



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:

14/2013/0501

Plot 1 adj St Mary's Church

Cyffylliog

3

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ



Application Site



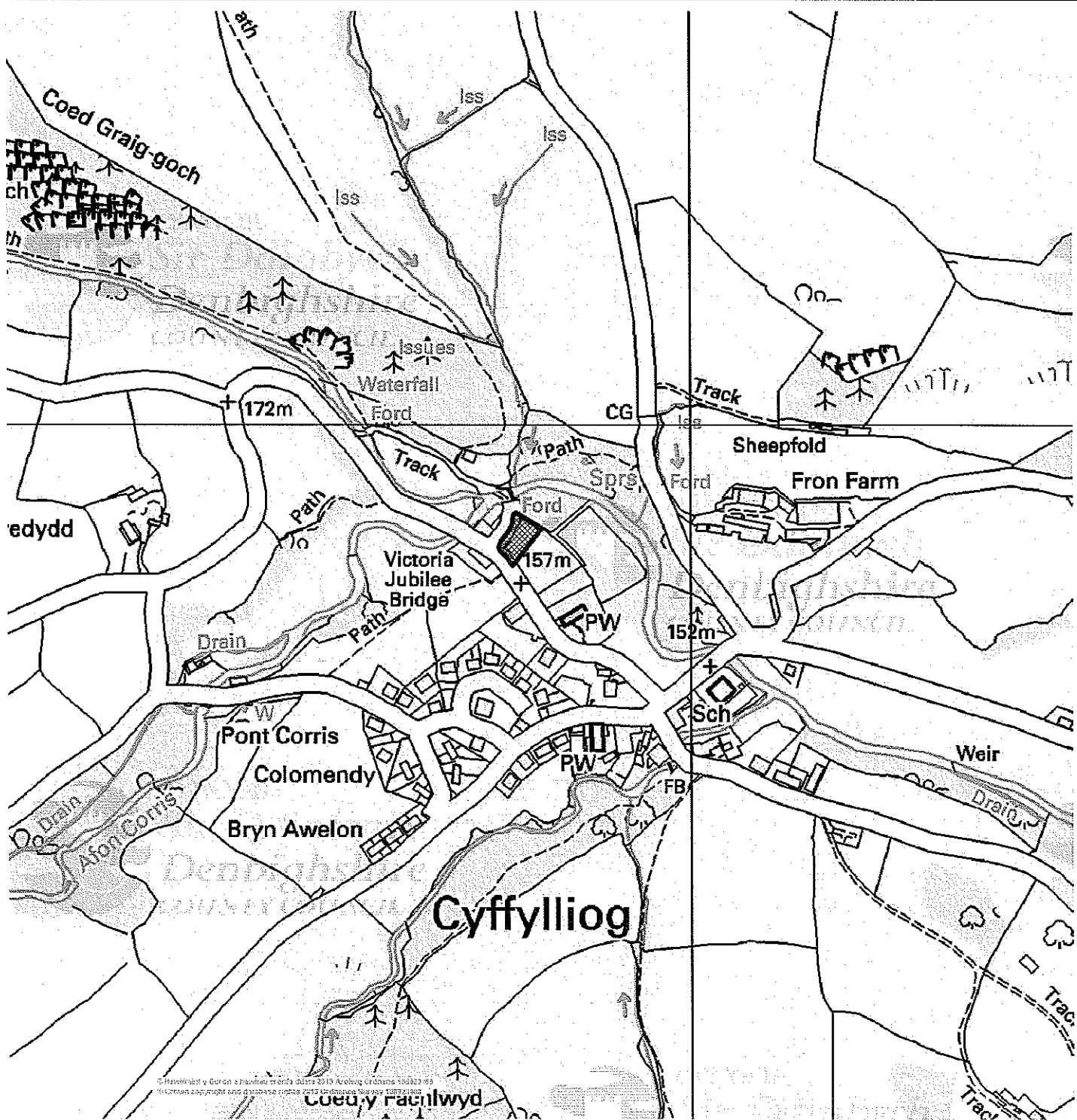
Date 11/7/2013

Scale 1/5000

Centre = 305866 E 357876 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.

Tel: 01824 706800 Fax: 01824 706709



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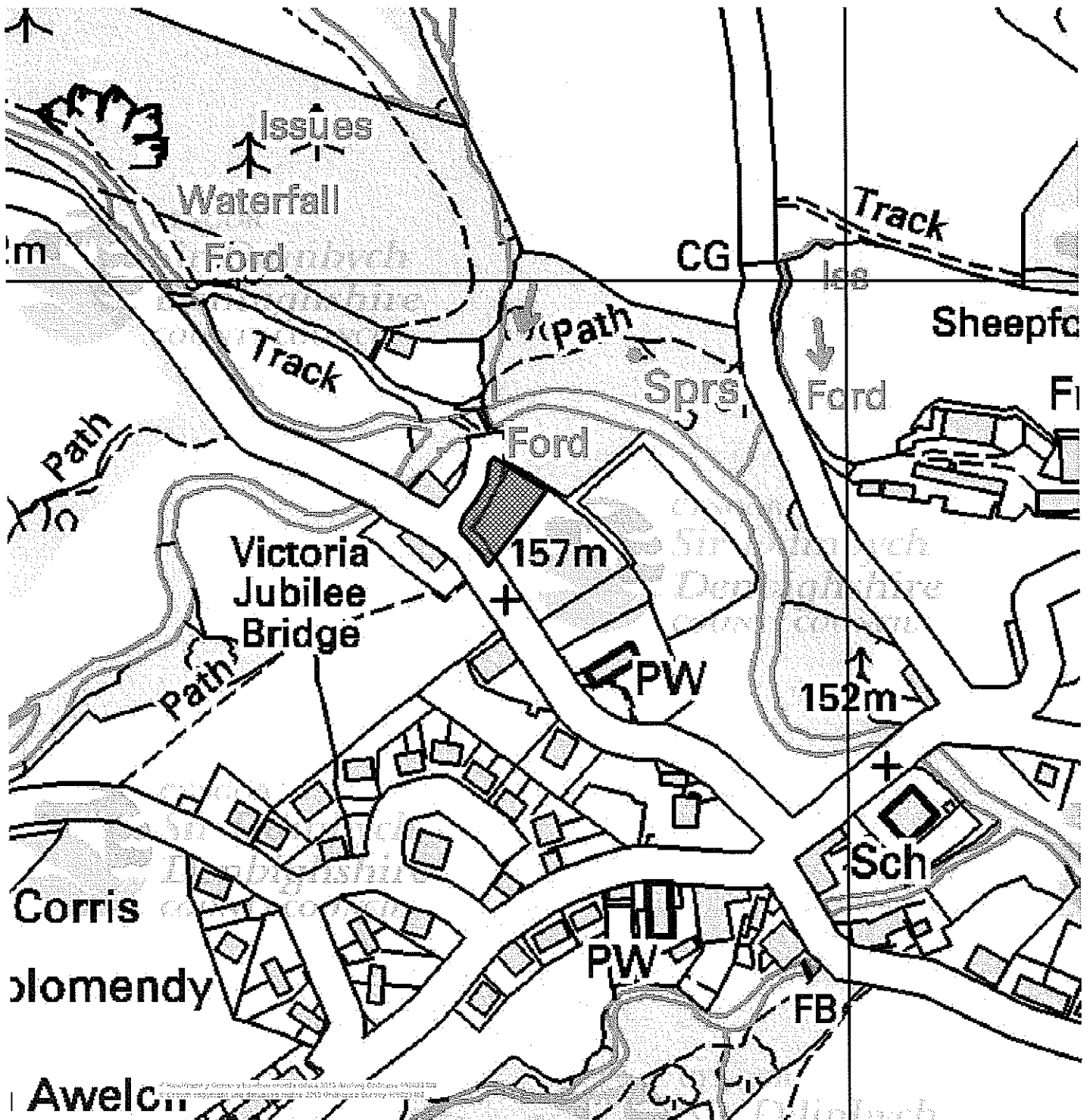


Date 11/7/2013

Scale 1/2500

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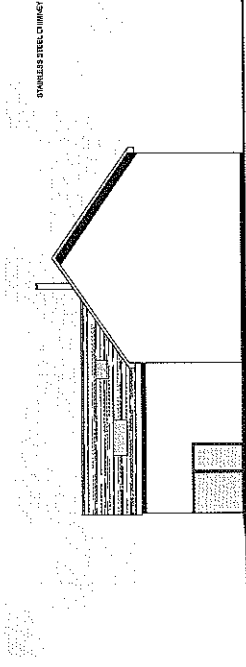
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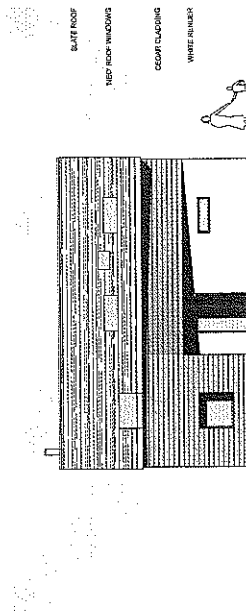
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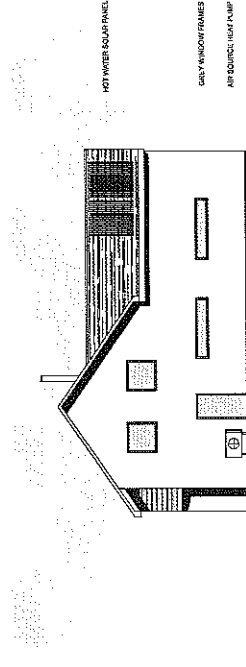
ELEVATION PLANS



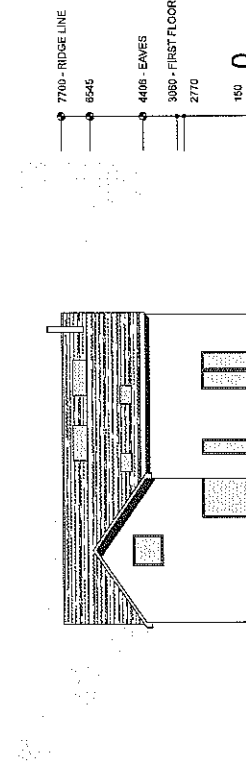
1 FRONT ELEVATION
SCALE 1:100 (A1)



2 SIDE ELEVATION - WEST (towards Hyffysle)
SCALE 1:100 (A1)



3 SIDE ELEVATION - EAST
SCALE 1:100 (A1)



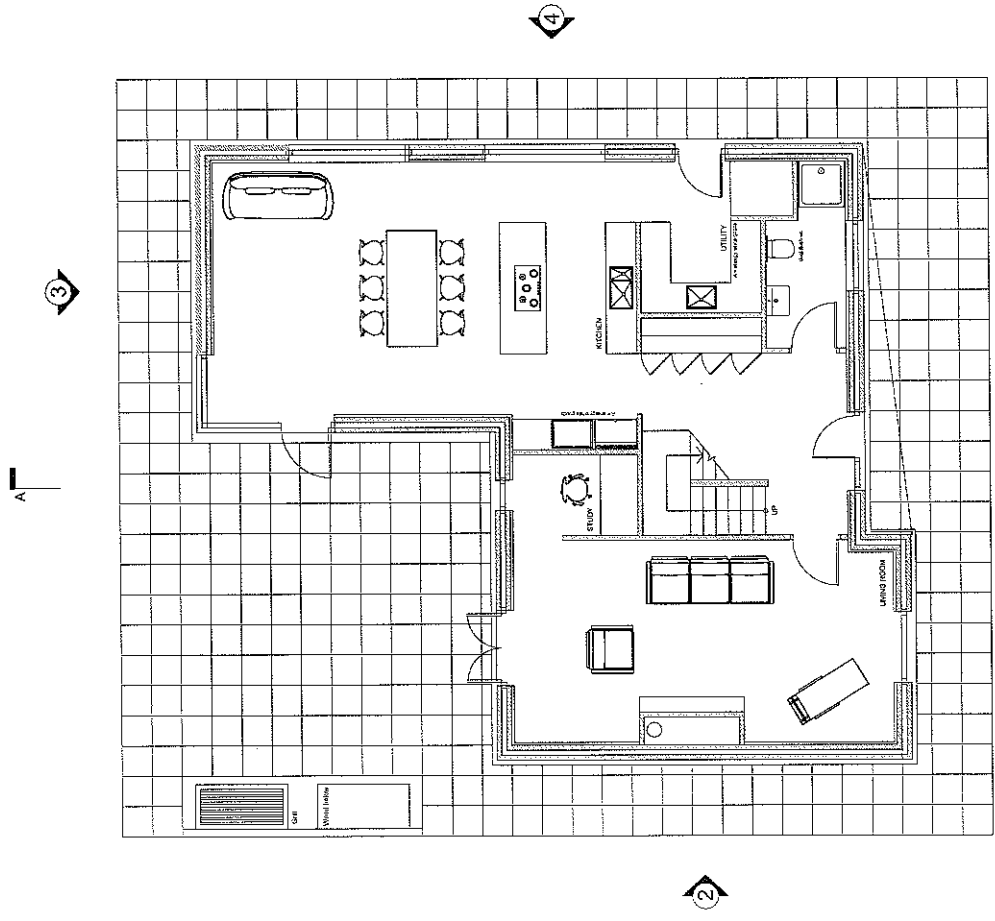
4 BACK ELEVATION
SCALE 1:100 (A1)

CP-310 / Elevations - Proposed

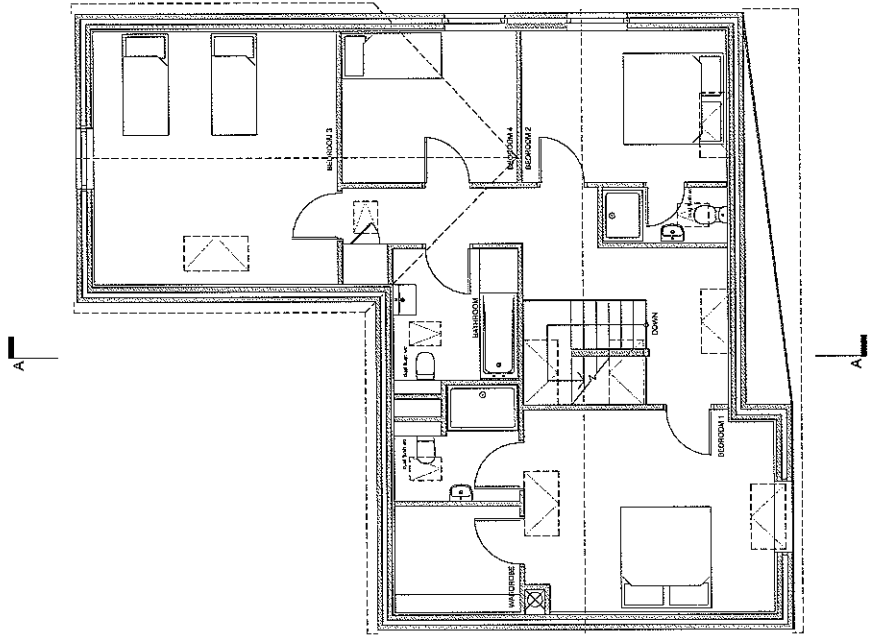
PLOT 1 - LAND NEAR ST. MARY'S CHURCH, CYFFYLLIOG



FLOOR PLANS



GROUND FLOOR PLAN
SCALE 1:50 (A1)



FIRST FLOOR PLAN
SCALE 1:50 (A1)



ITEM NO: 3

WARD NO: Llanrhaeadr Yng Nghinmeirch
WARD MEMBER: Councillor Joe Welch

APPLICATION NO: 14/2013/0501/ PF

PROPOSAL: Erection (on 0.09 ha of land) of a two-storey dwelling, construction of new vehicular access, installation of new septic tank and resiting of existing septic tank for Bryn Llan

LOCATION: Plot 1 Land Adjacent To St Marys Church Cyffylliog Ruthin

APPLICANT: Mr & Mrs E Evans

CONSTRAINTS: PROW
C2 Flood Zone
Groundwater Vulnerability 1
EA Floodmap Zone 2

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL:
No response at time of drafting report.

CLWYD POWYS ARCHAEOLOGICAL TRUST:
No objection subject to a watching brief being conditioned and undertaken during construction works.

NATURAL RESOURCES WALES:

- *Flooding:* The application site is just outside the 0.1% probability flood outline, and the site is therefore not considered to be at significant flood risk. Ideally however, the floor levels should be raised at least 300mm above the existing ground level to further reduce the risk of flooding.
- *Biodiversity:* There is a potential for bats to be affected by the proposal, should mature trees be felled.

DWR CYMRU / WELSH WATER

No objection as the applicant proposes to use a septic tank facility.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Transport and Infrastructure

- *Highways Officer:* No objections
- *Footpaths Officer:* No objections

Biodiversity Officer:

No objections subject to the recommendations in the ecology report being followed.

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 18/6/13

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of a dwelling, detached garage and construction of an access on land adjacent to St Marys Church, Cyffylliog.
- 1.1.2 A two storey dwelling is proposed in the form of an 'L' shape, set back from the road frontage with the parking and turning to the front. The proposed dwelling comprises 4 bedrooms and associated living areas and detached garage.
- 1.1.3 Materials proposed are a mix of cedar cladding and render with slate roof and painted timber doors and windows.
- 1.1.4 The detailing of the proposal and the site layout can be seen in the plans attached to the front of this report.

1.2 Description of site and surroundings

- 1.2.1 The site is located on a parcel of land immediately north of St Marys Church and graveyard which is on the north-western side of the village of Cyffylliog.
- 1.2.2 The site comprises former agricultural land, which slopes slightly down to the east. Further east lies the river, Afon Clywedog.
- 1.2.3 The site is accessed off a minor road on the west which runs from Pentre Saron to Cyffylliog. There is a hedgerow and some trees along the boundaries. There is woodland to the rear, and a designated area of public open space.
- 1.2.4 Development in the surrounding area is typically well spaced detached dwellings, set back from the road.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Cyffylliog.

1.4 Relevant planning history

- 1.4.1 There is a long history to the plot and adjacent plots, which has established the acceptability of the general principle of housing development in this. The last permission for a dwelling on this plot was granted in 2008.

1.5 Developments/changes since the original submission

- 1.5.1 Additional information has been submitted in relation to the recently adopted Local Development Plan including justification for the proposed development density, and acceptance of the principle of public open space provision.

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 14/2007/1368

Erection of detached bungalow and installation of new septic tank – GRANTED - 09/05/2008.

14/2004/0645/PF

Erection of three bungalows and construction of vehicular access and installation of new septic tanks – REFUSED – 26/1/2005

14/789/98/PF

Erection of three bungalows and construction of vehicular access and installation of septic tanks (renewal of planning permission previously approved under Code No. 24/13,488) – GRANTED – 13/11/1998.

24/13488/PF

Erection of three bungalows and construction of vehicular access and installation of septic tanks – GRANTED – 1/7/1993.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD 1 – Sustainable development and good standard design

Policy BSC 1 – Growth strategy for Denbighshire

Policy BSC 3 – Securing infrastructure contributions from development

Policy BSC 11 – Recreation and open space

Policy VOE 5 – Conservation of natural resources

Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance

SPG 4 – Open space requirements in new development

SPG 6 – Trees and development

SPG 7 – Residential space standards

SPG 18 – Nature conservation and species protection

SPG 25 – Residential development design guide

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012

Technical Advice Note 5 – Nature conservation and planning (2009)

Technical Advice Note 12 – Design (2009)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 22 – Sustainable Buildings (2010)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Density of development
- 4.1.3 Impact on visual amenity
- 4.1.4 Impact on residential amenity
- 4.1.5 Impact on biodiversity
- 4.1.6 Recreation and open space
- 4.1.7 Impact on flooding
- 4.1.8 Impact on highway infrastructure
- 4.1.9 Design and Access/Sustainability Code/Access for All

4.2 In relation to the main planning considerations:

4.2.1 Principle:

Planning Policy Wales 5, 2012 (PPW) confirms the general requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2).

In relation to the principle of the development, the relevant planning policy context in the Local Development Plan is Policy BSC 1 which sets out the basic growth strategy for Denbighshire and makes provision for new housing development, including within settlements like Cyffylliog which are defined as villages. Policy RD1 relates to development proposals within development boundaries and sets out tests to ensure that development proposals do not have an unacceptable impact on the amenity and appearance of the area.

The site being considered is within the development boundary of Cyffylliog, and therefore the principle of development is considered acceptable subject to an assessment of impacts as set out below.

4.2.2 Density of development:

Policy RD 1 states that development should make the most efficient use of land by achieving a minimum density of development, unless local circumstances dictate a lower density. Policy RD 1 also requires development to respect the character of the surrounding area.

The site measures approximately 0.09ha, and based on the required density could accommodate 3 dwellings. The surrounding area is not densely developed, and is characterised by large detached dwellings in generous plots, with no discernible road frontages. There are two extant planning permissions on adjacent sites for single dwellings on similar sized plots as this.

In Officer's view, it is considered that to develop a site of this size, in this location with three dwellings would be incongruous in the context of the character of the area, especially given the extant planning permissions for single dwellings on adjacent plots. It is accepted therefore that in this instance it is reasonable to allow a lower density figure than 35 dwellings per hectare referred to in Policy RD 1 as appropriate to make the most efficient use of land.

4.2.3 Impact on visual amenity:

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the visual amenity of the area. There is a general requirement for development proposals to respect the site and surroundings by virtue of siting, scale, form, character, materials and spaces in and around buildings. Public views into and out of townscapes and across the open countryside should be respected.

The proposed two storey dwelling would be sited within an area characterised by spacious development, and two storey dwellings. The dwelling would be constructed with cedar cladding, render and slate roof. Within the surrounding area there is a wide range of building materials evident. The proposed dwelling would be set back from the highway with parking and turning area located to the front, replicating the general form of development within the locality. The area typically has mature vegetation and trees forming boundaries.

It is considered that the scale and form of the dwelling are in keeping with the character of the area. The choice of materials is considered acceptable in this location, and the layout of the site would not appear at odds with the surrounding area. Within the scheme there is scope for suitable landscaping to help assimilate the development into the character of the area. The proposal is therefore considered to be acceptable in terms of visual amenity and its impact upon the character of the area, and is in accordance with Policy RD 1 in terms of visual amenity.

4.2.4 Impact on residential amenity:

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the residential amenity of the area. There is a general requirement for development proposals to not result in a loss of amenity for neighbouring dwellings by virtue of overlooking, increased activity, and disturbance. Adequate standards of amenity for the proposed development itself should also be provided. Supplementary planning guidance note 7 advises that a minimum amount of amenity space for a dwelling is 40 square metres.

The nearest dwelling to the proposed dwelling is Hyfrydle, some 20 metres to the north of the site. There are no dwellings directly opposite the site, and none to the south. There are no windows proposed to the elevation facing Hyfrydle. The proposed dwelling would have a garden well in excess of 100 square metres.

Given the separation distances involved, and the location of windows, it is not considered that the proposed dwelling would result in a loss of amenity for surrounding properties. With in excess of 100 square metres of garden space, the proposed dwelling would have sufficient amenity space for future occupants. In terms of residential amenity the proposed dwelling is considered acceptable and in accordance with the relevant planning policies and guidance.

4.2.5 Impact on biodiversity:

There is a general requirement in Policy RD 1 for development proposals to protect the natural environment. This is expanded on in Policy VOE 1 and VOE 5. Guidance is offered in Supplementary Planning Guidance Note 18, Nature Conservation and Species Protection.

Within the site and along the boundaries are a number of mature trees. These trees have the potential to be host to protected species and other wildlife. They are also landscape features in their own right. The proposal seeks to remove a number of them to allow for the development. The site has been surveyed for protected species, and an arboriculture report has been submitted. No objections have been received from Natural Resources Wales, or the County Council Biodiversity Officer.

It is accepted that some trees will need to be removed from the site if the development is to proceed. There is scope to assess the site further to retain

some trees, and to replant new ones as mitigation for the lost trees. The applicant has agreed to the imposition of planning conditions to secure this. In terms of wildlife, the advice of the County Council Biodiversity Officer is that the proposal is acceptable provided the recommendations in the ecological report are followed. The proposal is therefore considered acceptable in terms of biodiversity; subject to the imposition of relevant conditions.

4.2.6 Recreation and open space:

Policy BSC 3 seeks to secure, where relevant, infrastructure contributions from development. Policy BSC 11 requires all new residential development to provide a contribution to recreation and open space either on site, or by the provision of a commuted sum.

The proposal is for a single dwelling. Almost immediately to the rear of the site is an area designated as public open/recreation space. The applicant has agreed to pay a commuted sum in the region of £2660 towards the provision of improved facilities, and the ongoing maintenance of the recreation space in Cyffylliog.

It is considered that in this instance the provision of a commuted sum is preferable to the option of on site provision, given that the proposal is for a single dwelling. It is therefore considered that the proposal is in accordance with Policy BSC 3 and Policy BSC 11, subject to a condition to secure the mechanism by which the commuted sum would be secured.

4.2.7 Impact on Flooding:

Policy RD 1 and Technical Advice Note 15, seek to prevent development which would increase the risk of flooding in areas, or be at significant risk from flooding.

The proposal has been assessed by Natural Resources Wales, who advise that the site is just out side of the 0.1% probability flood outline, and the site is therefore not considered to be at significant flood risk. Ideally however, the floor levels should be raised at least 300mm above the existing ground level to further reduce the risk of flooding.

On the basis of the comments of Natural Resources Wales, it is considered that the proposal is in accordance with the requirements of TAN 15 and Policy RD 1. The proposal is therefore considered acceptable in terms of flood risk.

4.2.8 Impact on highway infrastructure:

Policy RD 1 and Technical Advice Note 18, contain criteria that seek to ensure development proposals do not have an adverse impact on highway safety.

The proposal involves a new access onto the highway, and the closure of the existing field access. It would feature visibility splays, and a low boundary wall at 750mm. There is a parking and turning area to the front of the dwelling, along with a garage. No objections have been received from the Highway Officer.

With regard to the requirements of Policy RD 1 and TAN 18, it is considered that the proposal is acceptable, and would not have an adverse impact upon the highway infrastructure.

4.2.9 Design and Access/Sustainability Code/Access for All

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a

range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions can be included to ensure the development is carried out in accordance with the requirements of Sustainability Code guidance.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with policy and it is therefore recommended that permission be granted.

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

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.

3. PRE-COMMENCEMENT CONDITION

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

4. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

5. 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.

6. 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.

7. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is brought into use.

8. Floor levels shall be set at a minimum level of 300mm above average ground levels.

9. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority.

Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

10. 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 completion of the development 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.

11. **PRE-COMMENCEMENT**

No development shall take place until the mechanism for securing the provision of Recreation and Open space has been agreed in writing with the Local Planning Authority.

12. 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 will be undertaken to the standards laid down by the Institute for Archaeologists. 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 watching brief 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 tel: 01938 553670 within two months of the fieldwork being completed.

13. The new 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 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

14. 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 that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

15. 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 November 2010.

The reason(s) for the conditions(s) is(are):

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. 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.
4. In the interests of amenity
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. 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.
7. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
8. To protect the development from flooding.
9. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
10. To ensure a satisfactory standard of development, in the interests of visual amenity.
11. In the interest of providing public open space.
12. In the interest of recording the historical environment.

13. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
14. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
15. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.

NOTES TO APPLICANT:

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).