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 COUNTY COUNCIL

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Heading:

02/2013/0085
 Land at Maes Hafod
 Ruthin

3



Application Site



Date 6/3/2013

Scale 1/2500

Centre = 311515 E 358349 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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ITEM NO: 3
WARD NO: Ruthin
APPLICATION NO: 02/2013/0085/ PF
PROPOSAL: Erection of a terrace of 3 no. dwellings and construction of new vehicular accesses (site area 0.05ha)
LOCATION: Land used for garage block Maes Hafod Ruthin
APPLICANT: Cymdeithas Tai Clwyd Cyf
CONSTRAINTS: Public Right Of Way
PUBLICITY UNDERTAKEN: Site Notice - Yes
 Press Notice - Yes
 Neighbour letters - Yes

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

- Application on Council land

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL
 'No objection'.

WELSH WATER / DWR CYRMU
 No objection.

FARMING AND WILDLIFE ADVISORY GROUP (FWAG)
 No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
 Head of Highways and Infrastructure
 - Highways Officer
 No objections, subject to inclusion of conditions relating to access details and parking.

- Rights of Way Officer
 No objections, subject to note to applicant regarding right of way crossing the site.

RESPONSE TO PUBLICITY:

Representations received from:
 L Howatson and I Lewis, 67 Maes Hafod, Ruthin (by email).

Summary of planning based representations in objection:
 Safety of children- site is immediately adjoining a children's play area and may endanger children's safety/site should be used for a youth project.
 Questionable need- introducing more housing in area of oversubscribed schools/ will not protect Welsh language, over concentration of rented properties.
 Visual amenity- loss of trees and potential implications for wildlife.

Highway safety- Additional cars on highway dominated by parked cars/ speed of traffic poses dangers/ parked cars near playground.

EXPIRY DATE OF APPLICATION: 21/03/2013

REASONS FOR DELAY IN DECISION (where applicable):

- Timing/ 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 3 no. dwellings and the construction of new accesses on 0.05 hectares of land at Maes Hafod in Ruthin. It is an amended scheme to that previously granted by Planning Committee in February 2012.
- 1.1.2 The main difference is the layout of the development. 3 dwellings are still proposed. The three dwellings would be linked in a terrace, and would be sited fairly centrally on the plot with amenity areas to the west (rear) and dropped kerbs to 5 off street parking spaces to the east (front). See the plan at the front of the report for proposed layout and detailing.
- 1.1.3 Each dwelling would comprise of living accommodation on the ground floor and two bedrooms at first floor level.
- 1.1.4 The site plan shows that the existing trees on the site would be removed and replaced with new planting in the front garden areas (as previously proposed). Bin storage and a small shed are proposed in the garden/ amenity area of each dwelling.
- 1.1.5 An existing public footpath which crosses the site is proposed to be re-directed along the northern boundary of the site to facilitate the proposal.
- 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.
 - The DAS also refers to the development being for 100% affordable housing. Cymdeithas Tai Clwyd are the applicant and intend to develop the site.
 - Information on how this proposal aims to achieve Code Level 4 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is located on land to the west of the Maes Hafod Estate in Ruthin. The site was formerly occupied by council owned garages. These have since been removed, and only a wall remains on site.
- 1.2.2 It is a flat site, mainly comprising of the old vehicle hardstandings. There is a grassed area to the east (in front of the wall). There are two Sycamore trees in this area.
- 1.2.3 It is located in a primarily residential area to the west of Ruthin Town Centre, with open agricultural land to the west. There are dwellings to the east and south and a children's play area to the north.

1.2.4 There is a mix of dwelling types in the area, including semi-detached two storey brick built dwellings opposite the site, brick and render terraces to the north and south and single dwellings in the wider area.

1.2.5 Access to the site is from the estate road serving Maes Hafod which runs off of A525.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Ruthin. A public footpath crosses the site.

1.4 Relevant planning history

1.4.1 Planning permission was granted by Planning Committee on the 15th November 2012 for a similar scheme. The main differences between this proposal and the approved scheme are the layout, which has changed slightly to accommodate the footpath on the northern side of the site, the layout of the dwellings which are now stepped in from the north, and the amount of parking.

1.5 Developments/changes since the original submission

1.5.1 Since the submission of the original application in September, an arboricultural survey and updated DAS were submitted.

1.6 Other relevant background information

1.6.1 The application is being considered by Planning Committee as Denbighshire County Council own the application site.

2. DETAILS OF PLANNING HISTORY:

2.1 02/2011/1041/PF Erection of terrace of 3 no. dwellings and construction of accesses on 0.05 ha of land. Granted planning permission by Planning Committee on the 15th February 2012.

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 HSG 3 Housing Development in Main Villages
Policy HSG 10 Affordable housing within development boundaries
Policy TRA 6 Impact of New Development on Traffic Flows
Policy TRA 9 Parking and Servicing Provision

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 8 Access for All
SPG 21 Parking provision in new developments
SPG 22 Affordable housing in new developments
SPG 26 Residential Space standards

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 Affordable housing

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. Within development boundaries the development of the land for residential purposes is considered acceptable subject to compliance with the general development control criteria as set out in Policy GEN 6. It is also to be noted that planning permission was granted for the development of the site in February 2012. This site is not part of the allocated play area REC 1 area, which lies to the north of the site.

With respect to concerns expressed over the need for dwellings and the potential impacts on Welsh language, schools, safety of children, and an overconcentration of rented properties in the area, Officers would not consider an application of 3 dwellings on a site in one of the County's towns with an existing permission for a similar development, could reasonably be opposed on those grounds.

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.

4.2.2 Impact on visual amenity

Policy GEN 6 contains general considerations to be given to the visual impacts of new development.

A terrace of three dwellings is proposed, with dormer features to the front. Materials proposed are brick and tiled roofs. To the south and north are terraced dwellings. The southern dwellings are finished in brick, the northern dwellings are finished in render. The application proposes the felling of two mature Sycamore trees on the site. The tree survey submitted with the application refers to the trees as self set, multi-stem trees and states that they are in poor condition. Some landscaping is proposed in the front gardens of the application site, and a full detailed landscaping scheme would be a condition of any consent.

There are no landscape designations in the area which preclude the development of the site in the manner proposed or require a higher standard of design or quality of materials. The loss of the existing sycamore trees could not justify resisting the development on grounds of visual amenity or impact on wildlife.

In Officer's opinion the nature of surrounding development and detail of the proposal means the dwellings can be accommodated on site without detriment to the visual amenity of the area. It is not considered the proposal would conflict with GEN 6 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 dwellings can be accommodated on the site with adequate amenity space, and parking/turning. Windows are proposed on all elevations, at ground and first floor level.

There would be a distance of 20 metres from the front elevation of the proposed dwellings across the road to the front elevation of the dwelling to the east, and 10 metres to the side elevation of the dwelling to the south.

In view of the siting of the proposal in relation to adjacent dwellings, it is considered that the proposal would not result in a significant loss of amenity for adjacent occupiers by virtue of loss of light or overlooking.

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 parking areas for the three dwellings to the east of the site, in front of the dwellings. To access the parking spaces additional dropped kerbs would be installed off Maes Hafod, to the south of the existing access.

Highways Officers have raised no objection to the proposal subject to the inclusion of planning conditions to control the details of the access and retention of the parking and turning areas.

Considering the previous use of the site was garaging and more recently a parking area, it is unlikely that the proposals would result in significantly more traffic movements than the previous uses. This combined with the nature of the development, i.e. three two bedroom dwellings is unlikely to have a significant impact on traffic volumes on Maes Hafod, and would not give rise to additional safety concerns in relation to the adjacent children's play area.

It is not considered there are policy conflicts relating to access and highway safety and that the proposal complies 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.

A full Code for Sustainable Homes Assessment has been submitted with the planning application which demonstrates the Code requirements can be met. The proposal is actually set to achieve Code Level 4 and achieve 3 credits under ENE 1 which goes over the minimum standard required by the policy.

It is considered the information provided demonstrates that the proposal could meet the relevant sustainable buildings policy requirement.

4.2.6 Affordable housing

The requirement to consider the provision of affordable housing in new development within settlements is set out in Policy HSG 10 of the Unitary Plan, and is detailed further in SPG 22 Affordable Housing in new

developments.

The submission confirms that the scheme would be developed by Cymdeithas Tai Clwyd, as there is an identified need for affordable housing in the Ruthin Area. The Affordable Housing Officer has advised previously that the proposal would be fully supported as all units would be affordable.

The proposals are creating a 100% affordable provision so pose no conflict with current policy on provision in SPG 22. Concerns over an over provision of rented properties would not be a reasonable basis for resisting the development.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the relevant policies and is 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. The development shall not begin until the mechanism for securing the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type and tenure of the affordable housing provision to be made;
 - ii. the arrangements for the management of the affordable housing by the Registered Social Landlord;
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
3. **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.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning

Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

6. Construction of the dwellings 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 each individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

7. The dwellings 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 dwellings 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. Prior to the commencement of the use hereby permitted, the written approval of the Local Planning Authority shall be obtained in respect of the siting and design of the vehicular access and footway crossing to the site and the access and footway crossing shall be constructed strictly in accordance with the approved details.

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 shall be completed prior to the development being brought into use.

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 there are adequate arrangements to secure the provision and retention of affordable housing.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of visual amenity.
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 order that in the interests of highway safety the Local Planning Authority may control the matters referred to.
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.

NOTES TO APPLICANT:

Your attention is drawn to the following Welsh Water Advisory Notes:-
SEWERAGE
Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

WATER SUPPLY

The developer is advised to contact our New Connections Design Department, Players Industrial Estate, Swansea, SA6 5BQ, to discuss this prior to the commencement of any site work. Telephone 01792 841000 for further information on this matter.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connections Design Department, Players Industrial Estate, Clydach, Swansea, SA6 5BQ.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980. You are advised public footpath No. 10 (Ruthin Community) crosses the application site. A footpath diversion order must be applied for prior to the commencement of development and you are advised this process may take up to 9 months to complete. You are advised to contact the Public Rights of Way Unit to discuss the matter further.