



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Tel: 01824 706800 Fax: 01824 706709

Heading:

02/2013/0043
Land between 5 & 6
Tan y Castell, Ruthin

2



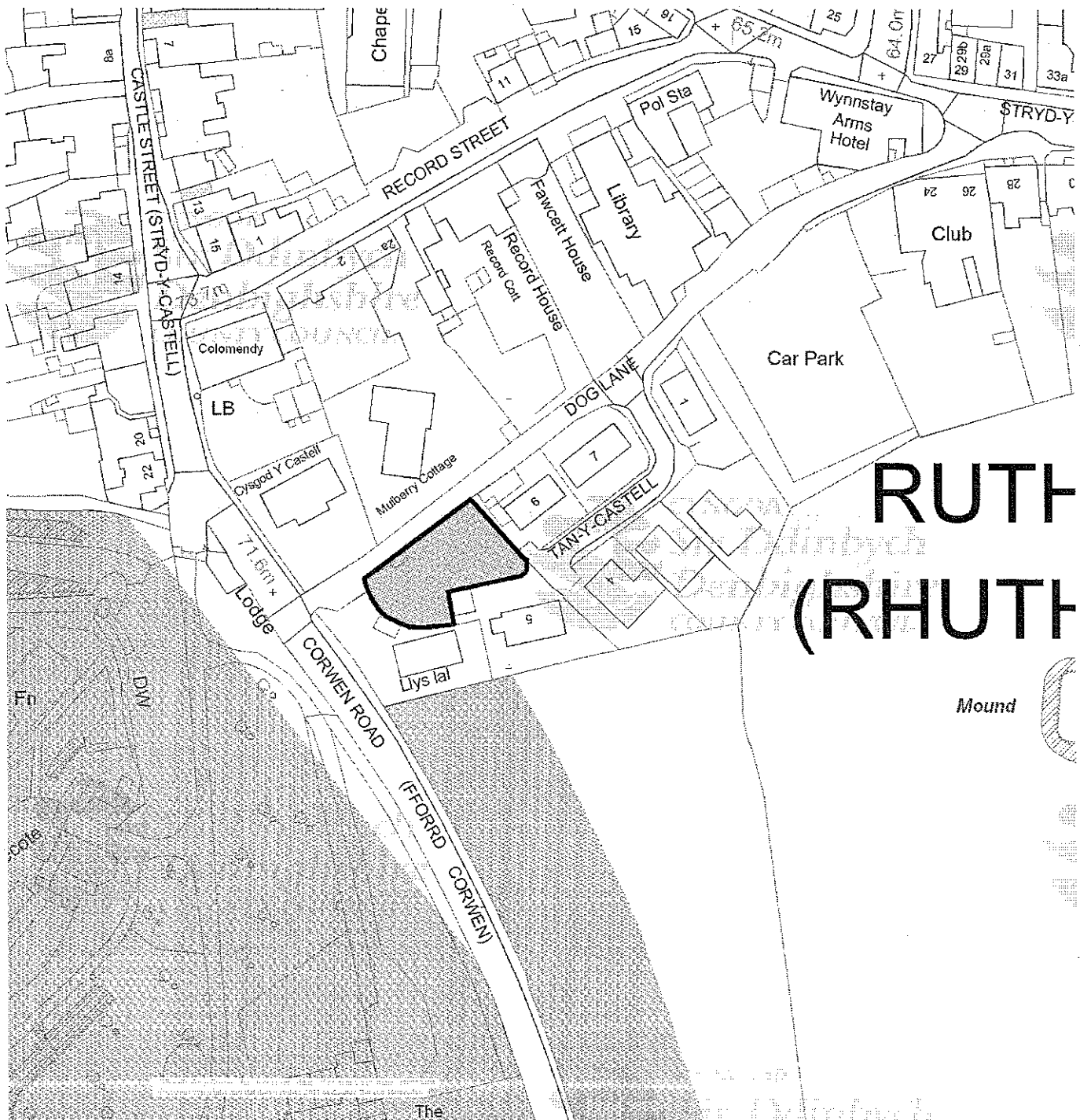
Application Site

Date 6/3/2013

Scale 1/1250

Centre = 312459 E 358091 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

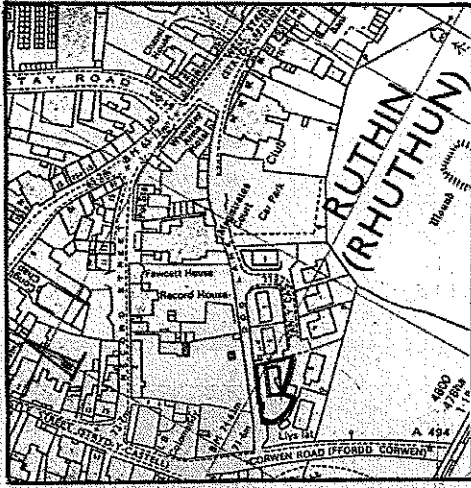


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Atgynhyrchir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Eil Mawrhydi © Hawffraint y Goron. Mae atgynhyrchu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

SITE PLAN

02 / 2013 / 0043 / PF



Location plan 1:2500

RECEIVED

07 FEB 2013

CALEDONIAN RECEPTION

Plan referred to:

Dog Access

lane

4m high masonry wall

Existing trees

Proposed dwelling

2.5m high masonry retaining wall

Llys Ial

Street light to be replaced

Tam y Castell ACCESS

LP

2.5m high masonry retaining wall

2.5m high masonry retaining wall

No. 6

No. 5

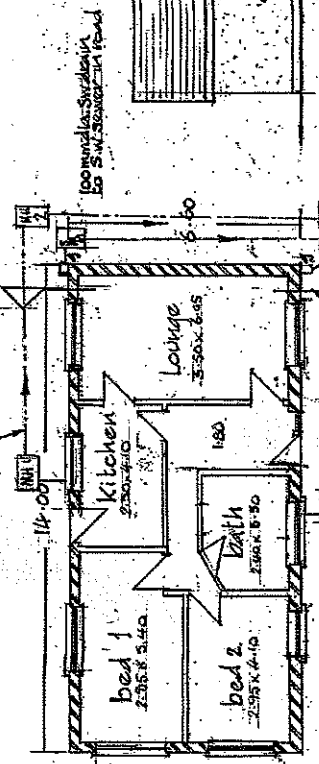
No. 4

Plot plan 1:200

2. T.Y.C / 10/2012

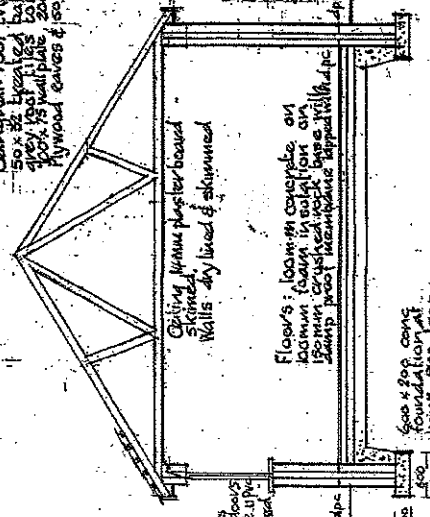
ELEVATIONS

02 / 2013 / 0043 / P F



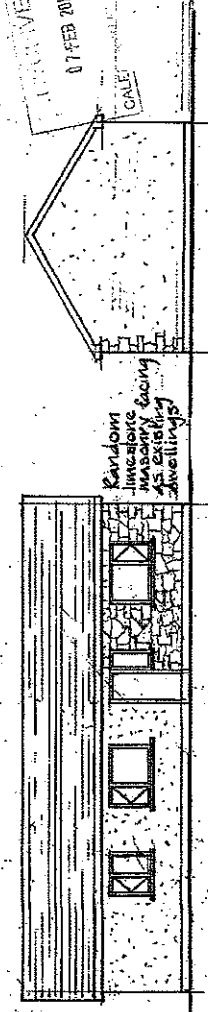
PLAN 1:100

Roof:
 Gable roof trusses at 600 c/c
 50 x 75 treated
 battens on roofing felt
 grey lead
 200 x 75 wall plate, 200 x 75 treated posts & bays.
 Plywood gables & soffits.

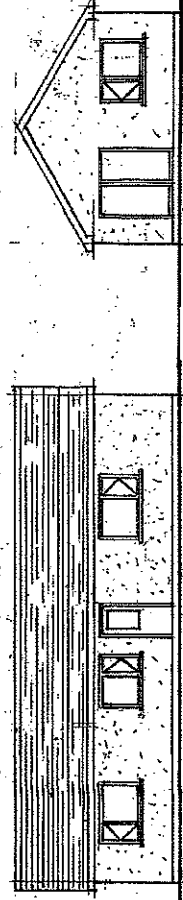


Section 1:1.50

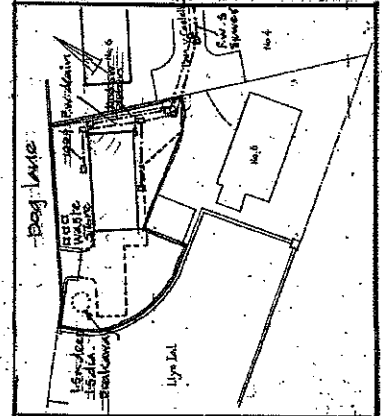
Wall construction: concrete block
 masonry, 100mm cavity, 100mm
 mortar bed, 100mm external white
 200 x 250mm concrete pillars
 200mm cavity filled with insulation
 100mm concrete facing brick below d.p.c.



South elevation 1:100



West elevation



Site plan 1:500



Location plan 1:2500

Proposed 2 bedroom dwelling adjacent no.6
 Tan y castell Ruthin, for Miss A. Williams, Ferndale
 Denbigh road Ruthin
 T.Y.C./10/2012

ITEM NO: 2
WARD NO: Ruthin
APPLICATION NO: 02/2013/0043/ PF
PROPOSAL: Erection of a 2-bedroomed dwelling and formation of new vehicular access to Tan y Castell
LOCATION: Land between 5 & 6 Tan Y Castell Dog Lane Ruthin
APPLICANT: Miss Annette Williams
CONSTRAINTS: Conservation Area
 Groundwater Vulnerability 1
PUBLICITY UNDERTAKEN: Site Notice - Yes
 Press Notice - Yes
 Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL
 "No objection."

CLWYD POWYS ARCHAEOLOGICAL TRUST
 No objection, subject to a condition being attached to any consent for a watching brief.

FARMING AND WILDLIFE ADVISORY GROUP (FWAG)
 No objection.

WELSH WATER / DWR CYRMU
 No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
BIODIVERSITY OFFICER
 No objection subject to conditions relating to site clearance and timing of development work.

CONSERVATION OFFICER
 The Case Officer has advised that no objections are to be raised.

HEAD OF HIGHWAYS AND INFRASTRUCTURE
 No objection, subject to condition requiring the completion of parking spaces and access materials.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

R. Hill, 5, Tan y Castell, Ruthin

Dorota Blaszczyk & Piotr Jarych, 6 Tan y Castell, Ruthin, LL15 1DQ

Ms. S. Pinchbeck Tyn Yr Erw, Bryneglwys, LL21 9NE

Mr. S. Pinchbeck, 6 Tan y Castell, Ruthin, LL15 1DQ

G.V. Jones, Pencoed, 4 Tan Y Castell, Ruthin.

Summary of planning based representations in objection:

Visual amenity- loss of trees in Conservation Area.

Biodiversity impact- owing to loss of trees.

Amenity- overbearing impact on adjacent occupiers, loss of light, smoke from multi fuel stove would pollute area, impact on neighbours.

Access issues- extra traffic would result in traffic hazards/ parking issues/necessity of access onto Tan Y Castell- when there is access onto Dog Lane.

Other matters raised:

Accuracy of submission- reference to vacant plot is incorrect.

Structural damage- Potential for damage to no. 6 if proposal is permitted to be built.

Financial consequences- loss of value and rental incomes for adjacent occupiers.

Re-positioning of street lamp- would not be acceptable to front of no. 6.

EXPIRY DATE OF APPLICATION: 03/04/2013

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks full planning permission for the erection of a dwelling and formation of new access on land between no's 5 and 6 Tan Y Castell, Ruthin.

1.1.2 A bungalow is proposed to be sited centrally on the plot, with amenity areas to the north and south.

1.1.3 Access is proposed on the northern side of the site from Dog Lane (an existing access) and from the eastern side of the site onto Tan Y Castell. Parking and turning is proposed to the west of the dwelling. (See the plan at the front of the report for proposed details.)

1.1.4 The proposed dwelling would comprise of two bedrooms and living accommodation. Materials proposed are render, facing stone, tiled roof, and upvc windows, doors and rainwater goods.

1.1.5 The plans show the existing trees and shrubs on the site to be removed. The 2 metre stone wall to the north of the site bounding Dog Lane, and the 2.5 metre wall to the south west and the panel fencing along the south and eastern boundaries would be retained as existing.

1.1.6 The application submission includes the following documents:

- Design and Access Statement (DAS) which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
- Information on how this proposal aims to achieve Code Level 3 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is located in a primarily residential area, off Dog Lane to the south of Ruthin town centre.
- 1.2.2 The estate of Tan Y Castell comprises of mainly bungalows of a similar design to the one now proposed with rendered walls, and tiled roofs. There is a two storey office building opposite the entrance to the cul de sac. The northern boundary of the estate is bounded by a substantial 2 metre high stone wall.
- 1.2.3 The land between no. 5 and no. 6 Tan Y Castell originally formed part of the garden area of no. 5 when the site was developed in the late 1970's, however the plots have since been divided.
- 1.2.4 It is a relatively flat site, with established landscaping in the form of some trees and shrubs.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Ruthin, and it is also within the Conservation Area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 None.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

- Policy GEN 1 Development within Development Boundaries
- Policy GEN 6 Development Control Requirements
- Policy CON 5 Development in Conservation Areas
- Policy CON 11 Areas of Archaeological Importance
- Policy TRA 6 Impact of New Development on Traffic Flows
- Policy TRA 9 Parking and Servicing Provision
- Policy ENV 1 Protection of the Natural Environment
- Policy ENV 6 Species Protection

3.2 SUPPLEMENTARY PLANNING GUIDANCE

- SPG 21 Parking provision in new developments
- SPG 26 Residential Space standards
- SPG 18 Nature Conservation and Species Protection

3.3 GOVERNMENT GUIDANCE
Planning Policy Wales Edition 5
TAN 12 Design
TAN 22 Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Amenity impact
- 4.1.4 Highway safety impact
- 4.1.5 Sustainable buildings
- 4.1.6 Archaeology
- 4.1.7 Ecology
- 4.1.8 Sustainable buildings

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of residential development on the plot accords with Policy GEN 1, as the site is located within the development boundary of Ruthin, where the principle of such development is acceptable. Policy GEN 6 must be applied to assess the detailed impacts of this full planning application, and the detailed issues are considered under this policy as set out below. CON 5 is also of relevance as the site is located in the Conservation Area, this policy allows development which preserves or enhances the character or appearance of the conservation area.

4.2.2 Impact on visual amenity

Policy GEN 6 contains general considerations to be given to the visual impacts of new development. CON 5 is also of relevance as the site is located in the Conservation Area.

A bungalow is proposed, with a stone and render finish and tiled roof. It would reflect the design and materials of the existing dwellings on the cul de sac. To facilitate the development the site would be cleared of trees and vegetation. The boundary treatment to Dog Lane would remain as existing. The Conservation Officer has raised no objection to the proposal. The Consultant Tree Officer has also considered the proposal and does not consider the trees and shrubs on site to have significant amenity value.

In Officer's opinion, the detail of the proposal, which has been designed in a similar manner to neighbouring dwellings, means the bungalow can be accommodated on site without detriment to the visual amenity of the area. The site clearance would facilitate the erection of the dwelling. The presence of a range of trees and shrubs on the site are noted, however as per the Tree Officers recommendation, none of the vegetation warrants special protection. A condition could be attached to ensure a landscaping scheme is submitted for further consideration if the development is permitted. Whilst it is noted that neighbours have raised concern over the visual impact of the development and the loss of vegetation on the site, for the reasons outlined above Officer's do not consider this issue to be a significantly negative factor.

It is not considered the proposal would conflict with GEN 6 or CON 5 criteria relating to visual amenity.

4.2.3 Impact on residential amenity

Policy GEN 6 sets specific tests to be applied to amenity impacts of development.

The plans show that the dwelling can be accommodated on the site with amenity space, and parking. Windows are proposed on three elevations. There would be screening on the side boundaries with a minimal height of 1.5 metres.

As the application proposes a bungalow, which is sited centrally on the plot, where there is adequate boundary screening, it is considered that the proposal would not result in unacceptable loss of amenity for adjacent occupiers by virtue of loss of light or overlooking, which is a concern of adjacent occupiers. It is not considered that the residential amenity impacts of the development would be so great as to warrant refusal of the permission.

It is not considered the proposal would conflict with GEN 6 criteria relating to residential amenity.

4.2.4 Impact on highways safety

Policy GEN 6 and TRA 6 and TRA 9 require consideration of access and highway safety issues.

The proposal includes off road parking to the west of the site from the existing Dog Lane Access. An access is proposed onto Tan Y Castell. Tan Y Castell is cul de sac with sections of pavement, there is none to the front of the site. Highways Officers have raised no objection to the proposal subject to the inclusion of planning conditions to control the retention of the parking area.

Although concerns have been raised by residents over the potential impact of the development on parking and highways safety, the application proposes a two bedroom dwelling which is unlikely to generate substantial traffic volumes. The proposal includes two access points and parking areas (more than adjacent dwellings), therefore it is not considered that there are policy conflicts relating to access and highway safety.

The proposal is considered to comply with Policy GEN 6, Policy TRA 6 and Policy TRA 9.

4.2.5 Sustainable buildings

Planning Policy Wales requires that all new dwellings meet Code Level 3 of the Code for Sustainable Homes and achieve at least 1 credit under ENE 1.

Reference is made to the Code for Sustainable Homes in the supporting information submitted with the planning application which demonstrates the Code requirements can be met. The proposal is set to achieve Code Level 3 and achieve 1 credit under ENE 1.

It is considered the information provided demonstrates that the proposal could meet the relevant sustainable buildings policy requirement; a condition could be attached as per PPW and TAN guidance.

4.2.6 Archaeology

Policy CON 11 requires consideration of the archaeological impacts of development prior to the decision being made.

Owing to the location of the site in Ruthin there may be potential for the site to have some archaeological significance. CPAT have requested a condition be attached to any permission to evaluate the archaeological significance of the site prior to the commencement of development.

It is considered that attaching a condition to any consent would ensure that the proposal would not impact on an area of archaeological significance in keeping with policy CON 11.

4.2.7 Ecology

Unitary Plan policies, Welsh Government guidance and current legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection.

The County's Biodiversity Officer has visited the site and considered the details of the proposal, whilst the presence of vegetation on the site has been noted, its size and potential to support wildlife is considered to be limited. The Biodiversity Officer has raised no objection on grounds of impact on ecological interests, subject to imposition of a pre-cautionary condition to make the Applicant aware of the potential presence of bats in the ivy and any works being undertaken outside of the bird breeding season. The conditions are considered likely to ensure suitable protection in the event that any protected species are uncovered during site clearance works.

4.2.8 Other matters

Regarding the concerns of the residents in relation to the precise wording of the existing use of land, the construction impacts, the land value impacts and the smoke issues; with respect to their views, these issues are not considered to be material to a decision on a proposal for the dwelling. The planning considerations are considered above.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the relevant policies and therefore recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. PRE-COMMENCEMENT CONDITION

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

(a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

(b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;

(c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.

3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

4. PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the wall, roof rainwater goods and windows materials to be used for the development hereby permitted and no materials other than those approved shall be used.

5. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute for Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

6. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

7. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

8. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

9. **PRE-COMMENCEMENT CONDITION**

The access shall be laid out and constructed in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.

10. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

11. Notwithstanding the provisions of Classes A, B, C, D and E 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 further grant of planning permission of the Local Planning Authority.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

13. All site clearance works should be carried out between November and end of March to avoid potential disturbance to breeding bats and/or birds.

14. Prior to the felling of trees on the site, all ivy shall be removed from trees carefully and by hand, checking for the presence of bats. If a bat is found all work must cease and CCW contacted immediately.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interests of investigation and recording of historic/listed buildings.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
11. In the interests of the amenities of occupiers of nearby residential property.
12. In the interests of the amenities of occupiers of nearby residential property.
13. In the interest of safeguarding the conservation of protected species.
14. In the interest of safeguarding the conservation of protected species.

NOTES TO APPLICANT:

Your attention is drawn to the attached correspondence from Dwr Cymru/Welsh Water dated 13/02/2013.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).