

02/2022/0736

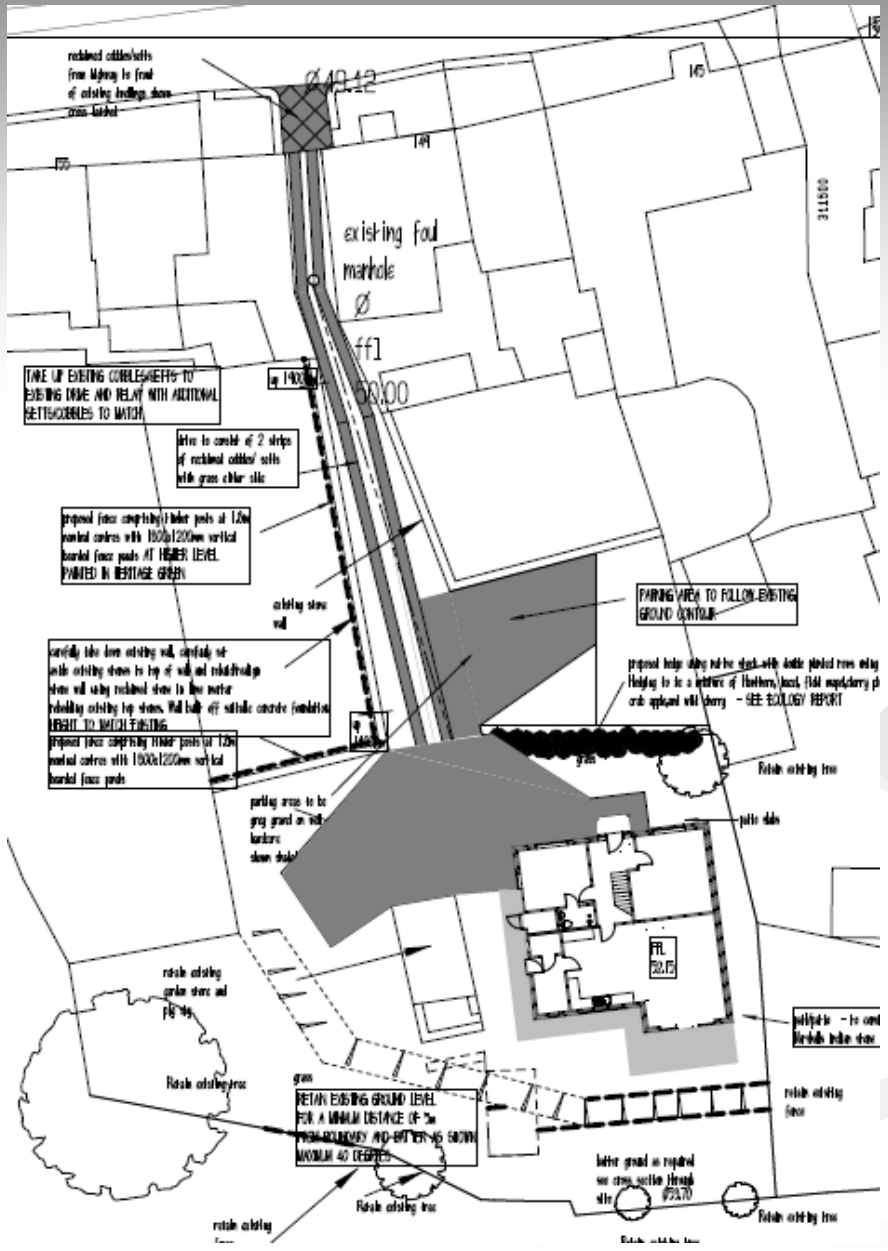


N Graddfa / Scale: 1:1250

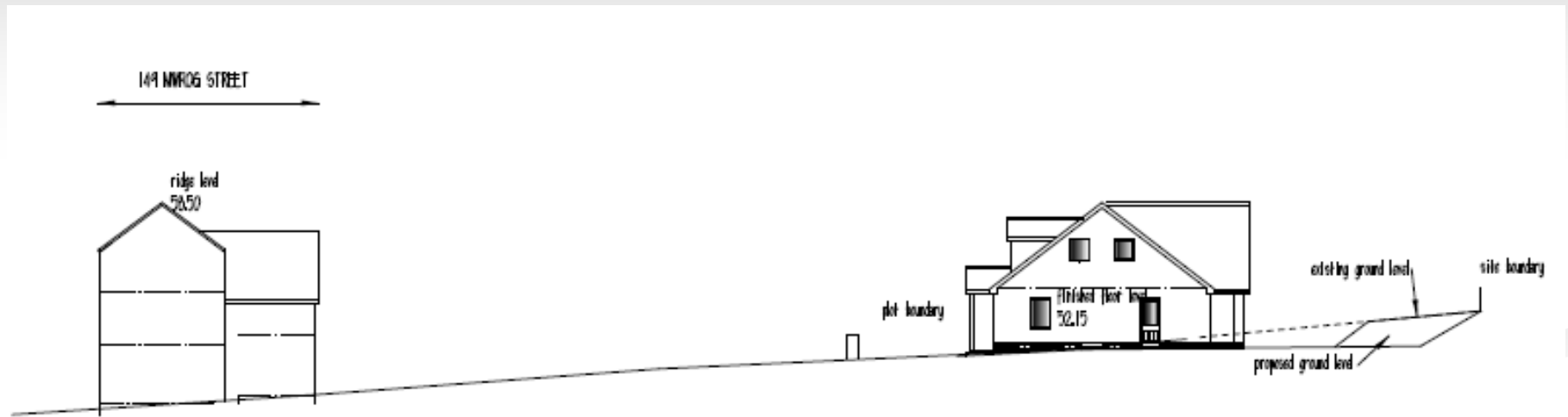
Canol / Centre: 311476, 357809

Dyddiad / Date: 2022-11-28 18:12:10

© Hawlfraint y Goron a hawliau cronfa ddata 2022 Arolwg Ordnans 100023408 © Crown copyright and database rights 2022 Ordnance Survey 100023408

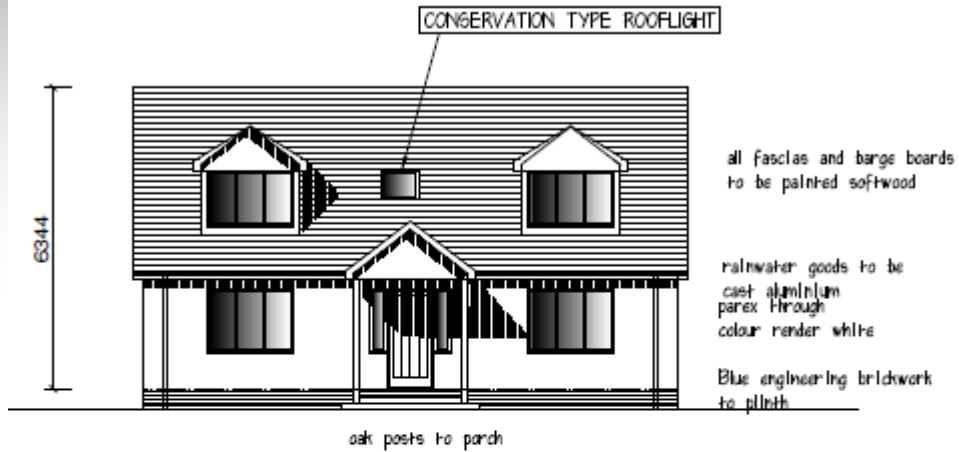


Proposed site layout plan

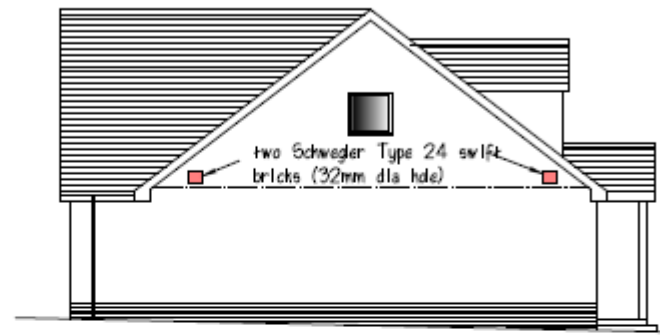


Cross section plan through site

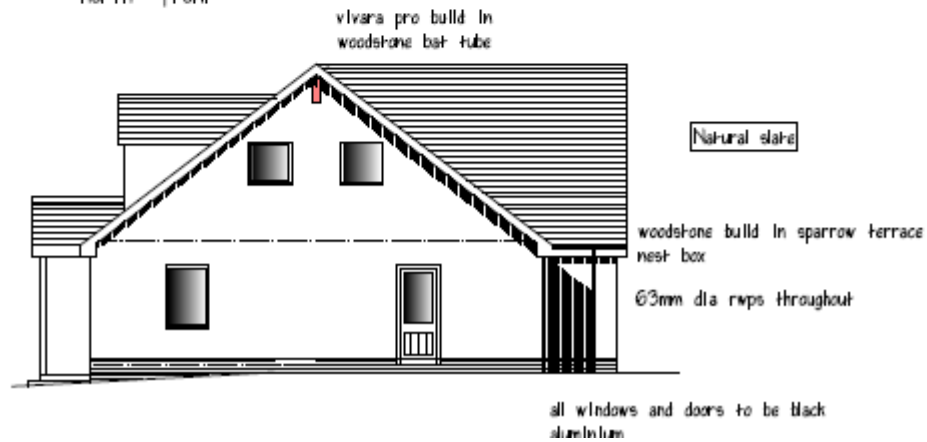
CONTRACTOR MUST VISIT SITE BEFORE COMMENCEMENT OF ANY WORKING
DATE



north -front



west



Elevation plans



Access facing east



Access facing west



View towards rear of listed buildings and
access track from site



View across site from west



Access track between terraces.

WARD : Ruthin

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

APPLICATION NO: 02/2022/0736/ PF

PROPOSAL: Erection of 1 no. detached dwelling, provision of parking area for no. 149 and associated works

LOCATION: Land at (Part garden of) 149 Mwrog Street Ruthin LL15 1LE

APPLICANT: Mr Mike Hall G Parry Home Improvement Ltd.

CONSTRAINTS: Listed Building Conservation Area

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 – Town / Community Council objection

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL-

Objection on the following grounds:

- i) overdevelopment of the site
- ii) concerns relating to vehicular access to and from the site.

THE FIRE AUTHORITY-

There should be vehicle access for a pump appliance to small buildings to either 15% of the perimeter or within 60m of every point on the projected plan of the building. Minimum width of road between kerbs of 3.7m, width of gateways should be 3.1m and minimum carrying capacity of the roadway should be 12.5 tonnes for normal rescue pumps. No observations in regard to water supplies.

DWR CYMRU / WELSH WATER-

The site is crossed by a public sewer. No building will be permitted within 3m either side of the centre line of the sewer. Recommend the site layout take into account the location of the assets crossing the site. Confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed site.

CADW-

No comments received.

(It is noted that CADW commented on previous outline application which was withdrawn and stated that the boundary of the registered Ruthin Castle historic park and garden is located some 60m east of the proposed development, but intervening topography, buildings and vegetation block all views between them. Consequently, the proposed development will have no impact on the settings of the registered Ruthin Castle historic park and garden.)

CLWYD POWYS ARCHAEOLOGICAL TRUST-

The proposed works to the garden store will lie within the predicted medieval core of Ruthin and to the rear of a frontage which is considered to have been within the medieval village layout. These plots often contain sub-surface archaeology at the rear which is associated with a

former dwelling on the frontage including property boundary ditches, refuse pits, wells, light industrial activity such as corn drying and pottery manufacture and artefacts relating to all periods of occupation.

Recommend that an archaeologist is contracted to be present throughout the duration of new foundation excavations so that an adequate record of any archaeological features revealed by these works can be made.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

-Highways Officer-

No comments received.

However, it is noted that the Highway Officer commented on outline application (including access):

No objection subject to improvements to the existing access being completed prior to the use commencing. There is provision for parking and turning within the site will enable vehicles to exit the site in forward gear and should be completed before the use commences. Suggest conditions are attached to ensure access and parking and turning are completed before the dwelling is occupied.

- Conservation Officer-

The latest proposals are an improvement and the main thing is the glass gable is now facing the fields. I am happy to support these proposals once the items listed below are dealt with;

- o Confirm that the new 1800mm timber fence to the boundary of no. 151 is located on top of the wall for clarity, Omit concrete fence posts and include timber posts, the fence is to be painted in an appropriate heritage colour i.e. Heritage Green
- o The stone boundary wall should be noted on the plans as being re-built to match existing height
- o The roof light is to be shown and noted as a conservation roof flight
- o Specify the type/product of stone setts for the drive
- o Confirm the material of the posts to the front porch
- o A higher quality paving material than concrete slabs needs to be specified
- o Show on the landscaping plan the extent of where the rear garden is being reduced in level/graded and how it effects the existing trees to be retained.
- o Roofing material to be noted as Natural Slate

- County Ecologist-

No comments received.

RECONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL-

No comments received.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Conservation Officer-

No objection following submission of revised details. Advise conditions are attached detailing the render finish, a sample of slate, sample panel of stone and lime mortar to the rear boundary wall and coping detail to front wall are submitted for approval.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Jennifer Turner, 143-145 Mwrog Street, Ruthin

Paul Roberts, 139 Mwrog Street, Ruthin

Summary of planning based representations in objection:

Highways

Concerns over narrowness of access and road safety
Concerns over additional traffic using the road
Emergency vehicles wouldn't be able to access the site
Impacts to the road during construction as larger vehicles wouldn't be able to access the site.
Obstruction of the road during construction works

Residential amenity

Overlooking and privacy concerns into back gardens from first floor windows
Loss of sunlight as a result of the building
Noise pollution
Dwelling too close to shared boundary and will be overbearing
Separation distance should be 7.5m for a bedroom window overlooking a neighbours garden which is not consistent with this guide.
Overdevelopment of site, cramped and overcrowded feel to the area

Visual amenity and impact on Conservation Area

Concerns that the new dwelling would not be in keeping with the character of the Conservation Area
Reduction in wall height to the front not in keeping within Conservation Area values

Historical assets

Impacts to nearby listed buildings and their setting

Ecology

Ecology concerns due to owls present in the back gardens
Trees removed.

Drainage

Loss of trees, bushes and replacing with hard surfaces will impact surface water run off due to slope of the land down to the back of the existing properties.

RECONSULTATION RESPONSES:

In objection

Representations received from:
Jennifer Turner, 143-145 Mwrog Street, Ruthin
Paul Roberts, 139 Mwrog Street, Ruthin

Previous objections remain the same.

EXPIRY DATE OF APPLICATION: 18/10/2022

EXTENSION OF TIME AGREED: 16/12/2022

REASONS FOR DELAY IN DECISION (where applicable):

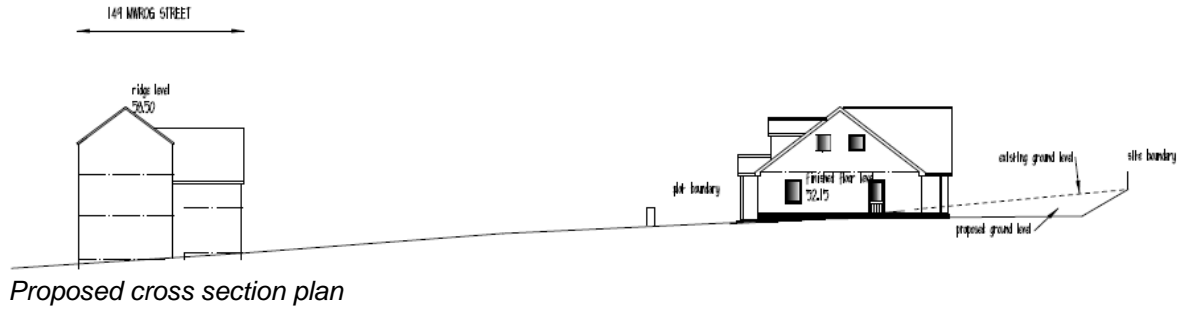
- delay in receipt of key consultation response(s)
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

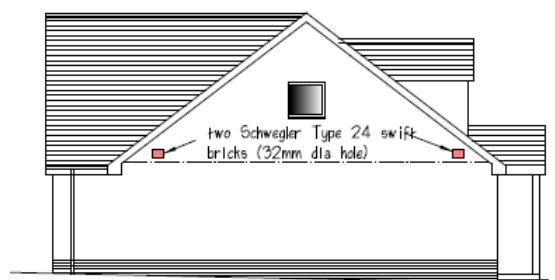
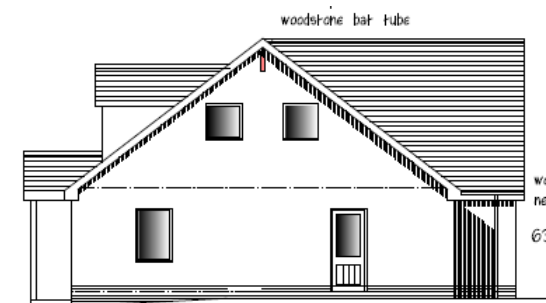
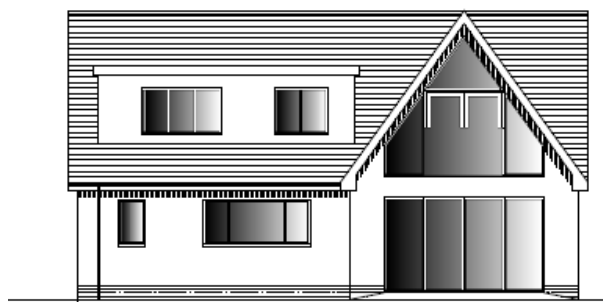
1. THE PROPOSAL:

1.1 Summary of proposals

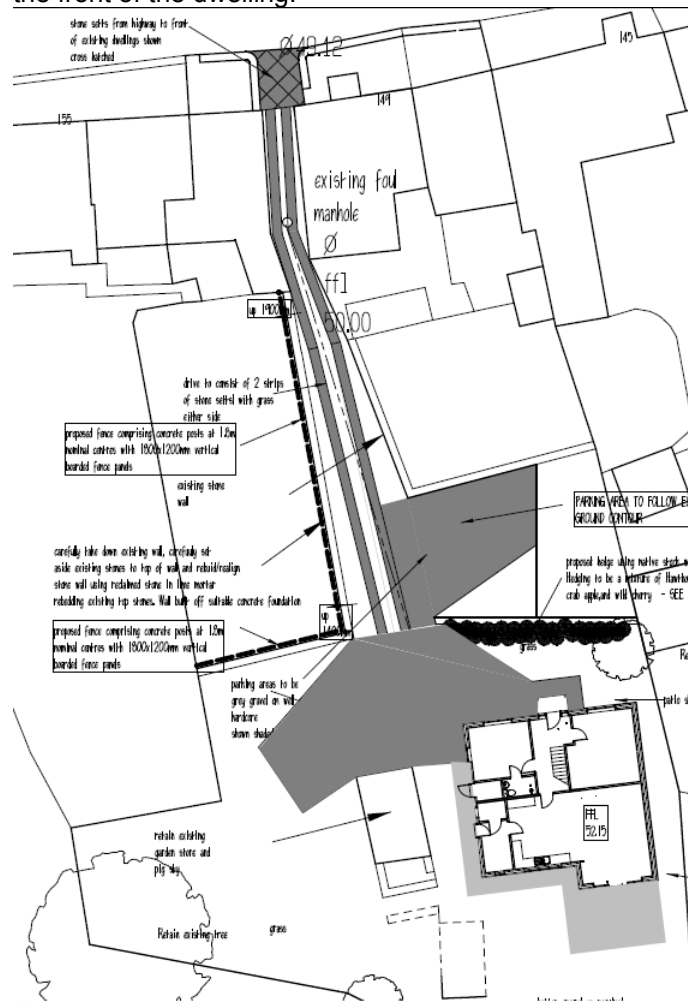
- 1.1.1 The application seeks full planning permission for the erection of a detached dwelling on land to the rear and forming part of the garden of 149 Mwrog Street, Ruthin.
- 1.1.2 The proposed dormer bungalow would be located to the centre of the former garden area located to the rear of the existing dwellings and orientated facing north. It would involve the removal of the existing detached garage and retention of the former pigsty outbuilding (which is a curtilage listed building).
- 1.1.3 The proposed dwelling would have a ridge height of approximately 6.5m and eave height of 2.8m. It is proposed to be set down into the sloping site with a finished floor level (FFL) of 52.1m, 1.6m below the height of the rear garden at the boundary.



- 1.1.4 The dwelling would have a maximum footprint of approximately 102sqm and total floor area of approximately 180sqm. It is proposed to comprise an entrance hallway, with a lounge and bedroom/study, WC, open plan kitchen and dining room and utility/plant room to the ground floor and a large master bedroom with en suite and two additional bedrooms and family bathroom at first floor level.
- 1.1.5 In terms of design, the dwelling is proposed to have a central canopy porch to the front elevation and two pitched roof dormer windows with a central conservation style rooflight to the centre. To the rear, a projecting gable with feature window including a Juliet balcony is proposed along with a flat roof dormer. Windows are proposed to be black aluminium.

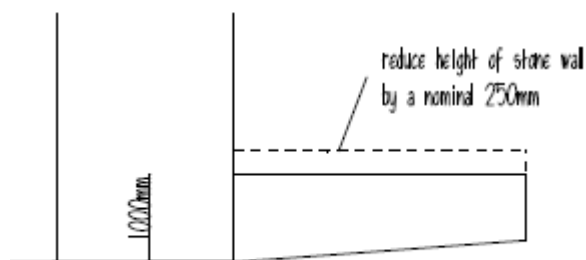
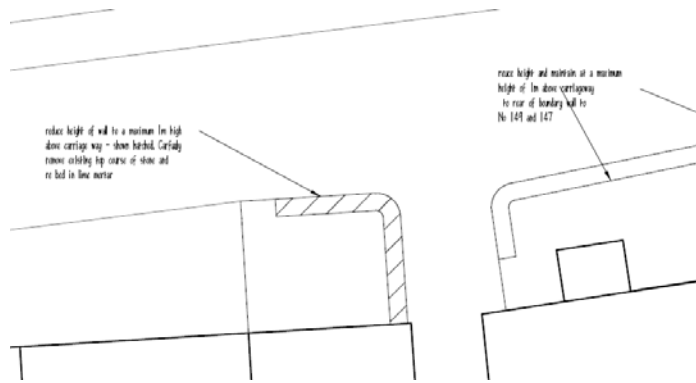


- 1.1.6 Hard and soft landscaping is proposed including stone sets to the highway to the entrance onto Mwrog Street, retaining the two strips of stone sets with grass either side to the access track.
- 1.1.7 The new parking area for the proposed dwelling and the existing parking areas for 149 Mwrog Street are proposed to be finished with grey gravel on hardcore. A hedgerow is proposed to be planted to the boundary to screen the parking area from the front of the dwelling.



Proposed site plan and landscaping

- 1.1.8 A section of the retaining boundary wall to the west is proposed to be removed and a parking area cut out of the higher level garden of 151. Stone is proposed to be reclaimed to rebuild the wall with lime mortar around the parking area and a timber panel fence painted in heritage green is proposed to be erected above the wall to enclose the garden area of 151.
- 1.1.9 Alterations are proposed to the existing access include lowering the wall to the west of the entrance at 151 Mwrog Street to 1m above the carriageway and finished in lime mortar to improve the visibility splays. The access to the east is to remain as an existing hedge but will be maintained to a maximum height of 1m above the carriageway.



Proposed access amendments to wall

1.2 Other relevant information/supporting documents in the application

1.2.1 Heritage Impact Assessment, Ecology Report, D&A.

1.3 Description of site and surroundings

- 1.3.1 The site is located within the Conservation Area of Ruthin and is situated to the rear of a pair of listed dwellings fronting Mwrog Street (147 and 149 Mwrog St).
- 1.3.2 The site is accessed via a narrow cobbled lane between two high sided end of terraces and opens out into an orchard and garden area to the rear with a modern garage building and curtilage listed former pigsty building.
- 1.3.3 There are a number of trees on the site boundaries and within the garden area including fruit trees. The site slopes up to the south and the gardens of the properties to the west are at a higher elevation than the track below contained by a stone rubble wall over 1m in height.
- 1.3.4 The main site area measures approximately 670sqm (not including the access track).



Front access adjoining road



Within the site facing north



Access track between the dwellings



Curtilage listed pigsty

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Ruthin and is within the Ruthin Conservation Area as defined by the LDP.
- 1.4.2 There are a number of listed buildings within close proximity to the site, including 149 (application site) and 147 Mwrog Street adjoining.

1.5 Relevant planning history

- 1.5.1 Previous outline application was withdrawn for single dwelling as the site was considered to be in too sensitive a location to not have all matters being considered.

1.6 Developments/changes since the original submission

- 1.6.1 Design, size and scale and landscaping amendments.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 02/2022/0086 Development of 0.09ha of land by the erection of a dwelling (outline application including access) WITHDRAWN 3/08/22

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 VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Archaeology

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Conservation Areas

Supplementary Planning Guidance Note: Listed Buildings

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 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

TAN 18 Transport (2007)

TAN 24 The Historic Environment (2017)

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 and impact on Conservation Area including setting
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology
- 4.1.8 Open Space
- 4.1.9 Impact on Listed Building and Registered Historic Parks and Gardens

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.

The site is located within the development boundary of Ruthin which is defined as a Lower Growth Town in the Local Development Plan.

Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria.

The proposal is located within the development boundary of Ruthin 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 and impact on Conservation Area including setting

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (v) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent

skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

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) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.

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 area is characterised by older terraces to the south of Mwrog Street fronting the road. There are modern detached dwellings farther to the north across the street. No other back land dwellings are within the vicinity of the site to the south of the terraces. All have fairly standard roof pitches and there is a general theme of symmetry and rhythm within the street scene. Materials are a combination of render, natural stone, slate roofs and tile roofs.

Representations have been received raising visual amenity concerns and impacts on the character of the Conservation Area.

The proposal involves the erection of a detached dormer bungalow located within the rear garden of 149 Mwrog Street which is accessed between two high sided terraces down a narrow, cobbled track. The proposed dwelling is to have two pitched dormers to the front, facing towards the rear of the terraces and a feature gable facing towards the rear, over the field. The dwelling is proposed to be finished in white render with a slate roof.

Having regard to the tests in Policy RD1, it is considered that the siting of the dwelling to the rear of the plot, makes the most efficient use of the site allowing ample parking and turning area for both the new dwelling and 149 Mwrog Street to the front and garden space to the side and rear. The layout and form of the dwelling in relation to the surrounding development pattern is not in keeping with the terrace pattern fronting Mwrog Street, however it is considered that the as the dwelling is set down within the sloping plot and the ridge is lower than the terraces, it is not considered to raise unacceptable visual amenity concerns in this location and would not be clearly visible from public vantage points.

Having regard to the Conservation Area location and siting within the rear garden of a listed building, it is considered that the distance of approximately 30m from the rear of 149 Mwrog Street is an acceptable distance away to not raise concerns regarding potential over-dominating impacts. The Town Council have raised concerns regarding potential over development of the site. However, Officers consider the size of the plot would retain ample parking and private amenity space to serve both the new dwelling and 149 Mwrog St and is not considered to raise unacceptable visual amenity concerns in this respect.

The siting and design of the new dwelling within the plot is not considered to compete unacceptably with the character of the listed building and the materials proposed are sympathetic to those used on the dwellings in the area. It is considered reasonable to

condition a details of the render finish and a sample of slate on any decision to grant to ensure that the character of the Conservation Area is protected and conserved.

The proposal also proposes to alter the existing access onto Mwrog Street which currently serves the rear garden and parking area of 149 Mwrog Street. The proposal includes alterations to the front boundary wall of 151 Mwrog Street to the west (not a listed building). The alterations involve lowering this wall by to a maximum of 1m high above the carriageway and carefully removing the existing top course of stone and rebedding the wall in lime mortar to match the existing. The Conservation Officer has raised no objection to this alteration but has requested details of the coping is submitted for approval.

It is proposed to have stone sets at the entrance and retain the cobbled tracks each side of the grass centre to retain the character of this area. The parking area is proposed to cut out of the existing higher level garden of 151 with the retaining walls replaced with the reclaimed stone and lime mortar with grey gravel hardcore. A timber fence is proposed to the top of the wall to be painted in a heritage green colour. The Conservation Officer has raised no objection to this alteration providing further details are conditioned regarding the submission of a sample of the stone walling and lime mortar to be use.

In Officers' opinion, based on the plans submitted and the comments of the Conservation Officer regarding the amended plan details for the materials, having regard to the siting, size, form, design, materials and detailing of the proposal, in relation to the character of the Conservation Area, it is considered that the proposed detailing would not raise unacceptable visual amenity impacts on the character of the Conservation Area.

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 received raising concerns regarding overlooking, loss of privacy, loss of light and overbearing impacts.

With regard to the relationship of the proposed dwelling to existing residential properties, the Residential Development SPG advises a minimum separation distance of 21 metres where dwellings are back to back onto each other. The proposed dwelling is oriented with the front elevation facing north towards the rear of the terraced dwellings and has a separation distance of approximately 30m. Given the guidance within the SPG, it is not considered that the distance between the proposed dwelling and the existing dwellings is unacceptable in terms of residential amenity impacts.

With regards to over-looking of private amenity space (gardens), it is advised that first floor bedroom windows to the side elevations (east and west) should be 7.5 metres

from the boundary. The submitted plans indicate that these minimum distances are not achieved to the east (2m to the boundary) and therefore it is considered reasonable to condition that the first floor eastern elevation window is obscure glazed given the proximity of the dwelling to the boundary and private rear garden of No.139 Mwrog Street. There would also be a sufficient amount of light received from the feature height glazing to the rear into this master bedroom.

Having regard to the objection on the grounds of loss of light to the garden of No.139 Mwrog Street, Officers note the gardens are long in this area and the new dwelling would be positioned adjacent to the rear end of the garden where there are a number of outbuildings. It is considered there would not be an unacceptable loss of light into habitable rooms to the rear of No.145 or No.139 and whilst there may be some overshadowing to the rear garden area, this would not be a robust reason to recommend the application be rejected.

Adopted guidance in the Residential Space Standards SPG advises that dwellings should have a minimum of 40sqm private amenity space. The proposal indicates a rear garden in excess of 400sqm. The existing dwelling 149 Mwrog Street would also retain a small rear yard area of 48sqm and parking and small garden area further to the rear of 117sqm.

The Town Council have raised concerns regarding the overdevelopment of site along with other concerns regarding the development representing a cramped and overcrowded feel to the area.

The plot measures approximately 670sqm (not including the access track) with over 400sqm of amenity space. Officers do not consider the proposal represents an over development of the plot as it is large in size and can support a dwelling with a large footprint whilst retaining an existing curtilage listed structure, providing parking for two dwellings and retain ample amenity space for No's.151 and149 Mwrog Street and the new dwelling.

Overall, it is not considered that the siting and design of the dwelling and fenestration details will cause unacceptable harm by way of an overbearing impact or loss of privacy on existing properties which would justify a refusal of planning permission. Those areas of concern identified, such as the distance between the side elevation bedroom windows and the neighbouring gardens can be mitigated through the imposition of planning conditions.

In Officers' opinion, based on the plans submitted, having regard to the siting, form, design and detailing of the proposed dwelling in relation to the impact upon residential amenity, the proposal would not have any unacceptable impacts subject to the imposition of conditions.

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.

Future Wales – The National Plan (2021), Policy 9 – Resilient Ecological Networks and Green Infrastructure states that;

“In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment.”

This is also set out in Planning Policy Wales Edition 11 (2021), Section 6.4. This stresses that all development proposals must show a net gain in biodiversity.

A protected species survey has been submitted as part of the development. The site is a rear garden with orchard trees bound by timber fencing and backs onto an open field.

The report concluded that no evidence of bats was found at the site and no other protected species. The report recommended a bat tube to the side elevation gable and two bird boxes are installed to the dwelling to provide enhancement opportunities. A native species hedgerow is proposed to be planted to the front of the dwelling to separate the parking area for the adjacent property. This is proposed to comprise 7 native species and would measure approximately 11m in length. A number of trees are proposed to be removed to make way for the development and it is considered reasonable to ensure a landscaping scheme is conditioned on any approval to replace the trees and offer a greater biodiversity enhancement at the site whilst also conserving and enhancing the character of the Conservation Area.

No details of external lighting on the new dwelling have been provided which are required to ensure that this does not impact on the foraging and commuting bats residing in the area.

Appropriately worded conditions are therefore proposed to be attached requiring the details of the provision of a more detailed hard and soft landscaping scheme and external lighting scheme are submitted for approval.

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. As the construction works exceed 100sqm, consent is required from the SuDS Approval Body (SAB) for the dwelling prior to commencement, it is considered that separate Drainage Legislation will assess the acceptability of the proposals drainage scheme in greater detail.

Given the comments of the technical consultees, it is considered reasonable to conclude that an acceptable drainage scheme can be achieved on the site. Dwr Cymru/Welsh Water have indicated there is a foul water drain running down the centre of the access driveway and not third party land. A connection is therefore likely to be feasible and 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 development. 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 from the public and Town Council raising highways concerns regarding the suitability of the access and additional traffic using the road.

The proposal involves alterations to the existing access onto Mwrog Street which currently serves the rear garden and parking area of 149 Mwrog Street. The proposal includes alterations to the high front boundary wall of 151 Mwrog Street to the west. The alterations include lowering this wall by to a maximum of 1m high above the carriageway and carefully removing the existing top course of stone and re-bedding the wall in lime mortar to match the existing.

The access between the terraces measures 2.07m at its narrowest point and it is proposed to have stone sets at the entrance and retain the cobbled tracks each side of the grass centre to retain the character of this area. Parking is proposed within the site for a number of vehicles including turning space. Separate parking for 2 vehicles is proposed to serve 149 Mwrog Street.

The Highways Officer raised no objection to the outline application (ref. 02/2022/0086) which included access details. Conditions were advised to be attached including that car parking and turning arrangements and the alterations to the existing access should be completed before the dwelling is occupied. No formal comments from the Highway Officer have been received on this application at the time of writing, but it is noted that the access arrangements and parking and turning provision proposed remain the same as previously submitted.

The scheme is therefore considered acceptable and in accordance with Policies RD 1 and ASA 3 subject to the imposition of appropriately worded conditions.

4.2.7 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 the 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.

CPAT have advised the proposed works to the garden store will lie within the predicted medieval core of Ruthin and to the rear of a frontage which is considered to have been within the medieval village layout. These plots often contain sub-surface archaeology at the rear which is associated with a former dwelling on the frontage including property boundary ditches, refuse pits, wells, light industrial activity such as

corn drying and pottery manufacture and artefacts relating to all periods of occupation.

CPAT have recommended that an archaeologist is contracted to be present throughout the duration of new foundation excavations so that an adequate record of any archaeological features revealed by these works can be made. It is considered a condition attached to any decision would be reasonable in this case to ensure this is carried out.

4.2.8 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

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

If permission was granted, an Open Space Agreement will be required in line with Policy BSC11. A contribution of £1237.22 would be sought.

4.2.9 Impact on Listed Building and Registered Historic Parks and Gardens

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' refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

Representations have been received raising concerns over the impact of the development on nearby heritage assets.

CADW have advised that the boundary of the registered Ruthin Castle historic park and garden is located some 60m east of the proposed development, but intervening topography, buildings and vegetation block all views between them. Consequently, the proposed development will have no impact on the settings of the registered Ruthin Castle historic park and garden.

The Conservation Officer has reviewed the proposal and has advised that they raise no objection to the principle of the development within the setting of a listed building and close to a curtilage listed building (pig sty).

Having regard to the detailing of the proposal and the comments from consultees, it is considered that the proposed design, scale and materials of the proposed dwelling in this enclosed location within the Conservation Area would not impact unacceptably on the character of the listed building and would preserve the setting, features of special architectural merit and historic interest of the buildings.

The revised plans and additional details submitted also address the points raised by the Conservation Officer subject to further details on the finish of the render and slate to be used on the dwelling and the coping detail and stone walling with lime mortar to the rear boundary wall shared with No. 151 Mwrog Street. The proposals are not therefore considered to have an unacceptable impact in relation to the Listed Building.

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 principle of the proposal is considered to be in accordance with planning policy and the localised impacts are not considered to be unacceptable, subject to appropriate conditions being attached to any permission.

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 £1237.22 to provide additional public open space in the community. The sum should be paid prior to the occupation of the 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 five years from the date of this permission

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) Garage as existing received 16 August 2022
 - (ii) Garden store as existing received 16 August 2022
 - (iii) Proposed elevations (Drawing No. 6) received 18 November 2022
 - (iv) Proposed floor plans (Drawing No. 5) received 12 November 2022
 - (v) Cross section through site (Drawing No. 4A) received 18 November 2022
 - (vi) Landscaping (Drawing No. 8) received 18 November 2022
 - (vii) Improvements to entrance (Drawing No. 6) received 2 November 2022
 - (viii) Site plan as existing (Drawing No. 2) received 16 August 2022
 - (ix) Site plan as proposed (Drawing No. 3A) received 12 November 2022
 - (x) Location plan received 16 August 2022
 - (xi) Protected Species Survey (Clwydian Ecology dated 11 August 2022) received 16 August 2022
 - (xii) Street scene elevation received 2 November 2022
 - (xiii) Heritage Impact Assessment received 13 October 2022
3. Notwithstanding the hereby approved plans, the first floor window to the east elevation and first floor en suite window to the north elevation shall be obscure glazed prior to the occupation of the dwelling and retained as such at all times thereafter.
4. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.
5. Notwithstanding the hereby approved plans, within 6 months of the commencement of development, a detailed landscaping scheme designed to deliver a net benefit for biodiversity shall be submitted to, and approved in writing by the Local Planning Authority. This shall include a species list for the new planting, and only feature species of known benefit to wildlife. The development shall proceed strictly in accordance with those details as approved.
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 access shall be laid out and constructed in accordance with the approved plans before works commence on the construction of the new dwelling and shall be retained at all times thereafter.
8. The facilities for the car parking and turning of vehicles shall be completed in accordance with the approved plans before the dwelling is occupied, and shall be retained as approved at all times thereafter.
9. The development hereby permitted shall not be allowed to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
 - a) the arrangements for the parking of vehicles of site operatives and visitors;
 - b) the location of any construction compound and measures to reinstate the land following completion of the works;
 - c) the hours of site works and deliveries;
 - d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary;
 - e) the location of areas designated for the loading, unloading, and storage of plant and materials;
 - f) the proposals for security fencing or hoardings around the site;

- g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses;
- h) measures to minimise noise and disturbance to neighbouring residential properties / properties in the vicinity of the site;
- i) wheel washing facilities;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- k) any proposed external lighting.
- k) the piling methods, in the event that this form of foundation construction is proposed

The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.

10. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive shall also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
11. The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in Section 8 of the approved Protected Species Survey (Clwydian Ecology, dated 11/08/22) and as shown on the approved Proposed Elevations Plan (Drawing No. 6). The approved details shall be implemented in full and retained at all times thereafter.
12. No external/ internal 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 the details thereof to include light spillage details which should be designed to avoid negative impacts on bats. The scheme shall be carried out strictly in accordance with the approved details.
13. Notwithstanding the hereby approved plans, prior to the application of external materials on the dwelling, details of the render finish and a sample of the slate to be installed shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
14. Notwithstanding the hereby approved plans, prior to the works commencing on the front wall of No. 151 Mwrog Street, full details of the coping detail shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
15. Notwithstanding the hereby approved plans, prior to the works commencing on the rear boundary wall shared with No. 151 Mwrog Street, a 1m x 1m sample panel of stone walling and lime mortar shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
16. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 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 development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.

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 interests of residential amenity.
4. 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.
5. To ensure a satisfactory standard of development and to protect the character of the Conservation area.
6. To ensure a satisfactory standard of development and to protect the character of the Conservation area.
7. To ensure the formation of a safe and satisfactory access in the interest of highway safety.
8. In the interest of highway safety.
9. In the interests of protecting public and residential amenity, pollution prevention and control, and of the safety and the free flow of traffic on the adjoining highway.
10. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
11. To maintain and enhance biodiversity
12. To ensure the favourable conservation status of protected bat species.
13. To conserve the character of the Conservation area and setting of listed buildings.
14. To conserve the character of the Conservation area and setting of listed buildings.
15. To conserve the character of the Conservation area and setting of listed buildings.
16. In the interests of visual and residential amenity and to conserve the character of the Conservation Area and setting of listed buildings.