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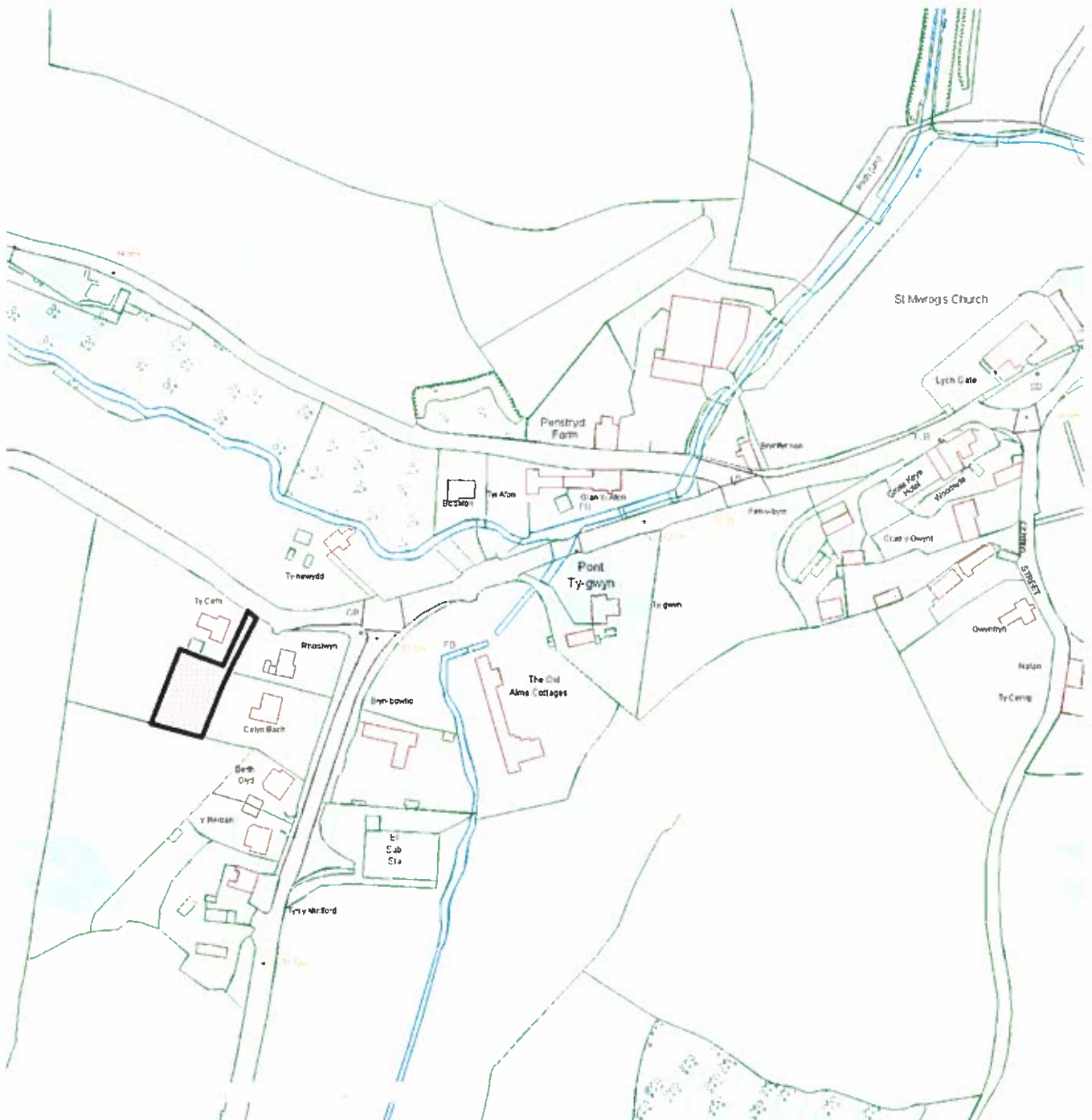
 Application Site



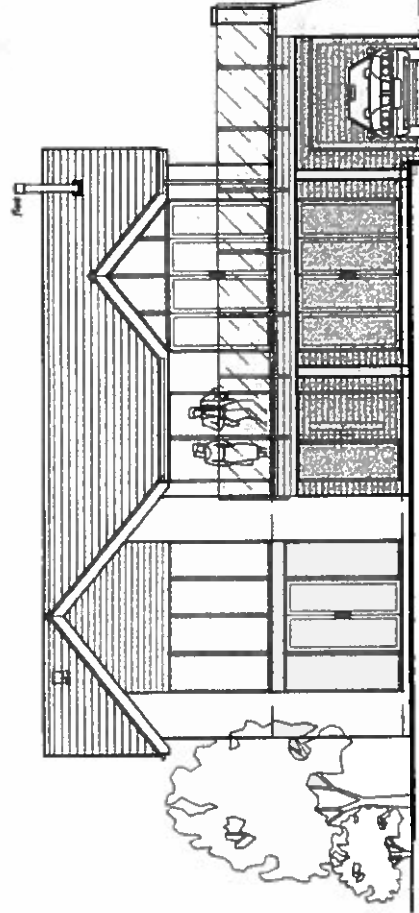
Date 2/10/2013
Centre = 311155 E 357730 N

Scale 1/2500

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.

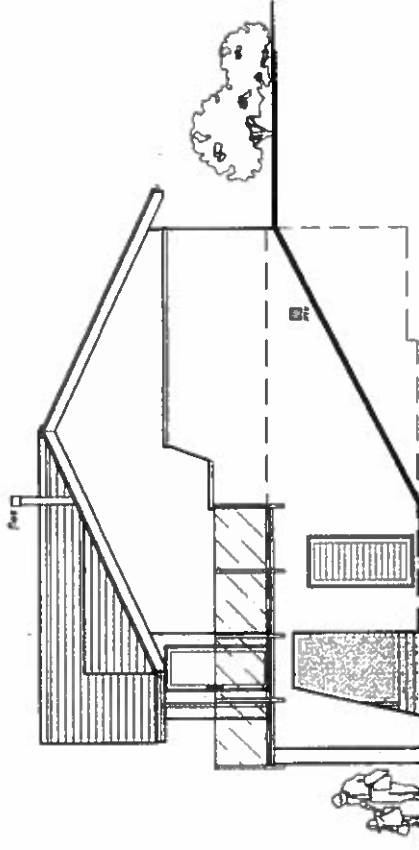


02 / 2013 / 0823/P0



Front Elevation

*FOR ILLUSTRATIVE PURPOSES ONLY



Side Elevation

*FOR ILLUSTRATIVE PURPOSES ONLY

15 JUL 2013

SKETCH ELEVATIONS

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MATISCHOK & ROSS
architectural services

project title
Land to rear of Ty Cefn, Llanfyrrog, Ruthin

drawing title
Illustrative Proposed Elevations.

project no.	drawing no.	revision
0522	2	
date	scale	drawn by
11/07/2013	1:100	SR

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ITEM NO: 1
WARD NO: Ruthin
WARD MEMBER(S): Councillors H Hilditch Roberts/ David Smith/ Bobby Feeley
APPLICATION NO: 02/2013/0829/ PO
PROPOSAL: Development of 0.09 hectares of land for residential purposes, installation of a new septic tank and associated works (outline application including access)
LOCATION: Land to rear of Ty Cefn Llanfwrog Ruthin
APPLICANT: MrElwyn Edwards
CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice - NoPress Notice - NoNeighbour 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:

"Object, to discourage a ribbon development on an arterial road leading into Ruthin and which encroaches on the Local Development Plan boundary."

NATURAL RESOURCES WALES

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objections subject to the inclusion of conditions relating to the creation and retention of parking/turning areas.

Development Plan and Policy Section

No objections in principle. The proposal should provide an element of Public Open Space as per the requirements of BSC 11. As the current application seeks outline permission it is appropriate to reserve consideration of such requirement and nature of its provision until the reserved matters stage in line with guidance in paragraph 7.5 of Supplementary Planning Guidance Note 4.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Outline planning permission including approval of access is sought for the development of 0.03ha of land by way of 1 dwelling.
- 1.1.2 Plans submitted show the existing access, which currently serves the existing dwelling Ty Cefn.
- 1.1.3 Indicative plans show how the site might be laid out, suggesting a two storey dwelling, with a footprint of approximately 15m x 10 m, parking and turning for two vehicles, and a garden area of approximately 725sqm.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the western limits of Llanfwrog, Ruthin.
- 1.2.2 There are existing dwellings to the north and east of the site. To the west the land is open fields which rise up from the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is partially within the development boundary of Llanfwrog.

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 Local Development Plan (adopted 4th June 2013)

- Policy RD 1 – Sustainable development and good standard design
- Policy BSC 3 – Securing infrastructure contributions from development
- Policy BSC 11 – Recreation and open space

3.2 Supplementary Planning Guidance

- SPG 7 – Residential Space Standards

3.3 Government Policy / Guidance

- Planning Policy Wales Edition 5 November 2012
- Technical Advice Note 18 – Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the 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). PPW 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., and that these 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 (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the 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 Impact on Amenity
- 4.1.3 Highways (including access and parking)
- 4.1.4 Open Space
- 4.1.5 Sustainable Buildings

4.2 In relation to the main planning considerations:

- 4.2.1 Principle:
Policy RD 1, Sustainable development and good standard design steers development towards sites within development boundaries.

Ruthin Town Council has raised an objection on the basis that the site would constitute ribbon development which stretches outside the development boundary.

It is to be noted that the dwelling would be located within the development boundary, similar to the adjacent dwelling, Ty Cefn. Although granted under the Unitary Development Plan, this sets a clear precedent for development along the development boundary line that Officers suggest would be difficult to resist. Accordingly, the development of the land in this location for residential purposes is considered acceptable, subject to compliance with the general development control criteria as set out in Policy RD 1.

- 4.2.2 Impact upon residential and visual amenity:
Policy RD 1 also sets specific tests to be applied to amenity impacts of development. Proposals for development should comply with these tests.

Indicative plans show how a dwelling might be accommodated on the site with amenity space, parking and turning also shown. The nearest dwelling to the sites boundaries is Ty Cefn, approximately 25 metres away, then Celyn Bach approximately 30 metres away. The character of the area is mixed in design terms and boundaries are typically defined by mature planting.

In the absence of detailed plans a full assessment cannot be made on the impact on the amenity of adjacent occupiers, however on the basis of the indicative layout and site plan, it is considered that a dwelling could be accommodated on the site without significant harm to residential amenity given the separation distances which are possible. Whilst the size of the footprint is to be considered at the reserved matters stage, it is clear from the indicative plans which suggest a building footprint measuring 15metres by 10 metres, parking and turning for two vehicles and a garden area of approximately 725sqm, that a dwelling could be accommodated on this site without resulting in an overdevelopment of the site.

In respect of the above, it is considered that the proposal to develop the site by way of one dwelling is unlikely to have a detrimental impact upon the amenity of the area

and the proposal complies with general development control requirements as specified in policy RD 1.

4.2.3 Access and impact upon highway safety:

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and 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. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The current proposal provides parking and turning for two vehicles. The site is accessed off an existing access from the Llanfwrog – Clocaenog Road. The Highway Authority has not raised an objection to the proposal.

On the basis of the information submitted, and the responses received, is considered that the access is suitable and that the additional usage of it resulting from one additional dwelling is not likely to result in a harmful impact to the safe and free flow of traffic on the highway. In respect of the proposed access and the impact upon highway safety, it is considered that the proposal complies with Policy RD1 and Policy ASA 3.

4.2.4 Open Space:

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

Discussions have taken place with the applicant and in principle there are no objections to providing an element of open space. Whether this is achieved through on site provision or commuted sum is still to be agreed.

As the current application seeks outline permission it is appropriate to reserve consideration of such requirement and nature of its provision until the detailed plan stage in line with guidance in paragraph 7.5 of Supplementary Planning Guidance Note 4. The application is acceptable in terms of public open space requirement subject to the imposition of a suitably worded planning condition to secure the future provision of public open space.

4.2.5 Sustainable Buildings

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales (Section 4.12) sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that building(s) can meet specific standards of construction and carbon emission levels.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales 3, 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 are proposed to ensure the

development is carried out in accordance with the requirements of Sustainability Code.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with adopted planning policy, and is in support of general development strategies.

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

1. Approval of the details of the appearance of the building(s), landscaping, scale, layout and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
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. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
6. **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.
7. 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 22 November 2010.
8. 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.
9. 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.
10. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and shall be completed prior to the proposed development being brought into use.
11. **PRE-COMMENCEMENT CONDITION**
No development shall be permitted to commence until the mechanism for securing a contribution for the provision of recreational open space has been agreed in writing by the Local Planning Authority and such contribution has been made.

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 comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. In the interests of visual amenity.
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. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
10. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
11. In the interest of providing public open space.

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).