings situated on a former rear garden previously associated with Llys Gwyn. The dwellings are proposed to have a separate access off Bryn Goodman and would have driveways and parking to the front and a sloping garden to the rear.

A previous proposal for a single dwelling on the site was refused due to the dwelling being out of character with the nearby dwellings and that it would cause a degree of disturbance to the occupiers of Llys Gwyn.

The dwellings on Bryn Goodman are predominately large detached dwellings set in large grounds and there is no uniform housing type in the immediate area. There has been permission granted in 2019 and 2020 for similar proposals at The Nook and Pennant on Bryn Goodman where former garden areas have been approved for development, see extracts of site plans approved below.



Pennant



The Nook

The layout of the proposal provides amenity space to the front and rear of the dwellings which is in excess of the 40sqm as detailed in the Residential Space Standards SPG. Having regard to the comments received around overdevelopment of the plot, the total site area measures approximately 1232sqm (0.123hectares) with each plot measuring approximately 500sqm (not including the access). Policy RD1

requires residential development to be at a density of 35 dwellings per hectare, unless local circumstances dictate otherwise. The density of the development as proposed is 16 dwellings per ha which is far below the advised density of 35 dwellings per ha. If the site were to be developed in line with the density required by policy, there would need to be 4 dwellings. The proposal is for 2 dwellings, and Officers consider this to be in line with the characteristics of residential development in the vicinity of the site and with respect to comments received, do not consider the proposal to represent an overdevelopment of the site.

The proposed dwellings are of a large scale and would have a height of over 7m. It is acknowledged that the site is at a higher elevation than the land to the west but when they are considered from public vantage points such as Bryn Goodman Road, the proposed dwellings would be set back in line behind Llys Gwyn and do not project to the side of Llys Gwyn. It is considered that the dwellings are a sufficient distance away from the Bryn Goodman road at approximately 50m away, to not result in a significant visual amenity impact when viewed from this direction. Having regard to the views towards the site from the A494, located to the rear of Hafan Deg and Ty'n y Berllan, the dwellings are considered to be prominent in the streetscene and would be seen above the ridgeline of both properties. As Hafan Deg has limited screening to the front of the property, the new dwellings are likely to be clearly seen from this vantage point, however, in Officers opinion, the development would not appear out of place as this is a residential area of Ruthin and there is a mix of large detached, modern style dwellings set back from the trunk road in this location. It is not considered that the development would affect prominent skylines in this area of Ruthin.



View of the site from the A494 to the west

The plans have confirmed the render would be white in colour. Whilst the plans have not been annotated to indicate the colour of the proposed composite cladding, it is likely that the cladding would likely be stone (grey) in colour similar to that which has been installed to Llys Gwyn adjacent, but further details can be agreed by condition. Similarly, details of the roof tiles have not been specified on the plans, but could also be dealt with by condition.

The plans show hedgerow would be planted along the southern boundary where a new fence has already been erected. No other landscaping arrangements have been detailed on plans. Having regard to the site clearance already undertaken and the objections received regarding the impacts to wildlife, Officers consider that a detailed landscaping scheme designed to deliver net benefit for biodiversity should be submitted for further approval and consider this should be controlled by an appropriately worded condition.

Having regard to the scale, design, form, massing and materials of the proposed new dwellings in this location, Officers consider that the design and detailing is acceptable and would not have a detrimental impact on the character of the area.

Therefore, having regard to the proposal, the locality and landscape, it is considered the proposal 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

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; and 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. and that it provides a satisfactory amenity standards itself.

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.

Objections have been received from local residents on residential amenity grounds in terms of the potential for overlooking and loss of privacy into gardens and adjacent properties, impacts from car headlights, loss of light to properties to the south and the garden sizes being too small for the size of the properties.

The Residential Development SPG provides guidance on acceptable separation distances to protect neighbouring properties from overlooking, overshadowing and overbearing impact.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.

The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are residential properties surrounding the site on all sides. The nearest residential properties to the west facing from the front of the proposed dwellings would be Hafan Deg (Tracery) and Tyn' y Berllan. The Residential Development SPG advises that the separation distance front- to -back should be 21m. The proposal would be in excess of this distance at 40m. Whilst it is acknowledged that the site is at a higher elevation than the properties to the west, it is not considered to result in an unacceptable degree of overlooking which would warrant a reason for refusal given the separation distances involved.

In terms of the impacts to the amount of light received at the properties to the west, having regard to the orientation of the sun throughout the day, it is not considered that the dwellings would unacceptably reduce the sunlight received by these properties. The Shadow Calculator tool (extracts included below) shows the shadow which could be created by the new dwellings during summer and winter.



Mid summer 9am



Mid winter 9am

Having regard to the impacts to the properties to the south of the site, the Residential Development SPG advises that in a back - to - side situation, the separation distance should be 15m. This has been achieved at the site having regard to Number 15 Haulfryn and Officers do not consider that there would be a detrimental impact to the residential amenity of the occupiers of this dwelling as a result of the development.

Having regard to the impacts on the future occupiers of Llys Gwyn to the north, the back- to – side elevation distance would measure 16m which is just above the advised 15m in this situation as set out in the SPG. It is therefore considered to be an acceptable distance to not result in significant impacts to residential amenity.

In terms of amenity requirements for the proposed dwelling itself, the internal floor space well exceeds the minimum requirements for a 4 bedroom dwelling as prescribed in the Residential Space Standards SPG.

In terms of garden space, whilst the rear garden area is relatively shallow before it begins to rise up to the east, taking into account the front garden area, the total external area far exceeds 100square metres and therefore adequate garden space has been provided for the future occupiers of the dwellings.

Having regard to the above, Officers would conclude the proposal would not adversely impact on residential amenity of neighbours and the proposal would provide a satisfactory standard of amenity itself.

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.

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 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.

The application is not supported by an Ecological Survey and it is noted that extensive clearance has been undertaken at the site. Officers have noted comments received regarding the species which once inhabited the site but having sought advice from the Council’s Ecologist, did not conclude it was reasonable to request a Preliminary Ecological Appraisal at this stage. However, Officers are keen to ensure that biodiversity enhancement measures are incorporated into and around the site in the form of bat and bird boxes, hedgehog holes in fences, native species hedgerow and tree planting and wildflower planting. Officers consider it reasonable to ensure these details are secured by condition to ensure that a biodiversity enhancements are installed at the site in line with guidance contained within PPW11.

4.2.5 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.

Planning Policy Wales (PPW 11) 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 11) 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

Representations have been received raising concerns over surface water drainage.

Dwr Cymru/Welsh Water have not raised objections to the proposal subject to the inclusion of suitable conditions being imposed if planning permission is granted. No objections have been raised regarding the connection to the mains foul sewer.

There is no known flood risk at the site. The application proposes to install soakaways within the rear garden areas of the dwellings. As consent is required from the SuDS Approval Body (SAB) for the two dwellings prior to commencement, it is considered that Drainage Legislation will assess the acceptability of the proposal in greater detail but in principle the installation of soakaways is broadly acceptable in this location.

Given the comments of the technical consultees, it is considered reasonable to conclude that an acceptable drainage scheme can be achieved on the site. The proposals have been revised to show the proposed foul drain would run along the access driveway and not third party land. The proposals are therefore considered acceptable in relation to drainage.

4.2.6 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.

With respect to domestic garages, the SPG advises garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m. If disabled access is required, these dimensions must be increased to 6m x 3.8m.

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.

Objections have been received on highway safety grounds by the Town Council and members of the public due to the increased traffic using the road which is already in a poor state and the impacts on the safety of school children using Bryn Goodman road and additional vehicles exiting onto Greenfield Road.

The development would utilise the existing access point onto Bryn Goodman which currently serves the existing dwelling. This has been widened and divided to provide a separate access for the new development adjacent to the access serving Llys Gwyn. Onsite parking is proposed within the garage and on hardstanding to the front of each dwelling, and providing the garage is utilised, cars can turn within the site and therefore can enter and exit from the site in forward gear.

The Highways Officer has raised no objection to the proposal. It is not considered that the number of vehicles entering the plot to the rear of Llys Gwyn, would cause significant harm or annoyance to future occupiers by way of noise and fumes, or from the increased amount of traffic in Bryn Goodman. It is considered that the traffic

generation as a result of the two new dwellings would not give rise to a significant increase in vehicle movements on Bryn Goodman which would warrant a refusal on highways safety grounds.

Whilst respecting the concerns raised by the Town Council and local residents, having regard to the views of the Highway Officer, it is considered that the site proposal complies with TAN18 requirements. It is further noted that parking is provided in accordance with the guidance contained in the SPG. Therefore Officers conclude the proposal would not give rise to unacceptable impacts on highway safety grounds.

4.2.7 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.

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.

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

The proposal is considered acceptable in relation to open space policy subject to the requisite contribution being secured through an appropriate 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 site lies within the Ruthin development boundary and therefore the proposal is acceptable in principle.
- 5.2 It is therefore recommended that planning permission be granted subject to the following conditions and the completion of a section 106 style agreement with the Local Authority to secure the payment of £2474.43 to provide additional public open space in the community. The sum should be paid prior to the occupation of the first dwelling. The planning permission would only be released on completion of the Section 106 Agreement. 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.
- 5.3 Subject to the necessary financial contribution to open space being secured, and necessary conditions being imposed, the proposal is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 9th February 2027
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 elevation 1 of 4 (Drawing No. TBP_19.032_A104 P01) received 19 November 2021
 - (ii) Proposed elevation 2 of 4 (Drawing No. TBP_19.032_A105 P02) received 30 November 2021
 - (iii) Proposed elevation 3 of 4 (Drawing No. TBP_19.032_A106 P01) received 19 November 2021
 - (iv) Proposed elevation 4 of 4 (Drawing No. TBP_19.032_A107 P01) received 19 November 2021
 - (v) Proposed ground floor plan (Drawing No. TBP_19.032_A101 P02) received 30 November 2021
 - (vi) Proposed first floor plan (Drawing No. TBP_19.032_A102 P02) received 30 November 2021
 - (vii) Proposed roof plan (Drawing No. TBP_19.032_A103 P01) received 19 November 2021
 - (viii) Existing site plan (Drawing No. TBP_19.032_A002 P01) received 19 November 2021
 - (ix) Proposed site plan (Drawing No. TBP_19.032_A004 P01) received 19 November 2021
 - (x) Existing site location plan (Drawing No. TBP_19.032_A001 P01) received 19 November 2021
 - (xi) Proposed site location plan (Drawing No. TBP_19.032_A003 P01) received 19 November 2021
3. Prior to the application of any external materials to the dwellings hereby approved, full details of the wall and roof materials, including materials, colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. **PRE COMMENCEMENT CONDITION**
No development shall be permitted to commence until the details of the provision for roosting bats, nesting birds and hedgehog holes in fences have 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 having particular regard to the external lighting scheme which shall also be detailed on the plans. The development shall proceed in strict accordance with the approved plans and details.

5. Within 6 months of the commencement of development, a detailed scheme of hard and soft landscaping designed to deliver a net benefit for biodiversity, including details of all boundary treatments and containing a full planting list, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development.
6. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion 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, unless otherwise agreed in writing.
7. The facilities for the parking and turning of vehicles within each plot shall be completed in accordance with the approved plans before the dwelling to which they relate is first brought into use, and shall be retained as approved at all times thereafter.
8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
9. 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.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of visual amenity.
4. To protect the favourable conservation status of protected species.
5. In the interests of ecology and visual amenity.
6. In the interests of ecology and visual amenity.
7. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.
8. 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.
9. To ensure the favourable conservation status of protected bat species.