

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 4ydd Hydref 2006**  
**Eitem: 2**

**PLANNING COMMITTEE**  
**MEETING - 4th October 2006**  
**Agenda Item: 2**

**DEDDF CYNLLUNIO TREF A GWLAD 1990**  
**CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)**  
**GORCHYMYN 1995 - HYD HEDDIW**  
**DEDDF CYNLLUNIO A IAWNDAL 1991**  
**RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994**  
**DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)**  
**1990**  
**CEISIADAU AM GANIATAD DATBLYGU**

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

**Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED**  
**DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE**  
**PLANNING AND COMPENSATION ACT 1991**  
**TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994**  
**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)**  
**ACT 1990**  
**APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

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**ITEM NO:** 1

**WARD NO:** Denbigh Lower

**APPLICATION NO:** 01/2006/0875/ PF

**PROPOSAL:** Erection of pitched-roof and alteration to garage to form en-suite bedroom, erection of pitched-roof extension at rear and formation of new vehicular access

**LOCATION:** 1 Llys Clwyd Denbigh

**APPLICANT:** Mr D Bloor

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. DENBIGH TOWN COUNCIL  
 "The Council does not wish to raise any objections to the application. However, the council would urge the planning committee to ensure that the proposed extension does not encroach upon neighbouring properties and that appropriate screening/fencing be erected at the rear of the premises to ensure privacy to those properties. The council does have some concerns regarding the frontage of the property and would urge the planning authority to ensure that there is no over intensification with regard to the number of vehicles at the property, taking into account the number of the properties in a relatively small cul-de-sac. The council would request that the situation be monitored.
2. HEAD OF TRANSPORT & INFRASTRUCTURE  
 No Objection

**RESPONSE TO PUBLICITY:**

- Letters of representation received from:-
1. Mr. & Mrs. O. C. Edwards, 7, Llys Clwyd, Denbigh
  2. Mr. & Mrs. Evans, 6, Llys Clwyd, Denbigh
  3. Mr. & Mrs. R. Owen, 4, Llys Clwyd, Denbigh
  4. Mr. E. Brown, 5, Llys Clwyd, Denbigh
  5. G.H. & C.Ellis, 3, Llys Clwyd, Myddleton Park, Denbigh

- Summary of planning based representations:
- i) Impact on residential amenity resulting from increased car manouevering
  - ii) Concerns over running a taxi business from the property

**EXPIRY DATE OF APPLICATION: 14/09/2006**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. This application relates to a single storey dwelling on the Myddleton Park Estate in Denbigh. The property is situated at the end of a small cul-de-sac. To the side of the property is an integral single storey garage. Parking is situated to the front and the remaining residential curtilage is taken up with garden area. The application site can be viewed directly from the rear neighbour (2 Llys Fammau).
2. It is proposed to convert the garage into a bedroom, and extend behind to create an en-suite and new master bedroom. The roof of the garage is to be altered to form a pitched roof. To the front of the property it is proposed to create a second driveway adjacent to land owned by 3 Llys Clwyd.

### **RELEVANT PLANNING HISTORY:**

3. None. However, it should be noted that issues relating to the use of the premises as a base for a taxi business and subsequent over intensification of use have been investigated and monitored by the Planning Enforcement Section. A separate enforcement report follows later on this agenda. These issues are not directly as relevant to this particular application.

### **PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy HSG 12 – Extensions to Dwellings

Supplementary Planning Guidance Notes:  
SPG 1 – Extensions to Dwellings

GOVERNMENT GUIDANCE:  
Planning Policy Wales (March 2002)

### **MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Impact upon visual amenity
  - i) Impact upon residential amenity
  - ii) Highway issues
6. With regard to the considerations in paragraph 5 above:
  - i) Impact upon visual amenity  
The acceptability of the proposed design and its size and form is considered against the criteria of Policy HSG 12 and the guidance of SPG 1. The main thrust of this policy and guidance is that extensions to dwellings should be of a subordinate size and sympathetic design to the original dwelling. The proposed extension measures approximately 6.7 metres wide and would project from the dwelling 4 metres. It is not considered that this is out of proportion with the existing dwelling and is therefore subordinate in size. Proposed materials are to match the existing materials which are brown brick, wood stain barge boards, concrete tile roof and white UPVC windows. The surrounding buildings are all of similar materials. Overall, the design of the extension is considered to be in keeping with the character of the original dwelling and surrounding area.
  - ii) Impact upon residential amenity  
It is clear from the submitted plans that 1 Llys Clwyd has sufficient space within its curtilage to accommodate this proposal without there being a

harmful loss of residential amenity space for the property. This proposal does not constitute an over development of the site.

In consideration of the proposals impact upon the neighbours adjacent to the site it is noted that only one neighbour has a direct view of the site. However, the applicant has added additional information in relation to the erection of a 1.8metre high fence that will be erected prior to development commencing. This fence would run along the boundary with 2 Llys Fammau, screening its residents from the proposed extension, thereby ensuring residential privacy is retained.

iii) Highway Issues

Numerous representations have been received expressing concerns about the proposed additional access to the front of 1 Llys Clwyd and the issue of congestion within the cul-de-sac. It is considered that 1 Llys Clwyd does have a number of vehicles parked upon the road and therefore the creation of additional off road parking would help to alleviate the situation.

Comments regarding the proximity and impact of this upon the residents of 3 Llys Clwyd have been noted. However, the additional access/parking area could be implemented without this permission as the creation of a hard standing at a residential property is permitted development under Schedule 2, Part1, Class F of the Town and Country Planning (General Permitted Development) Order 1995. Any issues relating to the potential of an over intensified use of the parking area fall under the ongoing enforcement investigation into the allegation of a taxi business being operated unlawfully from the premises.

**SUMMARY AND CONCLUSIONS:**

7. The proposed development is not considered to represent a departure from planning policy and guidance pertaining to extensions to dwellings. The proposal is therefore recommended for permission.

**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 materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. Prior to the commencement of the development hereby permitted a fence shall be erected and maintained at a height of no less than 1.8 metres along the north western boundary as shown on the proposed block plan received by the Local Planning Authority on 13th September 2006, and thereafter maintained in that position.

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. In the interests of visual amenity
3. In the interests of residential amenity.

**NOTES TO APPLICANT:**

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

**ITEM NO:** 2

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2004/1388/ PF

**PROPOSAL:** Part refurbishment to existing Sixth Form house to provide 3 No. tutorial rooms and WC areas. Construction of 2 No. classroom extension with link block.

**LOCATION:** Ysgol Brynhyfryd Mold Road Ruthin

**APPLICANT:** Denbighshire County Council Lifelong Learning

**CONSTRAINTS:** Within 67m Of Trunk Road  
Gr II LB

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

3. RUTHIN TOWN COUNCIL  
"No objection"
4. COUNTRYSIDE COUNCIL FOR WALES  
No objection.
5. WELSH WATER  
No objection subject to safeguards.
6. COUNTY ARCHAEOLOGIST  
Pre-determination evaluation required.

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

1. Sara Hawkins, 28, Fron Haul, Ruthin

Summary of planning based representations:

- i) Windows to west elevation will invade privacy.
- ii) Loss of trees and shrubs which provide screen
- iii) Increase in nuisance from students with noise and litter.

**EXPIRY DATE OF APPLICATION: 12/12/2004**

**REASONS FOR DELAY IN DECISION:**

- awaiting additional information from applicant
- negotiations resulting in amended plans and reconsultation
- project on hold for period

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**



1. The proposal involves refurbishment and extension of the sixth form house at Ysgol Brynhyfryd. The house is a grade II listed building. A separate application for listed building consent has been sent to the National Assembly for Wales (NAW) for determination..
2. The extension is to provide 2 no. classrooms and is attached to the house by a glazed link. The extension would be finished in smooth painted render with a brick plinth. Both the extension and link would include pitched roofs with natural slate. The listed house has smooth painted render walls and a slate pitched roof.
3. The extension would be on the south western side of the house. It's construction would lead to the loss of a number of small trees and shrubs. Other trees and shrubs will remain between the development and the boundary with residential properties to the west.
4. The application has been accompanied by a design and access statement. Archaeological investigation is currently being carried out in accordance with a brief prepared by the County Archaeologist.

**RELEVANT PLANNING HISTORY:**

5. 02/2004/1389/LB – Corresponding listed building application. Subject to determination by NAW.

02/2006/0328 – Erection of extension to create canteen at Ysgol Brynhyfryd.  
Decision pending.

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy CON 2 – Extension or alteration to listed buildings.  
Policy CON 4 – Indigenous Building Materials  
Policy CON 11 – Areas of Archaeological Importance  
Policy CF 1 – Community Facilities – General

SPG 14 – Listed Buildings  
SPG 15 – Archaeology

**GOVERNMENT GUIDANCE**

Planning Policy Wales – March 2002  
Circular 60/96 - Planning and the Historic Environment : Archaeology  
Circular 61/96 - Planning and the Historic Environment – Historic Buildings in Conservation Areas

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle
  - ii) Impact on the character and appearance of the listed building
  - iii) Impact on adjacent dwellings
  - iv) Archaeological implications
8. In relation to the main considerations noted in paragraph 7:
  - i) Principle  
The principle of an extension to provide further classroom facilities within a

school site is acceptable in principle in the context of Policies GEN 6 and CF 1 of the UDP. There is a sufficient space within the overall site and adjacent to the sixth form house itself such that the proposal would not represent an overdevelopment of the site.

ii) Listed Building

The proposed extension would utilise materials in sympathy with the main building and incorporate an overall design which would respect and be subordinate to the main house. The inclusion of a glazed link would provide an element of detachment from the main building. The corresponding listed building application has been sent to NAW for determination.

iii) Impact on neighbours

The extension would be a minimum of 17 metres from the adjoining boundary with residential properties in Fron Haul. Between the proposed extension and the boundary there are existing trees and shrubs which would be retained. Some small trees and shrubs on the site of the extension would need to be removed. Additional planting is proposed. There are now only two small windows proposed to the elevation facing residential properties, both of which would be obscure glazed. This is in response to the previous concerns from residents about the amount of glazing on the side elevation as proposed on the originally submitted plans. The proposals as now submitted are acceptable in relation to neighbouring properties.

iv) Archaeological Implications

The predetermination archaeological evaluation is currently taking place on the site. The consideration of this application is subject to the results of that evaluation. However, it is unlikely that the findings would prejudice the development itself but rather would require at the most additional investigation during construction e.g. a watching brief.

**SUMMARY AND CONCLUSIONS:**

9. The proposal is acceptable in relation to the listed building and neighbours. The recommendation is subject to the archaeological evaluation which may require the imposition of additional conditions. The decision will not be issued until the evaluation is complete.

**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 materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. 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 commencement 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.

5. The fenestration to the western (side) elevation shall be glazed with obscure glass prior to the commencement of use of the extension hereby permitted. The obscure glazing shall thereafter be retained.

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. In the interests of visual amenity
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 the residential amenity of nearby occupiers.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 3

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2005/1356/ PO

**PROPOSAL:** Development of 0.02 ha of land by the erection of a dwelling and alterations to existing vehicular access (outline application)

**LOCATION:** Land Off Record Street Ruthin

**APPLICANT:** Dr J.D.G Williams

**CONSTRAINTS:** Conservation Area

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

7. RUTHIN TOWN COUNCIL  
"Recommend that permission should be granted"
8. CONSERVATION ARCHITECT  
No objection to the development in principle as long as details in relation to materials to be used on the site are strictly controlled at the reserved matters stage. The use of brick in this location is not acceptable.
9. COUNTY ARCHAEOLOGIST  
OBJECTION unless the site can be completely excavated prior to development. The site lies within the medieval core of Ruthin, where remains from this period are expected to be found. The excavation of pre- evaluation trenches on the site revealed extremely important and unexpected Roman remains to be present. Roman occupation in the Brynhyfryd area of Ruthin has always been known, however it has been felt that this would have been peripheral to a main settlement, possibly a fort which is likely to be located on the ridge which the castle and the church currently occupy. The extent of remains indicates further evidence to the north and east of the site but it is impossible to predict the exact location therefore the use of a mitigation strategy would be impossible to design.
10. CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)  
The application should be deferred until there is further information available in relation to the impact of the development on any archaeological remains on the site.
11. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection subject to conditions on approval.
12. WELSH WATER  
Suggest conditions in relation to drainage should approval be given on the site

**RESPONSE TO PUBLICITY:**

Letters of representation received from the following:

1. Liz Lewitt, 2A, Record Street, Ruthin
2. Mr. John Roberts, 2, Record Street, Ruthin

Summary of planning based representations:

- I) The development will be within the conservation area and the materials and design of the proposed building is not appropriate for the location.
- II) Inadequate space for a two storey dwelling on the site, impact of the proposed building on the street scene.

**EXPIRY DATE OF APPLICATION: 02/01/2006**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application site is along Record Street in Ruthin, and falls within the Conservation Area of the town and is known to be an area of high archaeological importance. A chapel building is located to the rear of the site which occupies a slightly elevated position in relation to the site.
2. There is a stone boundary wall fronting the site with a hedge and an existing access gate leading to the garage and car port adjacent to the application site. The site occupies a slightly elevated position in relation to Record Street.
3. The application is for the development of 0.02 ha of land by the erection of 1 no dwelling and alterations to the existing vehicular access. The application is made in outline format with all details reserved for further approval. The site has previously been granted permission for similar development in 1993.
4. Members should be aware that during the application process, the County Archaeologist along with CPAT commented on the need for pre-determination archaeological evaluation on the site before formal comments to the application could be made. A report on the findings forms part of the application.

**RELEVANT PLANNING HISTORY:**

5. Application no: 2/10402 – Development of land by the erection of a two storey dwelling and alteration of vehicular access and pedestrian access (outline application) – GRANTED with conditions on 28<sup>th</sup> April 1989
6. Application no: 2/13654 – Erection of two story dwelling with garage and alterations to existing vehicular access (outline application) – GRANTED with conditions on 23<sup>rd</sup> September 1993

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN1 – Development within Development Boundaries
  - Policy GEN6 – Development Control Requirements
  - Policy CON5 – Development within Conservation Areas
  - Policy CON11 – Areas of archaeological importance
  - SPG 13 – Conservation Areas

## SPG 15 – Archaeology

### GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

Circular 61/96 Planning and the Historic Environment: Listed Buildings and Conservation Areas

Circular 60/96 Planning and the Historic Environment: Archaeology

### MAIN PLANNING CONSIDERATIONS:

8.

- i) Principle of development
- ii) Impact on archaeology
- iii) Impact on conservation area
- iv) Impact on visual and residential amenity
- v) Impact on highway safety

9. In relation to the points raised above:

i) Principle:

The application site is within the development boundary of Ruthin and taking into account the planning history of the site, the proposal is considered to be acceptable in principle.

ii) Archaeology:

The report on the excavation of the evaluation trenches indicates the presence of Medieval and Roman remains, including the presence of a wall which is likely to form part of a building dating back to 1826 and shards of Roman pottery and evidence of metal working. Comments from the County Archaeologist indicate that there are concerns with regard to the proposal due to the importance of the archaeology on the site and it is stated that unless the site can be completely excavated prior to development that this objection would remain. Policy CON11 of the Denbighshire UDP states that in cases where remains are affected but preservation in situ is not merited, the Council will expect to secure excavations/ and or recording in advance of construction works either by the imposition of suitable conditions or through a formal obligation. In this instance, preservation by record is the favoured option, therefore it is considered that the wording of a suitable condition could resolve the archaeological issues on the site.

iii) Impact on conservation area:

Concerns have been raised by nearby residents in relation to the impact of the development on the character and appearance of the Conservation Area. Comments received from the Conservation Architect indicate no objections to the proposal in principle subject to the control of details at the reserved matters stage. The indicative elevation of the proposed dwelling shows the use of brick work as the external materials. This is not acceptable in this location, but as the application is for outline only, with no details external appearance would be an issue at the reserved matters stage. Based on this, the proposal is considered to be in accordance with policy CON 5 of the Denbighshire UDP.

iv) Impact on visual and residential amenity:

The application is in outline form only with all matters reserved for future consideration. The use of an appropriate design and external appearance could mitigate the impact on visual amenity and the impact on residential amenity. The site lies within the close knit historic centre of Ruthin. The development of the site would reflect this fabric but at the same time provide

a suitable living environment for future occupiers. There would be no material impact on nearby dwellings.

v) Highways:

Means of access does not form part of this application, but an indicative access location is shown on the site plan. Highways offer no objections to the proposal and thus the application is in accordance with criterion vii) of Policy GEN6.

**SUMMARY AND CONCLUSIONS:**

10. The proposal is for the erection of a single dwelling, on land off Record Street, Ruthin. The application is made in outline format with all details reserved for future approval. The site is located within the Ruthin Conservation Area and is within an area of high archaeological importance. Pre –evaluation excavation trenches have indicated the presence of Medieval and Roman remains. Comments from the County Archaeologist indicate that the site should be completely excavated further to any development taking place and it is considered that the use of a planning condition would facilitate this.

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

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (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. No development shall take place until the applicant(s), their agents or successors in title has secured the implementation of a programme of archaeological work to include complete excavation of the entire area of the development and publication of the results prior to any other works being carried out in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
6. 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/completion of the development/commencement of the development/next planting and seeding season] 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.

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 safeguard the site of high archaeological interest.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2006/0247/ PF

**PROPOSAL:** Demolition of existing industrial buildings, erection of 4126 sq m food/non food store, including cafe, external covered compound and canopy, ancillary service yard buildings and sprinkler tank and associated car parking area (expansion of previously approved 2745 sq m gross floor area store, application reference 02/2005/0333/PF)

**LOCATION:** Site adjacent to Lon Parcwr Ruthin

**APPLICANT:** CATHCO Property Group Ltd.

**CONSTRAINTS:** Within 67m Of Trunk Road  
250m Of Landfill Site

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

13. RUTHIN TOWN COUNCIL (2 responses)
  1. "Grant planning permission. Have concerns re. volume of traffic on Bric Roundabout and should be grateful if County Highways department could address this issue".
  2. "Grant planning permission, but express concern at the loss of engineering jobs".
14. RUTHIN & DISTRICT CIVIC ASSOCIATION  
Object to increased size of store on grounds of impact on existing businesses, no increase in parking spaces, loss of existing manufacturing business, and to any cafe in the building.
15. ENVIRONMENT AGENCY  
No objection. Requests conditions obliging installation of an oil interceptor in the drainage arrangements for parking areas, and separate foul and surface water systems.
16. NATIONAL ASSEMBLY HIGHWAYS  
No response received.
17. HEAD OF TRANSPORT & INFRASTRUCTURE  
Raises no objection. Has been in discussion with applicants over the detailing of the footway/cycleway along Lon Parcwr. Requests conditions to cover these works, and the service yard relocation.
18. CONSERVATION ARCHITECT  
Site lies outside Conservation Area. No objection to demolition works, or to the appearance of the extended mass of the extension to the approved building.
19. PRINCIPAL ENVIRONMENTAL HEALTH OFFICER (Pollution Control)  
Supports application in principle. Notes proposal would move roof plant further



from residential properties, which would reduce the potential impact of noise. Requests previous conditions on hours of use and noise limitations are maintained.

20. LANDSCAPE ARCHITECT  
Has concerns over loss of trees, which provide important cover along Lon Parcwr and to the allotments.
21. COUNTY ARCHAEOLOGIST  
No objections. The Archaeological watching brief on the existing store development has been carried out and confirmed there was no archaeology present.
22. ACCESS OFFICER  
No response.
23. SUSTRANS  
Object to elements of the proposals and seek improvements to pedestrian and cycleway facilities.
24. FEDERATION OF SMALL BUSINESSES – Denbigh Branch  
Express concerns over extension, as Tesco will increase products and the store will become a one stop shop, with less shoppers visiting the town centre to shop. Also have concerns over the loss of the Mike Williams Engineering business.
25. AGENDA 21 FORUM  
Concerned at impact on local businesses and loss of additional trees. Suggest company should contribute to local environmental projects in the area.
26. HEAD OF DEVELOPMENT SERVICES  
Have advised that there has been dialogue with the tenant over the development/use of alternative premises in Ruthin. There are a limited number of employment plots/buildings in the town, but these do not appear to be acceptable to the tenant. More significant areas of employment land are likely to be released at Glasdir and Brickfield Lane, but not in the short term.

#### **RESPONSE TO PUBLICITY:**

Letters received from:-

1. Mr. & Mrs. Holcroft & Family, Springfield, Wern Isa, Ruthin
2. J.H. & Mrs. E. Brierley, Ystrad, Greenfield Road, Ruthin
3. Malcolm Roberts, Glenydd, Wern Isa, Ruthin
4. Mrs. E. McLaren, 9, Pant Glas, Greenfield Road, Ruthin
5. Nerys A. Roberts, Rhoslan, Greenfield Road, Ruthin
6. J Owen - Glaslyn, Greenfield Road, Ruthin
7. R. W. & R.E. Lloyd, Llys Mynan, Greenfield Road, Ruthin
8. Mrs. C. Holcroft, Springfield, Wern Isa, Ruthin
9. M. Fisher, Llys bach, wern Isaf, Ruthin
10. R.E. & M.E. Jones, Ravensdale, Wern Isaf, Ruthin
11. David Jones, MP, House of Commons, London
12. P.S. & A.M. Williams, Trenalys, Tan y Bryn, Llanbedr D.C., Ruthin
13. Alun Pugh, A.M. The National Assembly for Wales, Cardiff Bay, Cardiff
14. Mrs. G. Scott, MBE, 21 The Park, Ruthin
15. R. G. Fieldhouse, Bryn Iolyn, Greenfield Road, Ruthin (letter/petition signed by 26 residents outlining objections, and concerns over the existing development (detailing of building/loss of trees)
16. Dunlop Haywards Planning (on behalf of Somerfield Stores)
17. CDN Planning (on behalf of Co-op)

18. D. S. Howard, 53, Bro Deg, Ruthin
19. G Francis Roberts. Hafod, Wern Uchaf, Ruthin.

Specifically in relation to the Mike Williams Engineering business – letters from:-  
(i) Marc Taylor (proprietor), Mike Williams Engineering, Lon Parcwr, Ruthin  
(ii) J. Alan Wright, 16, Elstree Avenue, Vicars Cross, Chester (on behalf of Marc Taylor). The letter includes a further 50 letters from customers of the business, submitted to indicate the catchment area covered, the type of firms involved and the links with the business. A second letter challenges statements made by the applicant's agents over the possible relocation of the business, and comparison of employment generated by Tesco with the skilled employment in the Mike Williams business.

(iii) Petition with 200 signatories objecting to loss of premises.

(For Members' information, it is understood the business was established by Mr. Mike Williams, as Mike Williams Engineering, but is now owned by Mr. Marc Taylor, who is Mr. Williams' tenant, i.e. Mr. Williams is the landowner, and Mr. Taylor has run the business as leaseholder).

Summary of planning based representations:

i) Trading impact

Impact of enlarged store – Detrimental effect on vitality and viability of town centre/likely effect on town's shops and other supermarkets/increase in food sales area threatens specialist stores/expansion is premature.

The Dunlop Haywards letter sets out concerns of Somerfield in respect of the application, and a critique of the applicants Retail Assessment, which it considers inaccurate and misleading. It concludes that the submission fails to robustly demonstrate that there is a need for the development and that the additional floorspace can be accommodated without causing material detriment to the vitality and viability of Ruthin town centre and disrupting the retail hierarchy. It suggests that permission should not be granted as there are conflicts with Assembly guidance and development plan policies.

The CDN Planning letter seeks to point to discrepancies and inaccuracies in the Committee report. It suggests the relevant floorspace figures do not add up, the conclusion that there is no requirement for the retail assessment to consider matters relating to convenience goods is misguided, the increase in comparison floorspace has not properly been considered, and it would be premature to consider granting the extension when its trading impact has not been fully absorbed. The letter concludes that to grant a substantial increase in net retail floorspace when the impact of only limited extra comparison goods/space has been assessed, would be wholly unreasonable. The author gives notice that such decision would be challenged, and requests the Committee to refuse permission.

ii) Traffic/highways impact

Concerns over impact of additional volume of traffic on approaches to A494 – A525 roundabout and on residents in the area/new arrangements should improve manoeuvring space for delivery lorries.

iii) Visual impact

Extension would increase impact from Wern Isa direction/design inappropriate/roof plant should be properly hidden from view and/or placed in the service yard/roof sheets should be a consistent mid grey colour/existing

store is large enough/further reduction in value of nearby property.

- iv) Noise impact  
Additional activity and traffic from extended store and large delivery area/overnight deliveries/roof plant/fears of petrol station use and expansion onto allotments
- v) Loss of employment use  
Loss of Mike Williams Engineering business/long established specialist service/skilled and dedicated workforce/there have been difficulties in obtaining an alternative site/impact on business and others supplied by business/loss of employment use is contrary to UDP Policy EMP 2
- vi) Loss of trees  
No further trees should be removed/removal of trees would open up views of development.

**EXPIRY DATE OF APPLICATION: 13/06/2006**

**REASONS FOR DELAY IN DECISION:**

- re-consultations / further publicity necessary on amended plans and / or additional information

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application involves the expansion of the recently opened Tesco store on Lon Parcwr, Ruthin, onto an area of land to the north west, presently occupied by the Mike Williams Engineering business. The application was subject to a site inspection panel meeting at 10.00a.m. on 31<sup>st</sup> August, 2006.

In attendance were:

CHAIR	- Cllr Selwyn Thomas
VICE CHAIR	- Cllr Robert Lloyd Williams
MEMBERS	- Cllrs M Jones, K Hawkins, B Blakeley, Bob Barton
TOWN/COMMUNITY COUNCIL	- Ms Jackie Jones

Apologies from: Cllr E Edwards, D Hanam, R Bartley, G Kensler, J Thompson-Hill

The officer present was - Mr. Ian Weaver

At the site inspection panel meeting, Members considered the following matters:

- The respective floor areas of the existing store (as constructed) and the proposed 'extended' store; and the extent of floorspace intended for use for sale of retail goods and convenience goods;
- The physical detailing of the proposed 'extension', its location relative to the existing store, Lon Parcwr, the allotment gardens, and houses on Greenfield Road/Wern Isaf; and the likely impact on trees within the site, and on residential property;
- The proposals for the relocation of the service yard and its access, and the roof plant;
- The planning policy issues arising in respect of loss of employment land, and

guidance on retail developments in town centres;  
- The basis of representations received on the application.

In relation to the matters outlined, members noted:

- The proposals were effectively to increase the potential floorspace used for the sale of comparison goods;
  - The design of the 'extension' was similar to the sections of the existing building along Lon Parcwr;
  - The proposal would involve the loss of a number of trees within the site, but showed a number retained along Lon Parcwr and within the allotment site, with replanting along Lon Parcwr;
  - The respective distances of the extension to residential properties, to be weighed against the concerns over visual and noise impact;
  - The extent of the employment land which would be lost, the areas of conflict with planning policies, and points to balance these conflicts;
  - The basis of advice from consultants on retail impact issues;
  - There were a range of views expressed on the main planning considerations which were relevant to the determination.
2. The application was deferred from the Planning Committee on 6<sup>th</sup> September 2006 for further clarification on retail impact issues following late representations received on behalf of Co-op and Somerfield. This is addressed later in the report.
  3. Planning permission was granted for the existing 2745m<sup>2</sup> store in August 2005, on a former car park and nursery garden. As this application to 'enlarge' the approved store by 1381m<sup>2</sup> was submitted before work on the main store was commenced, it was necessarily described as one for the erection of a 4126m<sup>2</sup> store. However, in practical terms, given the subsequent completion of the approved store, the current application is effectively for an extension to it, with a related reconfiguration of elements of the building, and a new service yard area.
  4. The submission explains the reasons for the expansion, which includes the improvements to the servicing arrangements, landscaping, public transport provision, and an increase in sales area for comparison goods.
  5. The proposals are accompanied by information from White Young Green (the applicant's Retail advisors), including a Retail Assessment. The documents outline the following main points:-
    - i) The proposal is to extend the store to 4126sq.m, comprising 2902sq.m net sales area, 978sq.m ancillary bulk store, and 246sq.m. office accommodation.
    - ii) The existing planning permission allows for up to 2745sq.m floorspace for the sale of Class A1 goods, of which 30% (824sq.m) may be used for the sale of comparison retail goods.
    - iii) The enlarged store would increase the sales area from which Class A1 comparison goods are permitted to be sold, from 824sq.m to 1016sq.m. This would represent 35% of the 2902sq.m net sales area applied for – an increase of 192sq.m on what could be utilised in the existing store.
    - iv) The applicants and Tesco are amenable to the inclusion of a condition on any permission, restricting the Class A1 convenience goods sales area to 2745sq.m, this being the maximum current floorspace which could be used for convenience goods. On this basis there would be no proposed uplift in convenience goods sales area over and above that already permitted, and no

requirement for the retail assessment to consider matters relating to convenience goods.

- v) The Retail Assessment concludes there is a demonstrable need for additional A1 comparison goods floorspace, the enlarged store is in accordance with the sequential approach to site selection, and the uplift in comparison goods floorspace will not have any negative impact on the continued vitality and viability of Ruthin town centre.

In addition, White Young Green have responded to comments on behalf of Somerfield expressing disappointment at the late submission of the objection and they consider the contents pay no regard to the Council's Roger Tym evaluation, make inaccurate statements, raise no issues which have not already been addressed, or which override the Roger Tym conclusions.

6. The extension would match the form of the Lon Parcwr elevation of the existing store, and the intention is to extend the substantial local stone walls constructed around the storage yard and the entrance off the highway, to link the modern style of the main store with features common in the locality. The agents have confirmed that the refrigeration/extraction plant on the existing roof would be removed in its entirety, and would be relocated on the roof of the extension. The existing pedestrian link from the allotment gardens to Lon Parcwr would be re-routed around the extension. There would be an additional 7 car parking spaces for staff in the new service yard.
7. The Authority have commissioned a separate independent evaluation of the retail impact issues, by Roger Tym & Partners, which is referred to in the Main Considerations section of the report and a follow up report following the receipt of late representations from Co-op and Somerfield.
8. In response to questions raised in consultation responses, the applicant's agents have advised in relation to:-

Loss of existing business – that they have discussed the situation with the landowner and landlord of the adjacent Engineering business, who indicates that the tenant is actively seeking to relocate to alternative premises in the near future, so there should be no loss of employment. The agents point out that the store itself will create in excess of 200 full time/part time jobs, which should be balanced against the requirements of Policy EMP 2 of the Unitary Plan. They do not consider it appropriate or feasible to enter into a Section 106 obligation in relation to securing the continuation of existing manufacturing business, and wish the proposal to be assessed on its merits. In relation to employment figures, the agents advise the existing store employs 155 staff, of which 42 are part time. Tesco have confirmed that approximately 30 additional full time staff will be created by the extension. Whilst precise figures cannot be given at this stage, it is considered likely that there will be an additional increase in support staff associated with the day to day running of the store, which will bring the total number of persons employed in excess of 200.

Footpath/highway details – that revised plans show improved pedestrian links around the store, and Cathco agree to provide a footway link from the boundary of the site, along Lon Parcwr, to the adjacent Business Park.

Pharmacy – that they would be prepared to accept a similar condition to that on the existing permission, precluding any pharmacy use within the extended store.

Roof plant – that all plant will be repositioned on the roof of the extension and will

be hidden from view behind the perimeter plant screen wall. It is not feasible to locate this plant at ground level within the service yard area, as the distances from the roof plant position to the furthestmost position within the sales floor is already excessive with regard to the mechanical design installation, and to extend beyond this distance is not possible.

**RELEVANT PLANNING HISTORY:**

9. (Main Tesco Store)

**2/2005/0333/PF**

Proposed 2745 sq m food/non food store, including café, first floor for staff accommodation, external covered compound and canopy, ancillary service yard buildings and sprinkler tank and associated car parking area, with landscaping and associated works including realignment of road – GRANTED – August 2005

**PLANNING POLICIES AND GUIDANCE:**

10. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (ADOPTED 3<sup>RD</sup> July 2002)

Policy STRAT 1	-	General
Policy STRAT 5	-	Design
Policy STRAT 6	-	Location
Policy STRAT 7	-	Environment
Policy STRAT 10	-	Town Centres
Policy STRAT 13	-	New Development
Policy STRAT 14	-	Highways
Policy GEN 1	-	Development Within Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 7	-	Landscape/Townscape Features
Policy CON 6	-	Development Adjacent to Conservation Areas
Policy EMP 2	-	Main Employment Areas
Policy EMP 10	-	Protection of Employment land/buildings
Policy RET 1	-	Town and District Centres
Policy RET 3	-	Food Supermarkets
Policy RET 4	-	Non-Food Retail Stores or Warehouses
Policy RET 7	-	Fringe Areas Adjacent to Town & District Centres
Policy TRA 6	-	Impact of New Development on Traffic Flows
Policy TRA 8	-	Transport Requirements in Major Developments

**GOVERNMENT GUIDANCE**

Planning Policy Wales March 2002

Technical Advice Note (Wales) 4 – Retailing and Town Centres (November 1996)

Technical Advice Note (Wales) 11 – Noise (1997)

Technical Advice Note (Wales) 18 – Transport (1998)

Ministerial Interim Planning Policy Statement 02/05

**MAIN PLANNING CONSIDERATIONS:**

11. The main considerations are:-

- i) Principle of development
- ii) Impact on vitality/viability of shops in Ruthin and the locality/retail impact issues
- iii) Removal of existing business premises/use of employment land
- iv) Highway impact
- v) Residential amenity
- vi) Design and appearance
- vii) Landscape

12. In relation to the considerations noted in paragraph 10:

i) Principle of development

The Authority has already accepted the principle of locating a supermarket development at Lon Parcwr with regard to the retail policies of the Unitary Development Plan. The implementation of the August 2005 permission means the considerations should be confined to the specific impacts of the extension and reconfiguration of the store.

In physical terms, the extension would be on land clearly within the development boundary of Ruthin in the Unitary Plan. The land occupied by Mike Williams Engineering is within a Main Employment Area defined on the proposals map for Ruthin, which is subject to Policy EMP 2 of the Plan. EMP 2 seeks to retain main employment areas for mainly industrial and business uses (Use Classes B1, B2, B8) and not retail/commercial uses (Use Classes A1, A2, A3). EMP 10 seeks to retain sites for employment development to ensure a range of opportunities in terms of location, type and style, and only permits use for other purposes where specific criteria are met. Policies on retail development in the UDP, in TAN 6, and in the recent Ministerial Planning Policy Statement deal with considerations of impacts on town centres. The relevance of these policies and guidance and questions of conflicts with them are addressed in the following paragraphs.

ii) Impact on viability/vitality of shops in Ruthin and the locality/retail impact issues

Key considerations in terms of the retail policies of the Unitary Plan and Assembly guidance are whether the additional floorspace and reconfiguration of the store would lead to material harm to the vitality and viability of Ruthin town centre and stores in the locality, or conflict with other basic planning policy tests for retail developments. Having regard to the information provided by the applicant's retail consultants and taking into account representations on behalf of Somerfield and Co-op, the Authority's Consultants, Roger Tym and Partners have concluded that:

- the application is in accordance with the plan, for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004;
- having regard to qualitative and quantitative factors, the application passes the national policy test in relation to need;
- In applying the 'sequential' test, having visited the town centre, it is unlikely that any vacant units could accommodate the quantum of floorspace proposed and there are no real grounds to resist the proposal on the basis of failure of the sequential test;
- any trade impacts on existing town centre stores are likely to be small scale and short term, and the proposal should not be resisted on trade impact grounds;
- the proposed quantum of additional floorspace that is proposed is small-scale. It is likely that additional non-food floorspace would have the potential to increase the existing level of comparison expenditure retention in the Ruthin area, which at around 31 per cent is relatively modest;
- overall, it is considered that the Council should approve the current application for an extension to the existing foodstore, because the application is in accordance with the development plan and because it does not fail the national planning policy tests in relation to need, the sequential approach and trade impact.

The Roger Tym assessment, including the further work undertaken since 6 September, recommends that if the Authority is to consider granting planning permission, any consent should be worded to limit the net retail sales area of the extended store to 2716sq.m (70% of gross floorspace). The conditions should also restrict the quantum of convenience (food) goods sales area and comparison net sales area to 1,765 and 951 sq.m. respectively.

iii) Removal of existing business/use of employment land

There are strong representations against the proposal based on the loss of the Mike Williams Engineering business, which is a long established employment use, located on land shown on the Unitary Plan as a Main Employment Area, which is subject to Policy EMP 2. Policy RET 3 relating to Food Supermarkets sets criteria against which applications for new and extensions to existing supermarkets need to be tested, and includes at (vi) the requirement that proposals should not unacceptably affect land safeguarded for other purposes in the plan.

Whilst acknowledging the basis of representations on the potential displacement of an existing business, members will appreciate that the determination of the application has to be made in the first instance in relation to the policies of the development plan.

Specifically in relation to the development plan policies of relevance to the application:-

- a. There is conflict with EMP 2, which seeks to restrict development within Main Employment areas to Business, General Industry, and Warehousing and Distribution (B1, B2, B8 uses), as it involves the expansion of an A1 retail use onto land occupied by a B2 use. Balanced against the conflict is the limited size of the plot (approximately 2500m<sup>2</sup>), the fact there is other employment land and buildings in the town which could accommodate the business, larger allocations of employment land at Glasdir – Brickfield Lane, and there is considerable employment generated by the Tesco store itself which the development would sustain.
- b. There is conflict with the intentions of EMP 10, which seeks to protect employment land and buildings for use for other purposes, and with respect to test (ii) there is no indication that the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes. Balanced against this is that with respect to the other tests of the policy, there are no other suitable sites available for the extension of the store, the size of the area lost would not prejudice the ability of the area to meet a range of employment needs, and there is no issue over relocating a non-conforming use to the site.
- c. There is conflict with RET 3(vi) insofar as the proposal affects land safeguarded for employment purposes in the plan. Balanced against this are the points noted above, i.e. limited size of land lost for employment purposes/employment land available in the town/loss of land unlikely to prejudice the ability to meet demand.

Overall, the view is taken that whilst use of an area of land in a main employment area is in conflict with elements of development plan policy, when balanced against the other considerations outlined, the grant of



permission would not prejudice the intentions of the plan, provided alternative premises can be secured. A Grampian style condition is recommended to achieve this.

iv) Highway impact

There are no objections to the expansion proposal from Highways Officers. There are no changes to the existing main customer site access and car parking area. There would be an additional 7 parking spaces for staff in the service yard. Highways officers have previously accepted that the parking provision, road network and arrangements for access to the store are adequate to serve the development. The applicant's agents have confirmed willingness to extend the footway from the site to the Lon Parcwr Business Park in conjunction with the extension scheme.

v) Residential amenity

The eastern boundary of the site forms the boundary with allotment gardens off Greenfield Road/Wern Isa. The extension would be located approximately 110 metres from the rear walls of the nearest residential properties on Wern Isa.

Given these distances, whilst accepting the development would be visible to properties along Wern Isa, it would be difficult to argue that the visual amenities of residents would be so badly affected by the proposed extension to merit refusal. Whilst there would be a degree of tree loss in connection with the development, there are a number of trees along the western side of the allotment gardens which would be unaffected by the development, and which would provide a degree of natural screening of the extension.

In the view of the Public Protection Officer, the relocation of the refrigeration/air handling plant from the current position on the store roof, to the roof area of the extension would be of potential benefit, as this would move it further away from the nearest residential properties, reducing potential noise impact. Visually, the screening of the entire plant behind the walls of the extension would be an improvement on the current situation, where roof equipment is visible from a number of properties in the Greenfield Road/Wern Isaf area, at closer distances. Conditions would need to be attached to agree the detailing of the plant and its screening, and to limit noise levels when in operation.

vi) Design and appearance

The extension repeats basic elements of the existing store detailing on its Lon Parcwr side, with the lower part of the main walls of the building proposed in natural local stone, and the upper part in composite cladding. The roof design would be similar, with a nominal pitch, clad in the same colour sheets as the existing roof. There would be a security fence around the relocated service yard.

The design approach is acceptable to the Conservation Officer, and subject to normal controls over details and use of materials would be in keeping with the main store development.

vii) Landscaping

The proposals have been amended to secure the retention of trees along the Lon Parcwr frontage, which reduces the potential tree loss to those specimens well into the site. In acknowledging the concerns

expressed over the removal of trees, the extension will still be surrounded by a considerable number of trees which would modify its impact. It is considered that the proposals to reinforce existing planting along Lon Parcwr are acceptable.

#### **SUMMARY AND CONCLUSIONS:**

13. The proposals are to extend and reconfigure the Tesco store, primarily to allow for the expansion of the non-food sales area, and to create a more accessible service yard arrangement. The specific retail impacts have been assessed by independent consultants, who conclude the proposals are in accordance with the development plan and current national policy tests on retailing. Highways and Health officers raise no technical objections. The loss of trees could not justify refusal of permission. There is conflict with Unitary Plan policy protecting employment land but balanced against the limited size of the site involved and the existence of alternative land/premises in Ruthin, it would be difficult to justify a refusal recommendation, subject to a planning condition to secure the continuation of the existing manufacturing business.

#### **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. No development shall be permitted to commence on the extension and the new service yard until the written approval of the local planning authority has been granted for:
  - a) The detailing of the boundary walls, security fencing and design of any gates.
  - b) Arrangements for the safe passage of cyclists along Lon Parcwr.
  - c) The detailed proposals for the bus stop.
  - d) Arrangements for the operation of the car park to allow customers to undertake linked trips with Ruthin Town Centre and nearby amenities.
  - e) The closure of the existing service yard access and egress,The development shall be completed strictly in accordance with the details approved under this condition prior to the reopening of the store, and shall be retained in accordance with the approved details at all times thereafter, other than with the written approval of the Authority to a variation.
3. No development shall be permitted to commence until the written approval of the local planning authority has been obtained to full details of the proposed revised highway works along Lon Parcwr, to include final layout, design, construction, drainage, street lighting, road signs and markings, the pedestrian crossing at the refuge close to the site entrance, the enhancement of pedestrian links and signage to the town centre, footway positions and provision for the safe passage of cyclists along Lon Parcwr, details of the footway link to the Lon Parcwr Business Park, and details of the reinstatement of land either side of the road, including proposed levels, cross sectional details and the position and schedule for replacement tree/shrub planting. The development shall be completed strictly in accordance with the details approved. No development shall be commenced until the written approval has been obtained to a revised Travel Plan and proposals for the implementation of the plan.
4. No works shall be permitted to commence on the external faces of the walls or the roofs of the proposed extension or the re-roofed sections of the existing store, until the written approval of the local planning authority has been obtained to the colour and type of the materials to be used, including the stonework and mortar mix, the composite wall panels and roof sheets; in connection with which samples shall be provided on site for inspection by officers of the authority. The development shall be carried out strictly in accordance with the

details approved under this condition.

5. The extended store, new service yard and ancillary plant and machinery, including any sited within the open plant area on the roof of the store shall not be brought into operation until the written approval of the local planning authority has been obtained to the maximum permissible noise level arising therefrom, as measured from the facades of nearby residential property. The agreed levels shall not be exceeded at any time.

6. All refrigerated units left overnight within the site shall be switched off between 2300 and 0700 hours the following day.

7. The store shall not be open for trading to customers outside the following times and days:

0700 - 2200 Mondays to Saturdays inclusive

1000 - 1600 Sundays

8. Deliveries of goods to the store shall not be permitted outside the following times and days:

0700 hours to 2200 hours Mondays to Saturdays inclusive

0900 - 1700 Sundays

9. No external sound amplification/loudspeaker systems shall be permitted at any time without the formal written approval of the local planning authority.

10. No external ventilation/refrigeration equipment or electrical or mechanical plant shall be installed on the building or within the site without the written agreement of the local planning authority to the precise siting, design and external appearance, and the operation of such equipment shall not be permitted to exceed the noise levels agreed in conjunction with Condition 5 of this permission.

11. Notwithstanding the submitted details, no pharmacy facility shall be permitted to operate from the store or premises at any time, other than with the formal permission of the local planning authority.

12. Notwithstanding the submitted details, this permission relates to the creation of a store with an overall gross floorspace of 3880sq.m, and a net retail sales area of 2716sq.m. Within this floorspace, the convenience (food) goods sales area shall not exceed 1765sq.m, and the comparison (non food) goods sales area shall not exceed 951sq.m.

13. The floor area of the building shall not be increased beyond that shown on the approved plans by the construction of internal floors, and store shall not be subdivided into separate retailing units at any time, other than with the permission of the local planning authority.

14. With the exception of the service delivery yard, there shall be no external storage of goods, crates or any items relating to the delivery or collection of goods from the store, on any part of the application site.

15. No development shall take place until there has been submitted to, and approved in writing by the local planning authority, a fully detailed scheme of hard and soft landscaping for the area around the extension, 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 accesses, car park bays, 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, height, materials and type of all fences and walls and the boundary treatment, including the screen along the eastern boundary of the site.

16. All planting, seeding, turfing, fencing or other treatment comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons

following the bringing into use of the store, 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.

17. 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 of the retained 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.

18. 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 for the local planning authority.

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. the volume of the bunded compound should be at least equivalent to the capacity of the tank(s) plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

20. No work shall be permitted to commence until there has been carried out a comprehensive soil survey over the site, to determine whether any of the land is contaminated and whether the development may impact on controlled surface and ground waters, such survey to be in accord with BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") and to include water monitoring data: and the contents of the survey and its conclusions have been submitted to the local planning authority for assessment in liaison with the Environment Agency Wales.

21. In the event that the site survey required by Condition 21 of this permission reveals the presence of hazard from any contamination, no development shall be permitted to commence until there has been submitted to the local planning authority a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials and future users of the site, and any other person; and the written approval of the local planning authority has been obtained to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. The development shall be carried out strictly in compliance with the detailed measures approved by the local planning authority.

22. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the local planning authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the local planning authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.

23. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the local planning authority and the approved scheme shall be completed before the buildings and parking area are brought into use.

24. Prior to being discharged into any watercourse, surface water or soakaway system,

all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

25. No external lighting of the building or car park area shall be permitted without the prior written approval of the local planning authority to details of the type and position of the lights, column sizes, design and hooding, the level of luminance and proposed hours of use.

26. No development shall commence until the existing manufacturing business, Mike Williams Engineering, has secured alternative premises in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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 the servicing and parking arrangements are acceptable in terms of highway safety, to provide adequate opportunity for linked trips to the town centre and to ensure the development is accessible by different modes of transport.
3. To ensure the highway works are completed to a satisfactory standard, to ensure enhanced pedestrian links to the town centre, and to ensure the proper reinstatement of the landscaped areas along Lon Parcwr.
4. In the interests of visual amenity.
5. In the interests of the amenities of occupiers of nearby residential property.
6. In the interests of the amenities of occupiers of nearby residential property.
7. In the interests of the amenities of occupiers of nearby residential property.
8. In the interests of the amenities of occupiers of nearby residential property.
9. In the interests of the amenities of occupiers of nearby residential property.
10. In the interests of the amenities of occupiers of nearby residential property.
11. The operation of the pharmacy within the store is considered likely to be prejudicial to the provision of that service in existing locations in the town.
12. In order that the local planning authority retains control over the use in the interests of the vitality and viability of the town and locality.
13. In order that the local planning authority retains control over the use in the interests of the vitality and viability of the town and locality.
14. In the interests of visual amenity and to ensure a proper quality of landscaping/planting in connection with the development.
15. In the interests of visual amenity and to ensure a proper quality of landscaping/planting in connection with the development.
16. In the interests of visual amenity and to ensure a proper quality of landscaping/planting in connection with the development.
17. In the interests of visual amenity and to ensure a proper quality of landscaping/planting in connection with the development.
18. In the interests of visual amenity and to ensure a proper quality of landscaping/planting in connection with the development.
19. To prevent pollution of the water environment.
20. To ensure proper evaluation and mitigation measures for any contaminated material on the site, to protect the amenities of nearby residents, wildlife and the water environment.
21. To ensure proper evaluation and mitigation measures for any contaminated material on the site, to protect the amenities of nearby residents, wildlife and the water environment.
22. To ensure proper evaluation and mitigation measures for any contaminated material on the site, to protect the amenities of nearby residents, wildlife and the water environment.
23. To ensure the satisfactory drainage of the site.
24. To ensure the satisfactory drainage of the site.
25. In the interests of the amenities of occupiers of nearby residential property.

26. To ensure the continuity of the existing business.

**NOTES TO APPLICANT:**

You are advised to discuss details requested to satisfy the conditions of this permission with officers of the planning, public protection and highways section prior to the submission of any plans.

**ITEM NO:** 5

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2006/0910/ PF

**PROPOSAL:** Erection of two-storey pitched-roof extension to surgery to provide new waiting room/reception, additional consulting room and office

**LOCATION:** Hayhurst & Jones Wern Veterinary Surgery Wern Fechan Ruthin

**APPLICANT:** Hayhurst & Jones

**CONSTRAINTS:** Within 67m Of Trunk Road

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

**CONSULTATION RESPONSES:**

1. RUTHIN TOWN COUNCIL  
"We object and refuse this planning application on health and safety grounds – increase in traffic volume; safety of pedestrians; insufficient parking spaces and inconsistency in existing/proposed traffic flows. We have also received an objection from a local resident."
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
Awaiting response
3. PUBLIC PROTECTION  
Awaiting response

**RESPONSE TO PUBLICITY:**

Letters of representation received from:-

1. H. & A. Davies, Uwchaled, Wernfechan, Rhuthun
2. Mr. & Mrs. G. H. Davies, Gwilan, Wernfechan, Ruthin

Summary of planning based representations:

- i) Loss of residential amenity by way of increased traffic, waste, fumes and noise as a result of the expansion of the business
- ii) Insufficient parking to support the expansion

**EXPIRY DATE OF APPLICATION: 24/09/2006**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. Wern Veterinary is within the Ruthin development boundary and is located adjacent to the junction of the A494 and A525. The north and west boundaries of the site are open to the road, whilst there are hedges and fences along the

southern and eastern boundaries offering some screening from the nearby residential properties Uwch Aled and Yr Erw Wen. Surrounding the surgery is a tarmac surface which is made available for parking, with the access being located to the north-east of the site onto Ffordd Cae Glas.

2. The existing building is a mixture of 2 storey and single storey. The proposal is to extend the 2 storey section along the northern elevation of the building for approximately 4.5 metres at a depth of 4.5 metres. The extension would provide improved disabled access facilities, an enlarged waiting room, a third consulting room and a new office space.

**RELEVANT PLANNING HISTORY:**

3. The surgery was altered/extended under permission code 2/11449 dated 12/10/1990. It was further extended in 1997 by way of a single storey extension granted permission under code 02/595/97.

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 1 – Development within Development Boundaries
  - Policy GEN 6 – Development Control Requirements
  - Policy EMP 11 – Expansion/Intensification of Existing Employment Sites/Premises
  - Policy HSG 12 – Extensions to Dwellings
  - Policy CF1 – Community Facility
  - SPG 1 – Extensions to Dwellings

**GOVERNMENT GUIDANCE:**

Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of development
  - ii) Impact on visual amenity
  - iii) Impact on residential amenity
  - iv) Highways/parking issues
6. With regard to the considerations in paragraph 5 above:
  - i) Principle of Development

The principle of this proposal is considered against the requirements of Policies EMP 11 and CF1. This Policy Emp 11 allows for the expansion of employment uses/premises provided that no unacceptable effect upon the surrounding area. As such the impact of this proposal upon the nearby residential properties, highway infrastructure, and character of the area is considered in the following paragraphs. Policy CF1 supports facilities that are located to serve the local population, accessible to non-car users, and within development boundaries. The proposals meet these criteria.
  - ii) Impact on visual amenity

Guidance contained within SPG 1 and Policy HSG 12 highlights the need for extensions to dwellings to be sympathetic in style and subordinate in form to the existing dwelling so as to minimise the impact upon the visual amenity of both the building in question and the surrounding area. The same principles can be applied to this extension, albeit not residential. The proposed design retains the features of the existing two storey element and uses the same materials. The inclusion of a hipped roof on the proposed new gable end is reflective in design of the existing. The feature brick string course work helps to tie the proposed extension into the existing. The external walls would be rendered to match the existing. It is considered that the proposed extension



meets the design criteria as detailed in SPG 1 and Policy HSG 12 and therefore would not result in a negative impact upon the visual amenity of the area.

iii) Impact upon residential amenity

The site of the proposed extension is some 20 metres from the nearest residential property. The siting of the application site in relation to the dwelling is such that no issues of over looking or overshadowing would arise.

Concerns expressed in the representations relating to the impact of the proposed expansion have been duly noted and considered. However, it is not felt that the introduction of a third consultation room would result in a significant increase in the amount of waste created.

iv) Highway/parking issues

The Highway Authority regards this application as small scale development. The site in question has sufficient space to accommodate the required amount of parking but it needs to be formalised. Therefore a condition relating to the marking out of parking bays should be included in the permission.

**SUMMARY AND CONCLUSIONS:**

7. The proposal has been considered against the relevant policies, EMP 11, CF1, HSG 12 and GEN 6. It is concluded that this development would not result in any unacceptable affects upon the character of the area, nor the neighbouring residencies. The surrounding area is large enough to accommodate the required amount of parking and it is considered pertinent to request details of the car park layout to regularise the situation.

**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 materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed in writing by the Local Planning Authority and which shall include marked out by white lines and completed prior to the proposed 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. In the interests of visual amenity
3. 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.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 and 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

**ITEM NO:** 6

**WARD NO:** Corwen

**APPLICATION NO:** 05/2005/1539/ PO

**PROPOSAL:** Development of 0.1 hectares of land for erection of detached dwelling and alterations to existing access (outline application)

**LOCATION:** Land at (Part garden of) Pentir Carrog Corwen

**APPLICANT:** Mr & Mrs I Lebbon

**CONSTRAINTS:** C2 Flood Zone

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

**CONSULTATION RESPONSES:**

27. CORWEN COMMUNITY COUNCIL  
Awaiting response
28. ENVIRONMENT AGENCY  
Accept the challenge to the boundary of the C2 flood zone and the proposals maps will be changed in accordance with information forming part of the challenge.
29. HIGHWAYS  
No objection. After further negotiations with the applicant it has been agreed to carry out improvements to the existing access onto the B5437 and also provide a turning head on the unclassified road adjacent to the site which will become adopted highway. It is considered that these improvements will be a substantial gain to an existing substandard access and the small scale development proposed of one extra dwelling will not be detrimental to highway safety.
30. WELSH WATER  
No objection, subject to safeguards

**RESPONSE TO PUBLICITY:**

Letters of representation received from the following:

In objection (6) :

- (i) D. J. Jones, 1, Tan Llan Cottage, Carrog
- (ii) F.G.C Hindley - 2 Tanllan, Carrog, Corwen
- (iii) Kay & Bill Farr, 4 Glyndwr Terrace, Carrog, Corwen
- (iv) Mr. & Mrs. Knight, Riverdale, Carrog, Corwen
- (v) Mr. P. Jones, 3, Parc Terrace, Llidiart-y-Parc, Corwen
- (vi) Ms. N. W. Roberts, Frondderw, 1, Parc Terrace, Llidiart y Parc, Corwen

In support (1):

- (vii) Mr. & Mrs. R. K. Sheasby, The Cottage, Carrog

Summary of planning based representations:

- (i) Concerns about the access leading to the application site from the junction with the B5437, it is steep and visibility is poor on the acutely angled junction.
- (ii) The width of the lane leading to the application site is too narrow for construction vehicles and further damage could be caused to the gable elevation of no 1 Tan Llan.
- (iii) Planning history of the site and adjoining properties - applications for such development have been previously refused on highway grounds
- (iv) Concerned about war memorial
- (v) Drainage – problems with foul sewage flows

**EXPIRY DATE OF APPLICATION: 12/10/2006**

**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is located within the development boundary of Carrog and is located on land adjacent to the dwelling known as Pentir. The site extends to 0.1ha in land area. Currently the site is designated as being within a C2 flood zone and is located with the Area of Outstanding Beauty. Access to the site is through a gate via a narrow lane off the main B5437 road through the centre of the village.
2. The proposal is for the erection of a single dwelling and is made in outline form with means of access only forming part of the application. All other details are reserved for future consideration.
3. Members should be aware that details forming part of this application include a flood map challenge to the boundary of the C2 flood zone and alterations to the access at the junction with the B5437. These alterations include the removal of a section of railings and lowering the wall which in turn will also mean the relocation of the war memorial, the installation of visibility railings and the formation of a turning head at the entrance gate of the application site.

**RELEVANT PLANNING HISTORY:**

4. In relation to the application site:-

Application Code No. 5/14/8763

Development of land by the erection of a detached dwelling and double garage (outline). Refused on 7/5/1987 for the following reason:

‘ The unclassified road leading to the site joins the Class II Road, B5437 at an acute angle and steep gradient and it is considered that the increased use of the junction by the traffic likely to be generated by the proposed development would create conditions prejudicial to the safe and free movement of traffic on the Class II Road.’

Members should also note that two other applications were made under code numbers 5/18/3850 and 5/14/9293 in 1979 and 1988 respectively for the change of use of the dwelling known as Riverdale to a guesthouse (5/14/9293) and a private

hotel (5/18/3850). Each of these proposals was also refused for the reason stated above.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN1 - Development within development boundaries  
Policy GEN6 - Development control requirements  
Policy ENV2 – Development affecting the AOB  
Policy ENP6 – Flooding  
Policy SPG22 – Affordable housing in new developments

Government Guidance:

Planning Policy Wales (March 2002)  
TAN15 - Development and Flood Risk  
TAN18 – Transport

**MAIN PLANNING CONSIDERATIONS:**

6.

- i. Principle of development
- ii. Highways
- iii. Flooding
- iv. Impact on visual amenity and the AOB
- v. Impact on residential amenity
- vi. Affordable housing

7. In relation to the main planning considerations as noted above:

i. Principle:

The application site is within the development boundary of Carrog, where the principle of development is considered to be acceptable. This is in accordance with Policy GEN1 of the Denbighshire Unitary Development Plan.

ii. Highways:

Concern has been raised by adjoining neighbours and initially the Highways Officer in relation to the adequacy of the junction serving the lane leading to the application site. Previous applications on the site and in the vicinity (Riverdale) have been refused based on the acute angle, gradient and increased use of the junction likely to be generated by proposals which could compromise the free and safe movement of traffic on the Class II Road. Following discussions with Highways Officers, it is now proposed to alter the access at the junction with the B5437 including the removal a section of railings and lowering the wall which in turn will also mean the relocation of the war memorial, the installation of visibility railings on the lowered wall and the formation of a turning head at the entrance gate of the application site. Advice contained in TAN18 (paragraph B8, annex A) states that "*limited redevelopment which incorporated a substantial access improvement may be allowed, even though the improved access would still be below standard. While it may not be practicable to comply with full visibility standards, in these circumstances the application may be acceptable. However, visibility should not be reduced to such a level that danger is likely to be caused*". In this instance, and based on advice contained in the TAN, highways

consider that these improvements will be a substantial gain to an existing substandard access and the small scale development of one dwelling will not be detrimental to highway safety. Based on this the proposal is considered to be in accordance with criterion vii) of Policy GEN6.

iii. Flooding:

The application site currently lies within a C2 flood zone, where in accordance with advice contained in TAN15, no highly vulnerable development (residential) should be considered. The applicant has submitted a challenge to the boundary of the C2 zone which has been accepted by the Environment Agency. The flood maps for this area will be amended based on the findings of the report and there are now no objections to the proposal from the Environment Agency. The proposal is thus in accordance with criterion x) of Policy GEN6 and Policy ENP6 of the Denbighshire Unitary Development Plan.

iv. Visual amenity and the AOB:

Details of the siting, design and external appearance of the dwelling will form the basis of a subsequent application for reserved matters should members decide that this application is acceptable. The proposal is within the development boundary of Carrog, therefore the impact on the AOB is minimal. This is in accordance with Policy ENV2.

v. Residential amenity:

Further details of siting and location of windows etc would be dealt with in any application for reserved matters and do not form part of this current proposal. The site is of sufficient size and provides adequate separation from nearby dwellings such that it would not adversely affect residential amenity.

vi. Affordable housing:

The site area extends to 0.1ha, which is the minimum threshold to provide an affordable housing element within the scheme. In this instance a substantial part of this site is not developable as it forms part of the driveway leading to the area where a dwelling would be located. In addition, a more interim development would not be acceptable due to the substandard access. Thus, requiring affordable housing in this instance would not be appropriate.

#### **SUMMARY AND CONCLUSIONS:**

8. The proposal is for the erection of a single dwelling on land adjoining Pentir. It is made in outline form with means of access only to be determined as part of the proposal. The application site is within the development boundary of Carrog and is located within a C2 flood zone. A challenge to the boundary of the flood zone has been accepted by the Environment Agency, with no further issues in relation to flooding to be considered. Alterations to the junction joining the lane leading to the application site and the B5437 have been proposed and although these alterations do not fully merit the requirements of visibility standards as outlined in TAN 18, the

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

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (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. Before any development commences on site, full details of the proposed turning head, visibility improvements and access to the site including the detailed layout, design, drainage and construction, shall be submitted to and approved by the Local Planning Authority, and the turning head visibility improvements and access shall be constructed and carried out in accordance with the approved details prior to the commencement of any works on the site.
5. Facilities shall be provided and retained within the application site for the parking and turning of vehicles in accordance with the a scheme to be agreed with by the Local Planning Authority, and which shall be completed prior to the proposed dwelling being occupied.
6. 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 commencement 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.
7. Prior to any development taking place, including the highway improvements required by condition 4, the war memorial to the highway frontage shall be relocated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

1. The application is for outline permission with details of means of access only.
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. 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.
5. 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.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To ensure that the important memorial is retained in a suitable location in the village.

#### **NOTES TO APPLICANT:**

To secure a supply of mains water it will be necessary for a service pipe to be laid by, or at the expense of, the developer. Where any part of the service pipe is to be laid in a street only Dwr Cymru Welsh Water may undertake that portion of the work.

The developer will need to discuss the provision of a water supply and should contact the Distribution Manager, Allt y Ffynnon, Alltami Road, Mold, Flintshire CH7 6HD.

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

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

**ITEM NO:** 7

**WARD NO:** Llanfair Dyffryn Clwyd / Gwyddelwern

**APPLICATION NO:** 06/2006/0261/ PF

**PROPOSAL:** Conversion of existing outbuilding to form single residential dwelling and installation of new septic tank

**LOCATION:** Outbuilding at Maerdy-Mawr Gwyddelwern Corwen

**APPLICANT:** Ms Helen Rowe

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. GWYDDELWERN COMMUNITY COUNCIL  
No objection.
2. HEAD OF TRANSPORT & INTRASTRUCTURE  
No objection.
3. ENVIRONMENT AGENCY  
No objection.
4. BUILDING CONTROL  
The structural report is an accurate reflection of the state of the building, it is structurally sound and can be implemented without demolition/reconstruction in excess of that shown on the plan.
5. CLWYD-POWYS ARCHAEOLOGICAL TRUST  
The proposal will affect a building of local archaeological significance.
6. COUNTRYSIDE COUNCIL FOR WALES  
No objection.

**RESPONSE TO PUBLICITY:**

1 letter of objection received from the following:-  
J. Evans, Maerdy Mawr, Gwyddelwern

Summary of planing based representations:

- i) Proposal does not provide adequate amenity space for a 4 bedroom dwelling.
- ii) Concerns about drainage
- iii) Additional traffic and parking space required which will have an adverse impact on adjacent holiday lets and residential property.
- iv) Lane leading to application site is not owned by applicant and additional vehicles along lane will mean need for further maintenance/improvements

**EXPIRY DATE OF APPLICATION: 11/09/2006**

## **REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. The application site is located in the open countryside, outside the main village of Gwyddelwern. Access is via a single lane off the main A494 Corwen to Ruthin road. The site forms part of a complex of redundant agricultural buildings which have been converted into holiday lets and a unit of residential accommodation. The track leads on through the courtyard into a caravan park which has planning permission for 40 touring caravans.
2. The site itself comprises of a single redundant stone and slate barn which has the benefit of planning consent for conversion into two units for holiday let. The proposal forming part of this application is for the conversion of the building into a single unit of residential accommodation comprising of 4 no. bedrooms, a kitchen/dining room, utility room, lounge, study and sitting room. Parking is proposed to the rear and side of the adjoining holiday let with space for 3 vehicles.
3. It is the intention of the applicant to use the site as accommodation for the management and upkeep of the adjoining and nearby barns. The adjacent barn to the west of the application site is still used for agricultural purposes. The barns to the south west have planning consent for conversion into two holiday lets and a single unit of residential accommodation. This has not yet been implemented. The two barns further south east of the site have already been converted into holiday lets.

### **RELEVANT PLANNING HISTORY:**

4. **06/2003/0312/PF**  
Conversion of existing outbuilding to form 2 no. holiday accommodation units.  
Granted with conditions on 22/4/2003

### **PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 3 - Development outside development boundaries
  - Policy GEN 6 - Development control requirements
  - Policy HSG 9 - Residential conversions of rural buildings to dwellings
  - SPG 16 - Conversion of rural buildings
  - SPG 21 - Parking requirements in new developments

Government Guidance  
Planning Policy Wales (PPW) (March 2002)

### **MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of development
  - ii) Impact on visual amenity
  - iii) Impact on residential amenity
  - iv) Highway considerations



v) Drainage

7. In relation to the main planning considerations as noted in paragraph 6 above:-

i) Principle

Policy GEN 3 considers the principle of development and states that the conversion of redundant outbuildings is an acceptable form of development in the open countryside subject to the provisions of HSG9. Comments from Building Control state that the structural report is an accurate reflection of the state of the building, that it is capable of conversion and that the scheme can be implemented without demolition/ reconstruction in excess of that shown on the plans. The applicant has stated that the use of the building would be for manager's accommodation to allow for on site management of the adjoining holiday lets. Based on this, the principle of conversion is considered to be acceptable and in accordance with Policy HSG9.

ii) Visual Amenity

The scheme of conversion respects traditional building styles and materials, with the outbuilding being of stone and slate construction. Limited alterations are proposed to the external appearance of the building and the number of new openings created is minimal. It is considered that overall, the proposal will have no adverse impact on the visual amenity of the building or the wider landscape area. This is in accordance with criterion ii) and iii) of Policy HSG9 and advice contained in SPG16.

iii) Residential Amenity

Permission exists for the outbuilding to be converted into two no holiday lets, with the adjoining building and the one opposite also in use as holiday accommodation. The use of the adjoining buildings as holiday accommodation will not have any adverse impact on the residential amenity of the future occupants of the outbuilding. The main area of private residential amenity space is located to the rear of the outbuilding, with an average depth of 6.6m and a length of 22m. (145sq.m). Separate parking and turning space is available for three vehicles in connection with the outbuilding. This is located to the north east of the application site. The amount of residential amenity space associated with the outbuilding is in accordance with criterion iv) of Policy HSG9 and also satisfies criterion v) of Policy GEN6.

iv) Highways Considerations

Concerns have been raised about the additional use of the lane leading down to the application site as a result of the proposal. The comments made are in relation to land ownership, stating that the lane is not owned or maintained by the applicant. This is not a material planning consideration and for the purposes of the planning application, the correct certificate of ownership has been served on the owner of the lane. There are no further planning issues based on the above objection. The highways department are satisfied with the parking and turning area as part of the proposal and offer no objection to the proposal. This satisfies criterion vii) of Policy GEN6 and advice contained in SPG21.

v) Drainage

Concerns have also been raised in relation to the drainage on the site. The proposal involves the installation of a new septic tank on land to north east of the application site. The Environment Agency has no objection to the installation of a new tank and it is considered therefore that the proposal is in accordance with criterion x) of Policy GEN6.

**SUMMARY AND CONCLUSIONS:**

8. The principle of development is considered to be acceptable in relation to Policies GEN3 and HSG9. There are no adverse impacts in relation to visual or residential amenity and the proposal satisfies criteria in relation to highway safety and parking standards and concerns in relation to drainage. This is in accordance with Policy GEN6.

**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 materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
3. Any existing wall opening(s) to be blocked up and/or existing walls/stonework to be restored in accordance with the approved plans shall be carried out with materials which match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing.
4. The proposed roof lights shown on the approved drawings shall not project above the plane of the existing roof.
5. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plans and which shall be completed prior to the proposed development being brought into use.
6. Prior to the commencement of the development hereby permitted, detailed site surveys shall be undertaken to investigate the potential presence of bat species and birds (roost survey and nest survey) on the site. The surveys, together with any mitigation measures arising from a confirmed presence shall be submitted to and approved in writing by the Local Planning Authority and any mitigation measures fully implemented prior to the commencement of any works.
7. 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.
8. 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 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.
9. 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 development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
10. Notwithstanding the provisions of Classes A, B, C, D and E 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 further grant of planning permission of the Local Planning Authority.

11. Development shall not begin until an appropriate photographic survey of the existing building on site has been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The resulting photographs shall be deposited with the County Sites and Monuments Records, operated by the Clwyd -Powys Archaeological Trust, (7a, Church Street, Welshpool, Powys, SY21 7DL, Tel: 01938 553670).

12. The proposed septic tank and ancillary soakaway system shall conform to BS6297 and no part of the system shall be sited within 10 metres of any watercourse.

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. In the interests of visual amenity.
3. In the interests of visual amenity
4. To ensure that the development presents a satisfactory appearance
5. To provide for the parking of vehicles clear of the highway.
6. In the interest of nature conservation.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
10. In the interests of residential and/or visual amenity.
11. To preserve a record of the building in the interests of local archaeology.
12. To ensure the proper drainage of the site and to minimise the risk of pollution.

**NOTES TO APPLICANT:**

Please see attached guidance notes from the Environment Agency

**ITEM NO:** 8

**WARD NO:** Llanfair Dyffryn Clwyd / Gwyddelwern

**APPLICATION NO:** 06/2006/0465/ PO

**PROPOSAL:** Development of 0.02 hectares of land by erection of single dwelling (outline application)

**LOCATION:** Cartrefle Gwyddelwern Corwen

**APPLICANT:** Mr Terry Mallon

**CONSTRAINTS:** Within 67m Of Trunk Road

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

**CONSULTATION RESPONSES:**

31. Gwyddelwern Community Council  
"There were objections to the planning application due to the lack of parking space. Parking is a big problem in the village, especially on the Deunant Estate"
2. Head of Transport and Infrastructure  
No objection subject to the inclusion of relevant conditions

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 31/07/2006**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. This application seeks to gain outline planning permission for the development of the land (approximately 200m<sup>2</sup> in area) by the erection of a single dwelling. The site is within the development boundary of Gwyddelwern and is located off the main A494 on the junction with the cul de sac known as Deunant.
2. The application site forms part of the curtilage of the dwelling Cartrefle which is part of row of terraced houses fronting the A494. At present the site is occupied by a detached garage measuring 5.5metres wide by 7 metres long. Adjacent to the rear of the site are two stone outbuildings belonging to Cartrefle and Aberview. These would be retained as part of the application. The site is bordered in places by leylandii hedges.

**RELEVANT PLANNING HISTORY:**

3. None

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 1 – Development within Development Boundaries  
Policy GEN 6 – Development Control Requirements  
SPG 1 – Extensions to dwellings  
SPG 21 – Parking Requirements in New Developments

GOVERNMENT GUIDANCE:  
Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of development
  - ii) Impact on residential amenity
  - iii) Impact on visual amenity
  
6. With regard to the considerations in paragraph 5 above:
  - i) Principle of proposal  
The application site is located within the defined settlement boundary of Gwyddelwern where the principle of residential development is considered acceptable provided it complies with all other relevant policies in the UDP.
  
  - ii) Impact upon residential amenity  
Siting and site layout do not form part of this application but an illustrative plan has been submitted. This plan shows that it is possible to locate a single storey property and provide residential amenity space of approximately 60m<sup>2</sup>. Cartrefle would retain approximately 45m<sup>2</sup> of private space including a stone outbuilding. Guidance contained in SPG 1 states that for small dwellings a minimum of 40m<sup>2</sup> should be provided. The illustrative plan also indicates that it is possible to create parking and turning for 2 vehicles within the curtilage. This is sufficient for the likely size of any future dwelling on this site.  
  
Issues relating to privacy and residential amenity of neighbouring properties have been considered. Given the location of principal windows in the surrounding properties it is concluded that it is possible to develop the site without negatively impacting upon the privacy of the neighbours.
  
  - iii) Impact upon visual amenity  
An appropriately designed property, would be single storey only in this location to avoid dominance over the existing dwellings and to fit in with the overall character and appearance of the area. With the use of external materials in keeping with those in the locality, it is not considered that there would be any adverse impact on visual amenity. Sympathetic boundary treatments should be considered as part of the reserved matters application.

**SUMMARY AND CONCLUSIONS:**

7. It is considered that this proposal is acceptable in principle and that the site is of a size that can, subject to the reserved matters, accommodate a small dwelling without negatively impacting on neighbours. It is therefore concluded that this application should be granted permission.

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

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (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 commencement 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.
5. Facilities shall be provided and retained within the site for the parking of vehicles in accordance with the approved plans and which shall be completed prior to the proposed 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 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. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.

**NOTES TO APPLICANT:**

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

**ITEM NO:** 9

**WARD NO:** Efenechtyd

**APPLICATION NO:** 12/2006/0843/ PF

**PROPOSAL:** Erection of garden shed

**LOCATION:** Land at rear of Awelon 5 Maes Annedd Derwen Corwen

**APPLICANT:** Mr D Ashcroft

**CONSTRAINTS:** Public Footpath / Bridleway

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

**CONSULTATION RESPONSES:**

32. DERWEN COMMUNITY COUNCIL  
 "Objection on the following grounds:
- i) The proposed shed is sited too close to the neighbouring properties thus invading their privacy.
  - ii) Denbighshire County Council has refused a planning application for a shed at Tan Llan, Derwen which is opposite the application site and should therefore be consistent".

**RESPONSE TO PUBLICITY:**

Letters of representation received from the following:

- 1. S. M. Griffiths, 4, Maes Annedd, Derwen, Corwen
- 2. Mr G.O Williams, Bro Aled, Derwen, Corwen

Summary of planning based representations:

- i) Concerns that the building will be used as a workshop and for business purposes with potential for additional traffic.
- ii) Visual impact of shed.

**EXPIRY DATE OF APPLICATION: 17/09/2006**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

- 1. The application site comprising the dwelling and garden of 5 Maes Annedd and is located within the small settlement of Derwen. Awelon is a two storey semi detached property with the garden area to the rear.

2. The proposal is for the erection of a garden shed on land forming part of the garden area of Awelon. The shed measures 7m in length, 3.75m in width and is proposed to be 3.6m in height. It is proposed to be constructed of timber.

**RELEVANT PLANNING HISTORY:**

3. Application no:12/2004/0424/PO – Development of land by the erection of a dwelling and installation of new septic tank. Refused on 30/06/2004

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN3 - Development Outside Development Boundaries  
Policy GEN6 – Development Control Requirements

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of development
  - ii) Impact on visual amenity
  - iii) Impact on residential amenity
  - iv) Community Council comments
6. In relation to the main planning considerations as noted above:
  - i) Principle:  
The application site lies in a small settlement which is defined as open countryside in the UDP. However the proposed development is within the curtilage area of the property and ancillary to it and thus the principle of development is considered to be acceptable.
  - ii) Visual amenity:  
The size, scale and design of the proposed shed is considered to be acceptable in this location. The materials to be used are timber for the elevations with black corrugated roofing. The shed is proposed to be located some 15m from the lane leading down to Nant Morfudd farm, and set in 1m from the boundary between the curtilage area of the application site and no 3 Maes Annedd. Screening exists along this boundary in form of trees. The proposal is considered to be in accordance with criteria i) and ii) of Policy GEN6.
  - iii) Residential amenity:  
Concerns have been raised by residents in relation to the use of the shed as a workshop and for running a business. The applicants have stated that they are involved in flower arranging and craft work which is carried out from the dwelling and do attend craft fairs from time to time. The frequency and intensity of this activity is considered to be ancillary to the main use of the dwelling and as such planning consent would not be required for it to continue in its current form. The proposal is considered to be in accordance with criterion v) of Policy GEN6.
  - iv) Community Council comments:  
The comments made by the Community Council in relation consistency are not considered to be relevant in relation to this application. The shed referred to in their comments was an agricultural building which was refused planning consent in 2003 under different planning policies applicable to agricultural development.



**SUMMARY AND CONCLUSIONS:**

7. The proposal is for the erection of a garden shed on land forming part of the curtilage area of the dwelling. The proposal is considered to be acceptable in principle and there is no significant impact on visual and residential amenity.

**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 shed hereby permitted shall be used for purposes incidents and ancillary to the dwelling and not for any business or commercial 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. In the interest of visual amenity and in order for the Local Planning Authority to retain a degree of control over the use of the building.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 10  
**WARD NO:** Llanarmon Yn Ial / Llandegla  
**APPLICATION NO:** 15/2004/1535/ PF  
**PROPOSAL:** Erection of agricultural worker's dwelling  
**LOCATION:** Land at Mountain Hall Farm School Lane Llanarmon-Yn-Ial Mold  
**APPLICANT:** Mr Alexander Williams  
**CONSTRAINTS:** Public Footpath / Bridleway  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

#### CONSULTATION RESPONSES:

1. LLANARMON YN IAL COMMUNITY COUNCIL :

Original consultation response:

"Llanarmon Yn Ial Community Council did **not support** this application. The farmhouse for this holding, Bryn-Yr-Ogof, has already been sold off. It thus fails UDP Policy HSG 6 New Dwellings in the Open Countryside, the justification and explanation of which states:

*'In case where the Council is concerned about possible abuse of the planning system, a full investigation of the history of the holding will be carried out to establish the recent pattern of use of land and buildings and whether for example any dwellings have been recently sold from the holding. Such a sale could constitute evidence of lack of agricultural need.'*

No evidence of agricultural need has been submitted. The Community Council feels that the holding does not own sufficient land in the immediate locality, but realises that a standard confidential report will be provided. The justification and explanation of UDP Policy HSG 6 also states:

*'It is vital that the report substantiates the long term viability of the enterprise, the need for additional dwelling and also the need for the dwelling to be located at or close to the place of work.'*

Second consultation response following the identification of the land parcels:

"Referring to the parcels of land mentioned on your letter dated 19th January 2006, Councillors have the following observations:

Plot 2 - Land at Betws yn Rhos, this land is too remote and does not relate to the main holding.

Plot 3 - Land at Eryrys, Councillors challenge the applicants claim of ownership of this land, they are aware of three separate owners of this parcel (3 sections within), one of the owners rents two sections, the other owner uses his own section.

Plot 4 - Land near Llandegla, Councillors have been advised by Llandegla Community Council of receipt of a letter from the Enforcement Officer, giving details of a visit to Ty Newydd accompanied by a Police Officer and a DEFRA Vet, pigs, horses and sheep were on the land. Councillors believe the land is owned by a Mr Wycherley of Wrexham. Councillors have no knowledge about the other parcel of land on this map.

Plot 6 - Land at Two Mile House, Chester, again this land is too remote (17 miles+), therefore does not relate to the main holding.

Because of the above observations the Council do not support this planning application”.

2. HEAD OF TRANSPORT AND INFRASTRUCTURE:  
No objections subject to conditions relating to the access and parking and turning.
3. ENVIRONMENT AGENCY:  
No comments to make.
4. PUBLIC FOOTPATH OFFICER:  
No objections subject to diversion of public footpath no. 37.
5. ADAS CONSULTANT:  
Original consultation response:  
Has examined the business conducted from Mountain Hall Farm in accordance with Planning Policy Guidance and it is considered that the farm business as outlined in the report meets the tests as specified.

Second consultation response following the identification of the land parcels:  
Basing the re-assessment on a 75 acres (owned land) holding with the new agricultural livestock buildings in place (cattle shed and two other totalling = 1210 sq. metres) then in his opinion “it would be just possible to farm in a sufficient scale to functionally justify a key worker being resident, however I would expect a farmer on this area to look for additional income/work off farm”. He does go on to say that with increased land control the levels of stock kept can be increased. One means of acquiring additional land is through short term licence agreement.

The number of animals within the 2005 farming system cannot be accommodated on the 75 acres of owned land. However, the financial reassessment has been carried out based on the likely number of livestock to be kept on 75 acres and within the sheds and the outcome is that the return to labour income would be just (£200ish) higher than the national average.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 16/03/2005**

**REASONS FOR DELAY IN DECISION:**

- Deferred from the May 2005 to seek further information and assessment
- Further consultation and assessment on information provided by applicant in November and December 2005 and May and August 2006

**PLANNING ASSESSMENT:  
THE PROPOSAL:**

1. Mountain Hall Farm is located approximately 0.5km to the north-east of the village of Llanarmon yn Ial and 1 km from Eryrys which is to the north-east. The farm buildings are located adjacent to School Road which runs from Llanarmon yn Ial to Eryrys. This area is outside the development boundaries of the adjoining villages and within the Area of Outstanding Beauty (AOB) landscape designation. The application site is set in landscape which is gently undulating and benefits from an existing hedge/tree screening on its southern boundary. Public footpath no. 37 is affected by the proposed development and would need diverting prior to any works commencing on site.
2. The farm is currently run from an existing residential caravan used by the applicant as an agricultural dwelling. Members may recall granting a temporary permission for the caravan under code 15/2003/196/PF at planning committee in June 2003. Temporary permission was granted (for three years) to establish whether it was essential for the proper functioning of the enterprise for one or more workers to be readily available most times, e.g. to deal with emergencies or essential care of animals or agricultural processes at short notice.
3. The proposal is to erect a dwelling on land immediately to the west of the existing caravan. The dwelling will comprise of living/dinning room, kitchen, utility, bathroom and two ground floor bedrooms, with a sitting area and master bedroom and bathroom in the roof space with dormer windows. The proposal also includes a single garage space attached to the ground floor of the dwelling. The proposal is for wall materials of brick, stone or render with a slate roof. The residential curtilage has been defined on the application site, and is approximately 0.27 acre.
4. The owned land lies in two blocks, at Mountain Hall 23 acres and 35 acres near Betws yn Rhos (approximately 22 miles from Mountain Hall Farm). Additionally a further 37 acres is taken on a 12 year Farm Business Tenancy at Two Mile House, Chester (approximately 14 miles from Mountain Hall Farm). The total secured land holding is thus 95 acres. Other land is taken on annual agreement at Chester for wintering livestock and on a shorter tenancy at Ty Newydd, Llandegla. There is also use made of land at Eryrys but ownership is not secured. The applicant has altered the information originally submitted as part of the agricultural assessment having failed to secure the purchase of the 24 acres at Ty Newydd and 25 acres at Eryrys. The applicant secured the land at Two Mile House in October 2005 on a tenancy.
5. The buildings at Mountain Hall Farm comprise of 2 no. stock sheds, a calf rearing shed, a farm workshop and a concreted yard. Since the first report was prepared for this farm by ADAS to accompany the previous planning application (15/2003/196/PF), the stocking of the unit changed from being predominantly of a "store stock" nature to more "breeding stock". The stocking in 2005 was detailed as 74 breeding cows, 470 breeding ewes with 145 store cattle. One stock shed of some 450 sq. metres has been erected at Mountain Hall Farm following the 2003 assessment.
6. In the past, part of the current farm holding formed part of a larger holding with an associated farmhouse, known as Bryn yr Ogof. The current applicants' father sold these off in 1986 and gifted the applicant a small part of the holding 19 acres. Since then the applicant has expanded the land in ownership and farming complex.

7. ADAS undertook an independent appraisal of labour requirements and the need to be resident on the unit, which is the Council's preferred method of assessing these proposals. These reports were submitted in April 2005 and February 2006. In addition, a further critique of the case for a dwelling, taking into account the observations of ADAS and information provided by the applicant, has been undertaken by Derrick A P Jones, BSc (Hons) Agric, Agricultural Financial Consultant. This critique was commissioned by Officers taking into account the conflicting information provided in connection with the application since 2005 and the need for all information provided to be reassessed.

**RELEVANT PLANNING HISTORY:**

8. 25/12048 – refusal for the development of land by the erection of an agricultural worker's bungalow and installation of new septic tank (outline application) at The Mobile Home, Bryn yr Ogof Farm, School Lane, Llanarmon yn Ial. - 13<sup>th</sup> September 1991.
- 15/2000/125/LE – Refusal for a Certificate of Lawfulness for an existing use, namely the siting of one static caravan for residential purposes. This refusal was appealed to the National Assembly. The appeal was subsequently withdrawn.
- ENF/432/98/S – An appeal against an Enforcement Notice for the unauthorised residential use of a caravan. This appeal was subsequently withdrawn.
- 15/909/99/AG – Erection of a 400 sq. metres agricultural storage building APPROVED – 20/1/2000
- 15/2001/0673/PO – Erection of a farmhouse at Mountain Hall Farm, School Lane, Llanarmon yn Ial, as the essential need for a worker to live on the unit was not proven – REFUSED 24 July 2002.
- 15/2003/196/PF – Use of existing caravan as living accommodation for agricultural worker. – GRANT – 25/06/2003 (committee decision). Temporary permission for 3 years.

**PLANNING POLICIES AND GUIDANCE:**

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy STRAT 15 – Housing.  
Policy GEN 3 – Development outside development boundaries.  
Policy GEN 6 – Development Control Requirements.  
Policy ENV 2 – Development affecting AOB.  
Policy HSG 6 – New Dwellings in the Countryside.  
Policy TRA 10 –Public Rights of Way.

Denbighshire Supplementary Planning Guidance Notes:  
SPG No. 9 – Agricultural and Forestry Worker's Dwellings.

GOVERNMENT GUIDANCE:  
Planning Policy Wales, March 2002.  
TAN (W) 6 – Agricultural and Rural Developments.

**MAIN PLANNING CONSIDERATIONS:**

- 10.
- i) Principle of Development – based on functional and financial tests to justify a residential dwelling.
  - ii) Highway considerations.

- iii) Design and materials.
- iv) Impact on Area of Outstanding Beauty.
- v) Impact on public footpath.
- vi) Impact on neighbouring residential amenity or privacy.

11. In relation to the considerations as noted in Paragraph 10:

i) Principle of Development:

Proposals for permanent agricultural dwellings for farm workers need to be tested against the Unitary Development Plan policies and Government Guidance advice contained in TAN (W) 6 (June 2000, Paragraphs 41-49.) The tests are:

- (a) there is a clearly established existing functional need;
- (b) the need relates to a full-time worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement;
- (c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (d) the functional need could not be fulfilled by another dwelling already on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (e) other normal planning requirements, for example, on siting and access, are satisfied.

The temporary caravan was given permission in June 2003 when an ADAS report concluded that there was clear evidence of a firm intention and ability to develop the enterprise. The applicant had been in residence for approximately 3 years prior to the June 2003 decision, and the site had been the subject of unsuccessful applications and enforcement procedures which all came to a head in 2003. Whilst the history of a unit is a consideration in weighing the merits of an application, it should be noted that the main land ownership changes took place in the mid 1980's and it would seem unreasonable some 20 years later to attach significant weight to decisions taken at that time.

The applicant advises that he has actively looked for a dwelling to purchase in the area for the last six years, to no avail, and the holding at Mountain Hall Farm is not considered to have any other farm buildings which would be suitable for conversion to residential use. Thus the principle of allowing an agricultural dwelling is accepted.

The ADAS re-assessment concluded that the agricultural activity concerned has been established for at least three years and has been profitable, according to the information provided, for three years (2002-2004) and has prospect of remaining so with the grants/subsidy available, with increased number of breeding stock, and investment in the erection of a new shed. ADAS calculations and conclusions have been based on "secure land" figures and information provided by the applicant on site. Much of the secured land is remote from the hub of the farm and the site for the dwelling, although the main activities requiring husbandry and security are based at the Mountain Hall Farm site, whereas the Betws yn Rhos and Chester sites are used for grazing and overwintering. The ADAS appraisals considered that the proposal satisfied the established functional and financial tests to justify a residential presence at the holding.

The further critique carried out on behalf of the Council raises concerns about the "secure land", stock numbers, and financial information submitted. The conclusion based on the functional and financial information available at this

moment in time is that the application should be rejected. This reinforces concerns arising from observations of the farm land and the extent of agricultural activity.

(ii) Highway considerations:

The Head of Transport and Infrastructure is satisfied that the proposed access is acceptable subject to further details being agreed prior to the commencement of work on site.

(iii) Design and materials:

The three bedroom dwelling is in itself of a size commensurate with the any functional requirement established for a farmer to reside with his family at the unit. The dwelling design is considered to be of a standard acceptable for the location within the AOB, with traditional styles of the area reflected in the window types and roof pitches. Neighbouring residential property are finished in white render and local stone. Brick is not considered to be an appropriate finish to the external walls. A natural slate roof material is most appropriate in this location.

(iv) Impact on Area of Outstanding Beauty:

The application site benefits from a reasonable screening by natural hedgerows/trees and existing buildings, and. provision of additional planting to the curtilage would further assist in reducing the impact of development. The application site is not in a prominent location, and with additional planting and control over the hard and soft landscaping of the site is not considered to prejudice any future designation as an AONB (Policy ENV 2). However, a new dwelling, unsupported by financial and functional tests, would add to the extent of built development in the open countryside and AOB and would therefore be resisted on policy grounds.

(v) Impact on the public footpath:

In respect of the public footpath with crosses the application site, the Highways Officers are satisfied that the public footpath could be diverted to an acceptable location prior to the commencement of development on site.

(vi) Impact on the neighbouring residential amenity and privacy:

The proposal is considered to satisfy other planning considerations such as the impact on neighbouring residential properties. There is over 30 metres between the proposed development and the neighbouring property of Bryn yr Ogof. Due to the nature of site levels and screening it is considered that there would be an acceptable impact on neighbouring residential amenity and privacy.

**SUMMARY AND CONCLUSIONS:**

12. The Denbighshire Unitary Development Plan and National Assembly Guidance allow for new agricultural dwellings to be constructed in the open countryside subject to functional and financial need being established. In this case it is considered that these tests have not been met and the proposal would result in inessential development in the open countryside.

**RECOMMENDATION: REFUSE-** for the following reason:

1. The proposed dwelling is not, in the opinion of the Local Planning Authority, supported by a clearly established functional need and financially sound basis, and thus would be contrary to Policy HSG 6 of the Denbighshire Unitary Development Plan and advice within TAN 6 - Agricultural and Rural Developments and Planning Policy Wales. As such, the

proposal would result in a new dwelling in the open countryside detracting from the character and appearance of the area and AOB without an essential need.

**NOTES TO APPLICANT:**

None



**ITEM NO:** 11

**WARD NO:** Llanarmon Yn Ial / Llandegla

**APPLICATION NO:** 15/2006/0584/ PF

**PROPOSAL:** Conversion of part of public house to dwelling and erection of extension to provide additional living accommodation

**LOCATION:** Raven Inn Ffordd Rhiw Ial Llanarmon-Yn-Ial Mold

**APPLICANT:** Mr R Long

**CONSTRAINTS:** Public Footpath / Bridleway  
Listed Building  
Conservation Area  
AONB

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

33. LLANARMON YN IAL COMMUNITY COUNCIL

" OBJECTION:

- i) The Council are very concerned that the proposed change of use of part of the public house to a private dwelling which would include conversions and extensions and a reduced beer garden area which would seriously affect the long term viability of this valued village public house (the pub was apparently a thriving business up until several years ago) which at present contains a restaurant and did provide B&B up until the last tenants arrived.
- ii) The village within the AONB has many visitors and walkers, as well as local people who would greatly appreciate having/ regaining the use of an historic public house with all facilities expected of such a building, and along with a thriving shop and post office, it would add to the sustainability of the community. Please refer to Policy RET12.
- iii) Council are concerned that any exterior changes should strictly follow the recommendations in Policy CON5. The Raven is the 2<sup>nd</sup> most important building in the conservation area of the village. The proposed doors and windows are not in keeping with the existing and their use would have a detrimental effect on the long term viability of this valued historic public house.
- iv) The reduction in size of the car parking area would have repercussions, causing vehicles to be parked on the road which is narrow and hazardous in this area, this has already been the case when The Raven has been busy. There is a serious concern that vehicles parked on the road will impede the passage of emergency vehicles.
- v) 'The council would like to see the reinstatement of the boundary to the east of the site where the public footpath lies'
- vi) 'For many years, the restaurant room at the Raven has been used as the community polling station, its location is central and provides easy access for everyone. The loss of this room would not be beneficial for the community, and its availability for the above use was greatly appreciated".

34. CONSERVATION ARCHITECT

No objection.

35. JAC AONB COMMITTEE  
'The JAC wishes to reaffirm its previous comments that it has no observations to make on this application other than to ensure that the details of the scheme are sympathetic to the character of the Conservation Area'
36. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection.
37. FOOTPATH OFFICER  
Public footpath no 80 abuts the application site, standard advisory notes are suggested.

**RESPONSE TO PUBLICITY:**

None in relation to the amended plans.

**EXPIRY DATE OF APPLICATION: 13/09/2006**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is within the development boundary of Llanarmon yn Ial and occupies a central position within the village and within the Conservation Area. The site is also located within the Clwydian Range AONB. Public footpath no 80 runs along the side of the building.
2. The site comprises of a two storey public house with a single storey link to an outbuilding/ store. A walled beer garden is located to the front and side of the building with the car park beyond separated from the main road through the village by a dwarf wall. The building itself has white render elevations with a slate roof with all windows and door details of painted timber. The current use of the building is as a public house on the ground floor with 6 rooms for B&B above. The existing ground floor arrangement comprises of bar areas, dining room, kitchen, beer cellar and attached storage outbuildings.
3. The proposal is to convert the first floor into a manager flat, comprising of a kitchen/ dining area, two bedrooms and a bathroom for the management of the public house. The outbuilding/ store is proposed to be converted into a single unit of residential accommodation with a kitchen, lounge, entrance hall, two bedrooms and a bathroom on the ground floor and a study, two bedrooms and a bathroom on the first floor. The two bedrooms and the bathroom at ground floor level are proposed to be converted from the existing dining room forming part of the public house. Parking and amenity space associated with the dwelling is proposed to the front of the existing outbuilding with the existing yard area to the rear maintained but divided between the proposed dwelling and the public house. The existing beer garden to the front of the public house is therefore being split to provide amenity space for the proposed dwelling, part is to be retained as a beer garden with the parking area in connection with the public house remaining as existing. The applicant indicates that the business has been failing financially and therefore

a decision has been made to reduce the scale of the operation and find an alternative use for part of the building and outbuildings.

4. Members are advised that most of the internal alterations to the bar area have already been carried out.

**RELEVANT PLANNING HISTORY:**

5. None.

**PLANNING POLICIES AND GUIDANCE:**

38. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN1 – Development within development boundaries  
Policy GEN6 – Development Control Requirements  
Policy ENV2 –Development affecting the AONB  
Policy CON5 – Development within Conservation Areas  
Policy RET12 – Local Shops and Post Offices  
SPG 21 – Parking requirements in new developments

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

- 39.

- i) Principle of development
- ii) Impact on visual amenity and conservation area
- iii) Impact on residential amenity
- iv) Impact on AONB
- v) Highway Considerations

40. In relation to the main planning considerations as noted above:

- i) Principle:  
Policy RET 12 relates to local shops, post offices and public houses and seeks to retain existing facilities, especially in rural communities and resist development which would result in their loss. The proposal is to retain the main use of the building as a public house even though the current restaurant is to be converted into two bedrooms and a bathroom for the separate unit of residential accommodation and the existing B&B accommodation to be converted into manager accommodation for the public house and bedrooms for the residential unit. Dining facilities will still be provided as part of the proposal but the scale will be reduced. The principle of development is considered to be acceptable in relation to criterion i) of Policy RET12 as the proposal does not result in the loss of existing facilities., albeit a reduced operation.
- ii) Visual amenity and impact on Conservation Area:  
Externally the changes proposed are minimal with no alterations to the external elevations of the existing public house. The adjoining store/ outbuilding is to be altered externally with windows and doors inserted into existing openings and a new roof covering of slate to replace the existing corrugated sheeting. Comments have been made by the Community Council in relation to the impact of the new openings on the visual amenity of the area, with particular regard to the impact on the Conservation Area. Comments received from the Conservation Architect indicate that subject to the control of details, the impact of the proposal on the visual amenity of the

area and hence the character and appearance of the conservation area would be acceptable. In relation to criterion i) ii) and iii) of Policies GEN 6 and CON 5, the proposal is considered to be acceptable.

- iii) Residential amenity:  
Residential properties exist to the east and north west of the application site, with the dwelling known as Tevalyn attached to the side of the public house. No concerns from neighbours have been raised to the application and the proposal is not considered to have any adverse impact on the amenity of nearby residents. In relation to the conversion of the outbuilding/ store to provide a dwelling, the main area of private amenity space is to be located to the front, adjacent to the beer garden and provides 90sq.m. This is adequate for a dwelling of this size and is separate to the parking area proposed for the dwelling. The proposal is in accordance with criterion v) of Policy GEN 6.
- iv) AONB:  
Comments from the AONB committee state that they have no concerns in relation to the proposal other than that the scheme is sympathetic to the character and appearance of the Conservation Area. The impact of the development on the AONB is considered to be acceptable and in accordance with Policy ENV 2.
- v) Highways:  
The Highways Officers have no objection subject to a parking/turning condition. SPG21 states that a 4 bedroom dwelling requires a maximum of 3 car parking spaces. The plan indicates a separate parking area from the garden and the beer garden associated with the public house. The parking area associated with the public house is to remain in its current location to the front of the building with the plan forming part of the proposal showing 8 parking spaces. It is considered that the proposal is in accordance with vii) of Policy GEN 6.

#### **SUMMARY AND CONCLUSIONS:**

- 41. The principle of development is considered to be acceptable in relation to Policy RET12 and there would be no adverse impact on visual or residential amenity as a result of the proposal. The impact on the character and appearance of the conservation area is considered to be acceptable and in accordance with Policy CON5 and the impact on the AONB is in accordance with Policy ENV 2.

#### **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 materials and finishes of the external surfaces of the walls of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of existing buildings.
3. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
4. The proposed roof lights shown on the approved drawings shall be flush fitting conservation types, not projecting above the plane of the existing roofline.
5. No windows or doors shall be installed until detailed scaled plans and elevations (1:20 scale) have been submitted to and approved in writing by the Local Planning Authority showing the proposed frame material, finish and sectional profile, the subdivision of the fixed lights and method of opening the windows, the nature of the glazing, details of the beading and puttingty, and the extent of recess of the frames in the openings.

6. Any existing wall opening(s) to be blocked up and/or existing walls/stonework to be restored in accordance with the approved plans shall be carried out with materials which match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing.
7. 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 positions, design, materials and type of boundary treatment.
8. 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 commencement 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.
9. 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.
10. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 and Class A of Part 2 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.
11. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed 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. In the interests of visual amenity
3. In the interests of visual amenity.
4. In the interest of visual amenity and to preserve the character and appearance of the Conservation Area.
5. To ensure the fenestration respects the character of the existing building.
6. In the interests of visual amenity
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
10. In the interests of residential and/or visual amenity.
11. 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.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 and 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

**ITEM NO:** 12

**WARD NO:** Llanarmon Yn Ial / Llandegla

**APPLICATION NO:** 15/2006/0806/ PF

**PROPOSAL:** Change of use of agricultural land to private equestrian use, erection of stable block, construction of manège and associated works

**LOCATION:** Horseshoe Cottage Mill Lane Llanarmon-Yn-Ial Mold

**APPLICANT:** Mr & Mrs C Bradley

**CONSTRAINTS:** Public Footpath / Bridleway  
CLWYDIAN RANGE AONB

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

**CONSULTATION RESPONSES:**

42. LLANAMON YN IAL COMMUNITY COUNCIL  
' Because the residents have not received notification from yourselves of the submission, Councillors decided not to make any observations until this letter had been received and residents have had time to view the amended plans'
43. AONB JAC COMMITTEE  
Awaiting response on amended plans
44. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection. Suggest condition be imposed to restrict use to that of applicant only and not for commercial use.
45. LLANARMON & DISTRICT CONSERVATION SOCIETY  
Concerns about 1m high bund around ménage. Colour of ménage surface, length of access track. Scale can still not be supported. Concerns about impact on AONB and views from public footpath.

**RESPONSE TO PUBLICITY:**

None on amended plans at time of writing report.

**EXPIRY DATE OF APPLICATION: 11/10/2006**

**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. The application site is outside the development boundary of Llanarmon yn Ial and located within the Clwydian Range AONB. Public footpath no's 70 and 71 abuts the application site directly to the south and to the west. The site was used for agricultural purposes (grazing sheep and horses) in connection with Horseshoe Cottage up until recently when a field shelter and other equestrian paraphernalia were placed on the land. The applicant has been advised that these developments/ activities constitute a change of use of the land from agricultural to equestrian use and that continuing to use the land for such purposes is at their own risk without the benefit of planning consent.
2. The current proposal is for the change of use of the land from agricultural use to equestrian use including the erection of a stable block and the construction of a ménage. The mobile field shelter currently on the land is proposed to be retained as part of the development with its location changing within the site. The use of the land is proposed for the applicants' personal use.
3. The stable block is proposed to be located along the west boundary of the application site in an 'L' shaped structure with three stables, a tack room and attached hay barn. The stable block proposed measures 8.8m on the shortest length, 13.7m on the longest length, 3.7m in width and is 3.25m in height to the ridge. The materials proposed are stained timber cladding with a green felt roof with clear rooflights. The ménage is proposed to be located to the south side of the application site. It is proposed to be 25m in width by 45m in length, enclosed by post and rail fencing with a covering of silica sand on the surface.
4. Access to the application site will be via an existing agricultural access (owned by a local farmer) adjacent to Brown Knowl Cottage, through a field (owned by the applicant). A hardcore track is also proposed leading from the side of Horseshoe Cottage down to the stables and across the side of the field to the ménage area.

### **RELEVANT PLANNING HISTORY:**

5. The history of Horseshoe Cottage is extensive and relates mainly to the dwelling itself. However the following historical applications are considered to be relevant:
  - i) Application no:15/426/96/PF – Change of use of agricultural land to form domestic garden. REFUSED on the 11<sup>th</sup> February 1997 for the following reason:'It is the opinion of the Local Planning Authority that the substantial extension proposed to the residential curtilage would be unacceptable insofar as this would represent an inappropriate incursion into open land outside the village development boundary, having an intrusive impact on the amenity of neighbours' .and on the landscape within the Clwydian Range Area of Outstanding Natural Beauty and a Special Landscape Area,contrary to Glyndwr District Local Plan Policies A1111), L1, L16 and H.1 (Justification and Explanation), and Clwyd County Structure Plan: First Alteration, Policies H4 and H5'
  - ii) Appeal ref: A/ 97/ 510577 – Section 78 Appeal against the refusal of DCC to permit the change of use from agricultural paddock to domestic garden. DISMISSED on the grounds of the impact of the development on the character and appearance of the AONB (paragraphs 24 – 29 of the inspectors report)
  - iii) Application no: Change of use of agricultural land to domestic (partly retrospective). REFUSED on the 23<sup>rd</sup> July 1997 for the following reason:' It

is the opinion of the Local Planning Authority that the substantial extension proposed to the residential curtilage would be unacceptable insofar as this would represent an inappropriate incursion into open land outside the village development boundary, having an intrusive impact on the amenity of neighbours' and on the landscape within the Clwydian Range Area of Outstanding Natural Beauty and a Special Landscape Area, contrary to Glyndwr District Local Plan Policies A1111), L1, L16 and H.1 (Justification and Explanation), and Clwyd County Structure Plan: First Alteration, Policies H4 and H5'

- iv) ENF/151/97/S Use of field as curtilage land. Alleged material change of use of land from agricultural to domestic. Appeal D allowed and enforcement notice quashed on grounds of fact and degree that there has been 'no change in the physical appearance of land....'

#### **PLANNING POLICIES AND GUIDANCE:**

- 6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN3 – Development outside development boundaries
  - Policy GEN6 – Development Control Requirements
  - Policy ENV2 – Development affecting the AONB
  - Policy REC5 – Recreation Facility Outside Development Building

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

#### **MAIN PLANNING CONSIDERATIONS:**

7.

- i) Principle of development
- ii) Impact on visual amenity
- iii) Impact on residential amenity
- iv) Impact on AONB

8. In relation to the main planning considerations as noted above:

- i) Principle:

The application site is outside the development boundary of Llanarmon yn Ial within the Clwydian Range AONB. The proposal is to change the use of the land from agricultural to equestrian use. It is a land use which generally requires an open countryside location and even though the current UDP has no policies in relation to such changes of use, other than Policy REC5 (more applicable to commercial stables) the principle in this location is considered to be acceptable.
- ii) Visual amenity:

Amended plans forming part of this application indicate a stable building of smaller size and scale and of different materials to the original proposal. The stable block is to be sited to the western boundary of the application site in an 'L' shaped structure. The longest side of the 'L' measures 13.7m in length, and the shortest length 8.8m. The proposed width is 3.7m with a maximum height to the ridge of 3.25m. The material proposed is stained timber cladding with a green felt roof containing clear rooflights. The size, scale, design and siting of the building is considered to be acceptable in relation to surrounding dwellings along Mill Lane and those dwellings forming part of the Maes Ial estate. The materials are also considered to be acceptable in this



open countryside location and it is proposed to plant further trees surrounding the stable building to further mitigate its impact on the landscape. This is in accordance with criteria i), ii) and iv) of Policy GEN6.

iii) Residential amenity:

Residential properties surround the application site to the north, north east (Maes lal estate) and to the north west (dwellings along Mill Lane, out towards Brown Knowl Cottage). Established conifer screening exists to the rear of those dwellings on Maes lal, forming a boundary screen with the north east of the application site and continuing along part of the boundary of the public footpath to the south of the application site before turning into a hawthorn hedge. The use of the land for the personal enjoyment of the applicants is considered to be acceptable in this instance in terms of its impact on residential amenity. Had the proposal been for a commercial activity in this location then there would be grave concern of the impact it would have on residential amenity as a result of intensity of use and related noise, smells and build up of waste. The applicant has stated that there would be no more than three horses stabled at the site, with the amount of waste depending on the frequency at which the horses are stabled. When turned out in the paddock manure will be collected and composted and when the horses are stabled, arrangements for the collection and removal of the waste and bedding off site will be in place. Due to the stable management arrangements of the applicant, there would be no requirement for a muck heap and the only waste to be burned would be old haylage on an approximate 2 monthly basis. The location of the ménage is to the south east corner of the application site, close to the rear of the dwellings along Maes lal, no floodlights or sound amplification equipment is proposed as part of the application and this could be further controlled via a condition should members be mindful to approve the proposal. Whilst the site is surrounded by residential properties, the small scale use of the land for the personal use of the applicant is not considered to be harmful to the amenity of adjoining residents and as such is in accordance with criteria v) and xiii) of Policy GEN6.

iv) AONB:

The impact of the development on the AONB is considered to be the most important planning consideration in relation to this proposal mainly as a result of the complex planning history of the site. Concerns have been raised by the AONB Committee in relation to the proposal and its impact on the character and appearance of the landscape. Policy ENV2 seeks to conserve and enhance the natural beauty of the area and continues to state that small scale development which does not detract from the character and appearance of the AONB will be permitted. The proposal is considered to be small scale in nature due to the size and scale of the stable block and the intensity of use of the site. Comments made by the inspector in relation to the applications for the change of use of land to form an extension to the residential curtilage of Horseshoe Cottage makes reference to the visibility of the site from the south east of the site where the public footpath enters it over a stile from Maes lal. Over the years the trees and hedging in this location have matured and established themselves considerably, to the point where it is difficult to view the site from the public footpath to the south.

v) Highways:

The proposal utilises existing accesses into the application site, with that into Horseshoe Cottage being used for deliveries and that adjacent to Brown Knowl Cottage being used for the transportation of the horses themselves. The Highways Department has no objection to the proposal and the intensity

of use of the accesses is not considered to be of any additional hazard to road users and the proposal is considered to be in accordance with criterion vii) of Policy GEN6.

**SUMMARY AND CONCLUSIONS:**

9. The proposal is for the change of use of the land from agricultural to equestrian use, including the erection of a stable block and the construction of a ménage. The principle of development is considered to be acceptable as is the impact on visual and residential amenity. The small scale nature of the development is considered to be in accordance with Policy ENV2 and there are no adverse highway concerns.

**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. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. The development hereby approved shall enure for the benefit of the applicant and any successors in title only and the site shall not be used for any livery, commercial/ business activity or for the holding of equestrian events unless otherwise granted planning permission by the Local Planning Authority.
4. No floodlights, sound amplification equipment or speakers shall be erected on the site unless otherwise agreed in writing by the Local Planning Authority.
5. Notwithstanding the submitted details, no 1m high earthwork grading/bank shall surround the ménage hereby approved.
6. No more than 3 horses shall be stabled at the site at any one time.
7. Notwithstanding the submitted details, the stone track shall not be as shown on the approved plan but shall be further agreed in writing by the Local Planning Authority.
8. 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.
9. 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 commencement 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.

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. In the interests of visual amenity.
3. In the interest of residential amenity and to protect the character and appearance of the AONB.

4. In the interest of visual amenity and to protect the character and appearance of the AONB.
5. In the interest of visual amenity and to protect the character and appearance of the AONB.
6. In the interest of residential amenity and in order that the Local Planning Authority can retain a degree of control over the use of the land.
7. In the interest of visual amenity and to protect the character and appearance of the AONB.
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 13

**WARD NO:** Llanbedr Dyffryn Clwyd / Llangynhafal

**APPLICATION NO:** 16/2006/0535/ PO

**PROPOSAL:** Development of 0.11ha of land by the erection of a detached dwelling and construction of new shared vehicular access (outline application)

**LOCATION:** Land at (Part garden of) Robin Hill Llanbedr Dyffryn Clwyd Ruthin

**APPLICANT:** Mr & Mrs D Jones

**CONSTRAINTS:** Within 67m Of Trunk Road  
AONB

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

**CONSULTATION RESPONSES:**

46. LLANBEDR D.C COMMUNITY COUNCIL  
Awaiting response
47. WAG HIGHWAYS (Trunk Roads)  
Directs that any permission granted by the Authority shall include conditions to deal with the access, parking and turning area.
48. AONB JAC COMMITTEE  
' The JAC wishes to reaffirm its previous comments that it has no observations to make on the principle of development, but would wish to comment on details of the proposed dwelling, landscaping and boundary treatments in due course'
49. ENVIRONMENT AGENCY  
No objection
50. WELSH WATER  
No objection

**RESPONSE TO PUBLICITY:**

Letters of representation received from the following:

1. W. Chandler, Dyffryn Aur, Lon Cae Glas, Llanbedr D.C.
2. O. Davies & P. Carragher, Woodlands Cottage, Llanbedr D.C.
3. V. Cooper, Rhyd y Foel, Lon Cae Glas, Llanbedr Dyffryn Clwyd

Summary of planning based representations:

- i) The site is within the AONB and the development would set a precedent for such development in this location
- ii) Felling of trees
- iii) Proximity of dwelling to boundary with woodlands and the potential for overlooking
- iv) Concerns about blocking up the existing access into Robin Hill

- v) Concerns about the method of removing waste/ foul water from the site
- vi) Concerns about landslides and damage to footings of existing buildings due to excavation works required for the dwelling
- vii) The applicant has already built one house in his garden, building another will be out of character with the area.

**EXPIRY DATE OF APPLICATION: 19/06/2006**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site forms part of the garden area of the dwelling known as Robin Hill and extends to 0.11ha in area. It is located within the development boundary of Llanbedr D.C and is within the Clwydian Range AONB. Access to Robin Hill is located off the main A494 trunk road fronting the dwelling and is shared with the adjoining dwelling, The Woodlands.
2. The proposal is for the erection of a single dwelling, with the application made in outline form. Details of the access and siting of the building are to be considered as part of the proposal, with all other matters reserved for future consideration. An indicative design and external appearance of the dwelling is included as part of the proposal but is not to be assessed in the planning considerations. The proposal details connection to the public sewer for means of foul water disposal.
3. Officer negotiations during the course of the application have led to an amended site area being proposed. The original site area was considered to be too narrow to accommodate a dwelling with sufficient residential amenity space. The inclusion of an additional part of the applicants garden has thus increased the site area to its current measurement of 0.11ha.

**RELEVANT PLANNING HISTORY:**

4. None in relation to the application site but in relation to the curtilage associated with Robin Hill:

Application no: 16/2002/0058/PO - Development of 0.1ha of land by the erection of a detached single storey dwelling. Granted with conditions - 27/3/2002

Application no:16/2004/01017PR - Details of dwelling and access submitted in accordance with outline application code no. 16/2002/0058/PO. Approved with conditions - 25/3/2004. (This dwelling has subsequently been built and is now occupied)

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN1 – Development within Development Boundaries
  - Policy GEN6 – Development Control Requirements
  - Policy ENV2 – Development affecting the AONB
  - Policy ENP4 – Foul and surface water drainage
  - SPG21 – Parking requirements in new developments

**MAIN PLANNING CONSIDERATIONS:**

6.

- i) Principle of development and affordable housing issue
- ii) Impact on visual amenity
- iii) Impact on residential amenity
- iv) Impact on AONB
- v) Highway considerations
- vi) Impact on trees

7. In relation to the main planning considerations as noted above:

- i) Principle  
The application site is within the development boundary of Llanbedr D.C, where the principle of development is considered to be acceptable. This is in accordance with Policy GEN1. In this instance, negotiations have resulted in a larger site area marginally above the 0.1ha affordable housing threshold. . Based on these negotiations, it is not considered reasonable in this instance to ask for affordable housing or a contribution to be made as part of the application. Furthermore, the erection of more than one dwelling on this plot would be out of character with the existing pattern of development in this location and would thus have an impact on the character and appearance of the AONB.
- ii) Visual amenity:  
Details forming part of this application include the siting of the building. It is proposed to be located 22m from the side elevation of The Woodlands, 13m from the side of Robin Hill and set back 20m from the main A494. This is acceptable in relation to maintaining separation distances between dwellings to protect residential amenity and also reflects the pattern of development in this location. This is in accordance with criteria i), and ii) of Policy GEN6.
- iii) Residential amenity:  
As previously stated, the proposal would maintain adequate separation distances between the existing dwellings and would in itself provide adequate levels of residential amenity. There is a rear garden area of 10m in depth with a further 20m of amenity space to the front of the proposed dwelling. The design and external appearance of the dwelling would form the basis for a future application for reserved matters. However it is considered that with careful design and consideration to the location of windows, the issue of overlooking could be further reduced. The proposal is considered to be in accordance with criterion v) of Policy GEN6.
- iv) AONB:  
The application site lies within the Clwydian Range AONB. Policy ENV2 of the Denbighshire UDP seeks to encourage development which demonstrates a contribution to the conservation and enhancement of the natural beauty of the area. Comments received from concerned residents indicate that the development should not take place given the location within the AONB. However, the land is within the development boundary of the village and as such there is a presumption for development in this location. The development of the plot as proposed would be in character with the village. Comments received from the AONB committee offer no objection to the

principle of development and the proposal is considered to be in accordance with Policy ENV2.

v) Highways:

The main road fronting the application site is the A494, with the existing access to Robin Hill shared with the neighbouring dwelling, The Woodlands. The proposal seeks to close the existing vehicular access to Robin Hill, but retain the visibility splay associated with this access for the residents of The Woodlands and to provide a pedestrian access from this point to the new dwelling. Access to the new dwelling and Robin Hill would be provided at a distance of some 27m further up the road from the existing access.

Comments from the WAG Highways Department indicate that there are no objections to the proposal subject to the imposition of appropriate conditions and as such, the proposal is in accordance with criterion vii) of Policy GEN6. SPG21 details requirements for parking in new developments based on the size of the dwelling proposed. In this instance, these details are not provided as part of the application, but sufficient space exists within the curtilage to provide parking and turning areas.

vi) Impact on trees:

Concerns have been raised by residents in relation to the number of trees and hedges felled by the applicant prior to the submission of the planning application. The trees were not protected by Tree Preservation Orders or located in a Conservation Area, and thus the Local Planning Authority had no control over their removal. Other trees remain within the site which would assist in assimilating the development into the landscape.

#### **SUMMARY AND CONCLUSIONS:**

1. The proposal is for the erection of a single dwelling on land forming part of the curtilage of the dwelling known as Robin Hill. The application site is within the development boundary of Llanbedr D.C and located within the AONB. The principle of development is considered to be acceptable and in accordance with policy GEN1. The impact on visual and residential amenity complies with criteria i), ii) and v) of policy GEN6 of the Denbighshire Unitary Development plan and the impact of the development does not have any adverse affect on the landscape of the AONB or on the highway network. This is in accordance with policy ENV2 and criterion vii) of Policy GEN6.

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

1. Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (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. Facilities shall be provided and retained within the site and Robin Hill 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.
5. Prior to the commencement of any work on site the detailed layout, design, drainage, and construction of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the access shall be completed to the written approval of the Local Planning Authority before construction of any dwelling commences.

6. The visibility splays shown on the approved plan shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess 1.05 metres above the level of the adjoining carriageway.
7. Vehicular access to the adjoining highway shall be limited to the new access shown on the approved plan and the existing access shall be permanently closed to the satisfaction of the Local Planning Authority when the new access is brought into use.
8. 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.
9. 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/completion of the development/commencement of the development/next planting and seeding season] 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.

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

1. The application is for outline permission with details of siting and means of access only.
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 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.
5. In the interests of highway safety.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.
7. It is considered that the proposed access is adequate for the purpose of the proposed development.
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

None



**ITEM NO:** 14

**WARD NO:** Llanbedr Dyffryn Clwyd / Llangynhafal

**APPLICATION NO:** 16/2006/0872/ PF

**PROPOSAL:** Conversion and alterations of existing flats and restaurant to 20 no. self-contained flats and construction of associated parking areas

**LOCATION:** Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

**APPLICANT:** Mr Rod Cox

**CONSTRAINTS:** AONB

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

**CONSULTATION RESPONSES:**

51. LLANBEDR DC COMMUNITY COUNCIL

"In conclusion the Community Council feels there are several major issues to be addressed before any planning agreement can be reached:

- a) Increased traffic on single lane roads
- b) Access routes
- c) Tree preservation
- d) Landscaping plan
- e) Adequate water supply to local properties
- f) Sewerage capacity
- g) Old St Peters Church and ruins
- h) The old coffin path

The effects of the proposed development on the local area need to be properly assessed by qualified professionals coming together on site. The cumulative impact on the local area and especially its infrastructure makes us concerned."

52. ENVIRONMENT AGENCY

No objection.

53. WELSH WATER

No objection subject to conditions.

54. HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to conditions relating to accesses being available, parking provision, construction traffic, cycle storage and passing places.

55. PRINCIPAL COUNTRYSIDE OFFICER

Awaiting response.

56. LANDSCAPE ARCHITECT

Awaiting response.

57. AONB JAC SUB COMMITTEE

Awaiting response.

58. FOOTPATHS OFFICER  
No footpaths directly affected by development.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. Paul Meadon, 2 Y Llys, Llanbedr Hall (2)
2. Susan Smith, The Coach House, Llanbedr Hall Estate, Llanbedr D.C.
3. Mrs E Stretch, 1 Troed y Fenlli, Llanbedr D.C.
4. D & H Livesey, 3 Bryn y Coed, Llanbedr Hall, Ruthin
5. Commodore J. E. V. Madgwick OBE, 6, Tan-y-Bryn, Llanbedr D.C. (2)
6. Mrs. E. Butler, Bellendean, Llanbedr Hall, Llanbedr D.C.
7. A. & A. M. Warburton, Longwater, Llanbedr D.C.
8. T. & R. Anderson, 4, Tan-y-Bryn, Llanbedr D.C.
9. Mrs. J. M. Heald, Fern Hill, Llanbedr D.C.
10. D. K. Webb, Pentre Smithy, Llanbedr D.C.
11. E. Stapleton, The Quentin, Lon Cae Glas, Llanbedr D.C.
12. Mrs. J. C. Dawson, 9, Troed-y-Fenlli, Llanbedr D.C.
13. Mr. D. S. Hughes, Carneddi, Llanbedr D.C.
14. Mr R Houghton, Llanbedr Hall Residents Association, 4 Y Llys, Llanbedr Hall (2)

Summary of planning based representations

- i) Concerns about capacity and condition of local sewerage system.
- ii) Concerned about the reliability of the water supply.
- iii) Concerned about the condition and suitability of the back drive and Lon Cae Glas for construction traffic and any additional vehicles proposed by the development.
- iv) Concerned about possible loss of "coffin path".
- v) Increase in height of part of the building will lead to loss of sunlight to adjacent dwellings.

**EXPIRY DATE OF APPLICATION: 01/10/2006**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application involves the conversion and alteration of Llanbedr Hall to form 20 no. self contained flats. The accommodation would be as follows:
  - i) Basement – 1 no. two bedroom flat
  - ii) Ground floor – 6 no. two bedroom flats (including 3 no. flats with part ground and part first floor accommodation)
  - iii) First floor – 3 no. two bedroom flats (but see above)
  - iv) Second floor – 5 no. two bedroom flats
  - v) Third floor – 2 no. one bedroom flats, 2 no. two bedroom flats and 1 no. three bedroom flats
2. The existing building comprises a basement with two main floors of accommodation and rooms in the roof space. The proposals involve a reduction in ceiling heights through the majority of the building, increased use of the roof space, and raising in height of a portion of the roof to the rear (eastern end) side of

the building.

3. The proposals also indicate parking provision, predominantly utilising existing hard surfaced areas immediately adjacent to the hall and on the front drive approach. A total of some 38 parking spaces are shown on the plans. The applicant has indicated that access to the site would be available via the "back drive" which approaches the site from the south from Lon Cae Glas and via the "front drive" which travels in a westerly direction to a junction with the B5429 towards the northern end of the village.
4. Llanbedr Hall is a late Victorian building with the front element constructed in buff brick with red brick detailing and a steeply hipped slate roof. The front part of the hall incorporates corner tower, gabled and dormer features. The rear part of the hall is a predominantly two storey render structure with slate pitched roof. The fenestration to the building has been significantly altered over the years, detracting from the character and appearance of the hall. The hall benefits from substantial formal landscape gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the "back drive" to the house.
5. Councillor Pauline Dobb has requested determination of the application by Planning Committee due to access concerns, housing need issues, and location of the site outside of the development boundary.

#### **RELEVANT PLANNING HISTORY:**

6. 16/2004/1450/PF – Change of use from restaurant to 2 no. self contained dwellings – GRANTED 26<sup>th</sup> January 2005

#### **PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 3 – Development Outside Development Boundaries
  - Policy GEN 6 – Development Control Requirements
  - Policy ENV 2 – Development Affecting the AONB
  - Policy HSG 9 – Residential Conversion of Rural Buildings to Dwellings
  - Policy HSG 13 – Subdivision of Existing Premises to Self Contained Flats
  - Policy TRA 6 – Impact of New Development on Traffic Flows
  - Policy TRA 9 – Parking and Servicing Provision

SPG 7 – Self Contained Flats and Houses in Multiple Occupation  
SPG 21 – Parking Requirements in New Developments  
SPG 22 – Affordable Housing

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales – March 2002  
TAN 2 – Affordable Housing  
TAN 18 – Transport

#### **MAIN PLANNING CONSIDERATIONS:**

8.
  - i) Principle of the development including change of use outside of development boundary
  - ii) Impact on highway network and access and parking arrangements
  - iii) Impact on visual amenity including character and appearance of AONB

- iv) Impact on residential amenity
- v) Affordable housing issues
- vi) Drainage and water supply infrastructure
- vii) Other issues raised

9. With regard to the consideration noted in paragraph 8 above:

i) Principle

The building is already in use predominantly for self contained flats with permission for an additional 2 no. flats. Whilst Policy HSG 9 is ostensibly relevant to the proposal the more relevant proposal is Policy HSG 13 which allows for the subdivision of existing premises to self contained flats. The property is suitable for conversion; the flats are spacious and meet the Council's approved floor space guidelines; the conversion retains the inherent characteristics of the building and indeed provides an opportunity to restore suitable fenestration; and there is adequate space for refuse storage and disposal and outside drying areas. The commentary to the policy accepts that the subdivision of large buildings in the open countryside into fully self contained units of accommodation can make an important contribution to the provision of new homes within the County. Thus, the principle of conversion to create effectively an additional 6 flats is acceptable in principle, subject to consideration of the detailed impacts.

ii) Impact on highway network and access and parking arrangements

There are two main vehicular access approaches to the site known as the front and back drive. In the recent past the front drive has been closed off to vehicular traffic. The back drive is of limited width and in places poor alignment and meets the adopted highway at Lon Cae Glas which is in itself unsuitable for significant additional traffic. The concerns raised by the Community Council and local residents are understood about additional use of the back drive, including for construction vehicles. Assurances have been sought from the applicant as to continued availability of the front drive. Conditions are recommended to ensure the availability of both vehicular access points, and controls over construction traffic.

The parking provision of 38 no. spaces is close to the maximum requirements set out in SPG 21. The amount of provision is considered acceptable. A public footpath runs along the northern perimeter of the site but this would not be affected by development. The proposal is considered acceptable in highway terms and compliant with criterion vii) of Policy GEN 6 and Policies HSG 13, TRA 6 and TRA 9.

iii) Impact on visual amenity including character and appearance of the AONB

The proposed use would have no significant impact on the visual amenity. The overall refurbishment and alterations would enhance the appearance of the building in the landscape and thus have a positive impact on the AONB. Parking areas are predominantly on existing hard surfaced areas. Some limited shrub and small tree clearance would be required where the north drive enters the formal gardens to provide some parking but this area is surrounded by existing woodland and therefore there will be no detriment. Provision of parking within this area is preferable to encroachment onto the open formal gardens to the front of the hall.

iv) Impact on residential amenity

The raising of the roof height on the rear part of the hall and the insertion of additional fenestration to the east elevation would not have a material impact on existing dwellings at the rear given that the eaves height is not to be altered, the elevation is separated by a basement yard and garden area and

the elevation aspects onto a parking and servicing area within the coachyard. The conditions controlling access and construction traffic would assist in safeguarding the amenity of local residents.

v) Affordable housing

As the building lies outside the development boundary Policy HSG 10 and thus SPG 22 cannot be applied to the proposal. However, the self-contained flats that would be created would be likely to be more affordable than most other dwellings in the locality.

vi) Drainage and water supply

It is understood that this site drains via a private sewer to the public system served by the village treatment works. Welsh Water has raised no objection to the proposal on the basis of the capacity of the sewage treatment works. Surface water is indicated as being recycled or taken to soakaways. Similarly Welsh Water advises that a water supply can be made available for the development.

vii) Other issues

The Community Council and other respondents have raised the ownership of Old St Peter's Church which is claimed by the applicant to be part of the estate and by others to be in the control of the Church of Wales. This issue is not relevant to the determination of the application as it does not lie within the application site and is not affected by the development. Similarly, the "coffin path" would not be materially affected by the proposals.

**SUMMARY AND CONCLUSIONS:**

10. The principle of the conversion to 20 no. self contained flats is acceptable and the proposals will not adversely affect visual or residential amenity. Access concerns can be addressed by conditions.

**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 parking areas hereby permitted shall not be constructed until the written approval of the Local Planning Authority has been obtained for:
  - (i) the exact extent of tree and shrub removal,
  - (ii) the measures for protection of all trees to be retained, including clear marking of those to be retained,
  - (iii) details of the construction and laying out of the parking areas.

The parking areas shall be completed in according with the approved details prior to the occupation of any of the flats and thereafter retained for the parking of cars in connection with the occupation of the flats hereby permitted.

3. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no materials other than those approved shall be used.
4. No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of the fenestration for the development.
5. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

6. Vehicular access to the site shall be via the existing routes from the east direction to the B5429 and the west direction to Bwlch Pen Barras and these shall be kept open at all times so long as the development is in use.
7. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and the car parking areas shall be marked out and available for use prior to the proposed development being brought into use.
8. In relation to the carrying out of the construction works, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained in relation to the location of the proposed site compound, wheel wash facilities, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes, the development shall be implemented strictly in accordance with the approved details.
9. Passing places shall be provided on the private drive to the B5429 prior to the occupation of any of the flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
10. Secure cycle parking shall be provided to serve the flats hereby permitted prior to the occupation of any of the flats, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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. In the interests of visual amenity and highway safety.
3. In the interests of visual amenity.
4. To ensure the details are satisfactory in relation to the character and appearance of the building
5. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.
6. In the interest of the free and safe movement and traffic and to ensure the formation of a safe and satisfactory access.
7. 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 and in the interests of residential amenity.
8. In the interest of the free and safe movement and traffic on the adjacent highway.
9. For the safety of all users of the drive.
10. To promote means of travel other than the private car.

**NOTES TO APPLICANT:**

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

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

**ITEM NO:** 15

**WARD NO:** Llanbedr Dyffryn Clwyd / Llangynhafal

**APPLICATION NO:** 22/2006/0024/ PF

**PROPOSAL:** Conversion of redundant farm building to dwelling and installation of new septic tank

**LOCATION:** Outbuilding at Bryn Tirion Llangynhafal Ruthin

**APPLICANT:** Messrs E V D G and J C Jones

**CONSTRAINTS:** AONB

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

**CONSULTATION RESPONSES:**

1. Llangynhafal Community Council  
No responses received
2. AONB JAC Committee  
No objections subject to revised parking scheme and landscaping details
3. Head of Transport and Infrastructure  
No objection
4. Public Protection  
No objections subject to conditions/advisory notes relating to septic tank and provision of water supply

**RESPONSE TO PUBLICITY:**

Letter of representation received from:-

1. C.K Classon - Bryn Tirion, Llangynhafal
- Summary of planning based representations:
- (i) Increase in traffic
  - (ii) Impact upon water supply

**EXPIRY DATE OF APPLICATION: 07/03/2006**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- delay in receipt of key consultation response(s)

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal is for the conversion of a stone barn building into a 4 bedroom dwelling. The site is well elevated within the countryside, being situated on the side of the Clwydian range. The area is designated an Area of Outstanding Natural Beauty. The site is accessed by a 600 metre rough track which also serves as an access route to the dwelling adjacent to the application site. This dwelling is a traditional lime washed farm house with white wooden windows and slate roof.

2. Within the proposed curtilage there is a metal agricultural building, which can be removed as part of this application. To the rear of the barn the land rises and is retained through a stone retaining wall. This land would be used as amenity space for the new property. To the front of the barn it is intended to create a parking area for four cars.

**RELEVANT PLANNING HISTORY:**

3. None

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 3 – Development outside development boundaries  
Policy GEN 6 – Development Control Requirements  
Policy ENV 2 – Development Affecting AONB  
Policy HSG 9 – Residential Conversion of Rural Buildings to Dwellings

SPG 16 – Conversion of Rural Buildings

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of development
  - ii) Impact upon visual amenity/AONB
  - iii) Impact upon residential amenity
  
6. With regard to the considerations in paragraph 5 above:
  - i) Principle of Development

The principle of this development is judged against the criteria of Policy HSG 9, Residential Conversion of Rural Buildings. This policy stipulates that any proposal to convert a rural building to residential must demonstrate that the building must be capable of conversion without major reconstruction and rebuilding. The structural report submitted as part of this application shows that the building is capable of conversion without major rebuilding or reconstruction. In addition to this it must be demonstrated that there is no industrial or commercial use to which the building could be put. Whilst no marketing report has been submitted to show this, a justification statement has been included suggesting that the location and access to the building makes it impractical to run a business from this location. This view is accepted. Therefore it is considered that the proposal is acceptable in principle, subject to it meeting requirements relating to visual and residential amenity issues.
  
  - ii) Impact upon visual amenity/AONB

Proposals to convert rural buildings must respect the inherent architectural character of the building to be converted as detailed in SPG 16, Conversion of Rural Buildings. Techniques to achieve this include retaining and utilising existing features on elevations and using traditional materials wherever possible. Landscaping of the curtilage and careful location of car parking areas etc also play a part in achieving a quality conversion. It is considered that this application utilises the existing apertures in the elevations and therefore retains the overall character of the building. The roof is currently a mixture of slate and corrugated sheeting. As part of the conversion scheme the building will be re-roofed with natural slate which is in keeping with the character of the area. Some external stonework is required (to make good the steps etc) and this should be carried out in natural stone to match the existing stonework.



The area surrounding the application site is extremely rural and designated an Area of Outstanding Natural Beauty. As such Policy ENV 2 is applicable to ensure that the character of the area is preserved and enhanced. It is considered therefore that the locating of a parking area to the front of the building is inappropriate and it should be located to the side of the building where currently there stands an agricultural shed. In addition it is considered that a sensitive scheme of landscaping should be requested to help soften the impact of the proposal on the landscape and the view of the development as viewed from the road (some 600metres south west of the site).

iii) Impact upon residential amenity

It is considered that the amount of space given to the proposed dwelling is adequate and is well situated in relation to the building. The impact of the conversion on the neighbouring property is considered to be minimal given that there are no facing windows or overlooking issues.

The owner occupier of Bryn Tirion has raised concerns about the increase in traffic in front of his property. Whilst these comments are noted, it is considered that the proposal would not result in a traffic flow noticeably greater than is currently generated.

Further concerns regarding the rights to water supplies have been raised and these can be dealt with through Public Protection who advise and enforce the legislation on private water supplies. Having considered the issues the Councils Senior Scientific Services Officer is of the opinion that it is possible to develop suitable springs to provide a good and sufficient water supply.

**SUMMARY AND CONCLUSIONS:**

7. The proposal has met the requirements of Policy HSG 9, and ENV 2 and is compliant with guidance set out in SPG 16. The overall design is sympathetic to the character of the building and the choice of materials for any making good is appropriate. It is not considered that proposal will result in any negative impact upon the surrounding area.

**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. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. Any existing wall opening(s) to be blocked up and/or existing walls/stonework to be restored in accordance with the approved plans shall be carried out with materials which match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing.
4. All stonework proposed for use in the construction of the retaining wall shall be local natural limestone of uniform colour to match the existing building(s)/walls in texture, type, colour, mortar and pointing.
5. Notwithstanding the subcommittee details, prior to the commencement of the conversion hereby permitted details of a parking and turning area shall be submitted to and approved in writing by the local planning authority. The parking area shall be on the site of the existing agricultural building which shall be removed as part of the parking scheme.
6. Notwithstanding the provisions of Classes A, B, C, D, E, F, G & H 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 further grant of planning permission of the Local Planning Authority.

7. 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.

8. 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 commencement 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.

9. No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats and birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of bats and birds shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.

10. The discharge of the septic tank and soak away drainage should not contaminate any water supplies. Sub surface drainage shall comply with BS 6297:1983.

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. In the interests of visual amenity.
3. In the interests of visual amenity
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. In the interests of residential and/or visual amenity.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. In the interests of any protected species on the site.
10. To prevent pollution.

#### **NOTES TO APPLICANT:**

For further information regarding the private water supply please contact Mrs E Barlow (01824 706046) Senior Scientific Services Officer of Planning and Public Protection Services, who enforce the legislation on private water supplies.

The Water Industry Act 1991 and The Private Water Supplies Regulations 1991 ensure that all water supplies (including public water supply - mains water) are both wholesome and sufficient. The legislation regarding water supplies and the Building Act 1984 Section 25 and the Building Regulations applies regarding the water supply to the proposed conversion.

**ITEM NO:** 16  
**WARD NO:** Prestatyn East  
**APPLICATION NO:** 43/2006/0977/ PF  
**PROPOSAL:** Change of use from Class A1 shop to tattoo studio  
**LOCATION:** 136 High Street Prestatyn  
**APPLICANT:** Mr Simeon D G Sealby  
**CONSTRAINTS:** Conservation Area  
Article 4 Direction  
**PUBLICITY UNDERTAKEN:** Site Notice - No Press Notice - No Neighbour letters - Yes

**CONSULTATION RESPONSES:**

59. PRESTATYN TOWN COUNCIL  
"Objection – Development would be out of character with surrounding property".
60. CONSERVATION ARCHITECT  
Awaiting response.
61. PRESTATYN BUSINESS ASSOCIATION  
Awaiting response.
62. PUBLIC PROTECTION  
Awaiting response.

**RESPONSE TO PUBLICITY:**

Letters of support received from the following:-

1. Mr. G. Chadwick, 25, Thornton Avenue, Higher Bebington, Merseyside
2. Stella Carrington, 31, Heol Hendre, Rhuddlan

**EXPIRY DATE OF APPLICATION: 18/10/2006**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. Planning permission is sought to change the use of a small ground floor shop premises to a tattoo parlour. The former Regency Photography shop has been vacant since January 2006 and is situated on the south-west side of the main High Street in a parade of commercial premises between Victoria Avenue and Maes-y-Groes. The site is located within the Conservation Area.
2. No structural or shop front alterations are proposed as part of this change of use proposal with floor plans indicating a front waiting area and shop counter with tattooist's chair beyond.
3. The applicant has applied separately for a licence under different legislation. It is the applicant's intention to provide an open, attractive frontage to the premises in

an attempt to heighten the profile of the use and make it more accepted to the general public.

**RELEVANT PLANNING HISTORY:**

4. None.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
- Policy RET 1 - Town and District Centres
  - Policy GEN 6 - Development Control Requirements
  - Policy CON 5 - Development within Conservation Areas

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

6.

- i) Principle of use in this location
- ii) Impact on residential amenity
- iii) Impact on visual amenity/character of Conservation Area

7. In relation to the points identified in paragraph 6 above.

i) Principle

The relevant policy in respect of the proposed change of use is Policy RET 1 which pertains to Town Centres. The proposed tattoo parlour use is a sui generis use, meaning it does not fall within recognised Town and Country Planning use categories such as Class A1 shops or Class B1 offices etc. The relevant policy encourages town centre locations to be the main location for “retail and commercial development which is of a scale and type appropriate to the size, character and function of the centre and which maintains and enhances its vitality and viability”. As such, in considering the acceptability of uses in such a location, one must have regard to the prevailing character of the centre and consider how the proposed use may lessen its existing vitality and viability. Uses which, by their very nature, remain closed during the day or require a blackened out or “dead” frontage would clearly impact upon the vitality of the centre.

The block of commercial properties within which the application site is located contains a broad mix of retail uses. However, it is evident that the application premises have been vacant since early 2006 and that the High Street generally has had to embrace a number of non-retail uses in recent times. The applicant in this instance is keen to bring his use out of its traditional secondary location and provide a more mainstream, prominent location for it. The parlour would be open normal shop hours and would attempt to maintain an attractive and welcoming frontage. The activities of tattooing and above the waist piercing would be strictly controlled and monitored from a hygiene point of view with a license required under separate legislation. It is considered that subject to controls over opening hours and the nature of the shop front and advertisements, the proposed use would maintain the existing vitality and viability of Prestatyn High Street. As such, having regard to case law on such non-retail uses in Town Centres, it is considered that the proposed tattoo parlour would be acceptable in principle and comply

generally with the Unitary Development Plan and National Guidance.

ii) Residential Amenity

The equipment used within the proposed parlour would not create any significant levels of noise. The modern machinery would be no louder than an electric shaver and as such would not create any noise and disturbance for any nearby, upper floor residential accommodation.

iii) Visual Amenity/Conservation Area

The current vacant ground floor shop has installed a prominent steel roller shutter and box with graffiti evident to the main shutter. Whilst the shop frontage itself is small it is considered that the removal of the shutter and box would enhance the visual amenity of the site and surrounding Conservation Area. Providing the resulting shop front retains its open glazed frontage and any controllable signage preserves the character and appearance of the Conservation Area the use in itself would not harm visual amenity.

**SUMMARY AND CONCLUSIONS:**

8. It is not considered that the proposed use would significantly impact upon the character of this part of the High Street and subject to controls over the appearance of the building and the operating hours the vitality and viability of the town centre would be maintained in compliance with planning policy and guidance.

**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. Prior to the commencement of the use hereby permitted, the roller shutter and box on the frontage of the property shall be removed and details of the treatment of the shop front and any proposed security measures for the shop front shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter.
3. The use of the premises hereby permitted shall not operate outside the following:-

0800 hours - 1800 hours Monday to Saturday  
The use shall not operate at any times on Sundays

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. In the interests of the visual amenity of the site and Conservation Area.
3. In the interests of amenity.

**NOTES TO APPLICANT:**

You are reminded that any intended signage for the premises should be submitted to the Local Planning Authority prior to installation in order to ascertain what consents may or may not be required.

If you intend to install a new shop front, this is likely to require planning permission.

**ITEM NO:** 18

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2006/0177/ PF

**PROPOSAL:** Conversion of redundant barn to single dwelling

**LOCATION:** Barn at Rhydyddauddwr Farm Abbey Road Rhuddlan Rhyl

**APPLICANT:** Trustees Bodrhyddan Estate Maintenance Fund

**CONSTRAINTS:** Listed Building

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

**CONSULTATION RESPONSES:**

63. RHUDDLAN TOWN COUNCIL  
"Recommended for permission".
64. SENIOR CONSERVATION OFFICER  
No objections to the proposals, as revised, from a Conservation aspect. Need to apply a controlling condition for the paint colours for external joinery.
65. CLWYD-POWYS ARCHEAOLOGICAL TRUST  
Require photographic survey
66. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection, recommend condition relating to parking and turning area.

**RESPONSE TO PUBLICITY:**

Representation received from:

1. Tim Evans, Planning Consultant on behalf of Mair Williams and Sons (2 letters)

Summary of planning based representations:

- i) Impact of the proposal on the tenants farming enterprise
- ii) Loss of agricultural buildings
- iii) Concerns over unsatisfactory access to the yard
- iv) Amenity considerations for potential occupiers

**EXPIRY DATE OF APPLICATION: 17/07/2005**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal seeks to convert a Grade II Listed outbuilding at Rhydyddauddwr Farm to a dwelling with associated site works.

2. The application has been deferred from the September Committee pending a site visit and to assess the principle in relation to TAN 6. The notes of the site visit will be presented in the addendum report to Committee following the site visit.
3. The proposed conversion comprises of 3 beds, en suite and bathroom on first floor level and study, kitchen, living, utility and hall on ground floor level. The proposal includes the retention and re-instatement of the existing pig sty on the southern side for use as a porch and store. Windows are proposed on all elevations in the original openings as is the retention of some of the ventilation slits. Two conservation style rooflights are proposed on the eastern roof plane.
4. Access is off the track to the farmhouse where there has historically been a track to the outbuilding. A limestone surface is proposed with an oak post and rail fence. Along the south and east boundary the stone wall is to be reinstated. The yard on the western side is to include a parking area and is to remain open to allow access to the farmyard. The existing Dutch barn on the eastern side of the listed building is proposed to be removed.
5. The farmhouse is located at the end of Abbey Road in Rhuddlan. There are no adjoining properties. The outbuildings are set out in a U shape around the yard. The building is brick with a slate roof listed as a good example of its type and component of an intact late C18- C19 courtyard farmstead.
6. The application has been submitted by the landlord of the farm holding. There is an existing tenant farmer.
7. The application is accompanied by a detailed structural report and justification statement which comments on the adequacy and suitability of the outbuilding for the scheme of conversion. The application also includes submitted details from estate agents which show it has been marketed for employment use.

**RELEVANT PLANNING HISTORY:**

8. No relevant planning history.

**PLANNING POLICIES AND GUIDANCE:**

9. **Denbighshire Unitary Development Plan**  
 Policy GEN 3 – Development outside development boundaries.  
 Policy GEN 6 – Development Control Requirements  
 Policy CON 3 – Change of Use of Listed Buildings  
 Policy CON 2 – Alterations or extensions to Listed Buildings  
 Policy HSG 9 – Residential conversion of rural buildings to dwellings

SPG 14 – Listed Buildings  
 SPG 16 – Conversion of Rural Buildings

**Government Guidance**

Planning Policy Wales March 2002

TAN 6 Agriculture and Rural Development

Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas

**MAIN PLANNING CONSIDERATIONS:**

10. The main issues are considered to be:
  - i) Principle including impact on tenanted farm

- ii) Impact on the Listed Building/Visual Appearance
- iii) Residential Amenity
- iv) Highways
- v) Ecological impact
- vi) Comments of the objectors

11. In relation to the considerations as noted in Paragraph 8 above:-

i) Principle

The principle of the proposal is considered acceptable. In terms of Policy HSG 9 the applicants have submitted estate agents marketing details which refers to the business use. No interest has been shown in commercial proposals. It is considered that the employment test is adequate and demonstrates that the proposal complies with the policy. The building is considered to be structurally sound and capable of conversion. The visual appearance is considered acceptable as discussed below. The conversion will not have an unacceptable impact on the character of the Listed Building and the character and appearance of the countryside; it is located in close proximity to the existing farmhouse and has an adequate curtilage with suitable boundary treatments.

In terms of TAN 6 and in particular paragraph 12, the main issue is whether the loss of the barn would impact on the agricultural operation of the tenanted farm. The tenant farmer operates both Rhydyddauddwr and Criccin farm with 350 acres in total. In the objectors correspondence of 7th March they have briefly outlined the extent of the use at the farm. They commented that although the buildings at Criccin Farm are more up to date, the Rhydyddauddwr buildings are vital when working with stock in the south-western part of the farm. However the proposed barn houses grain bins and is presently not used. Access to the yard is retained and the majority of the curtilage is on the eastern side as opposed to adjacent to the farm-yard. It is not envisaged that the proposed conversion would impact on the running of Rhydyddauddwr farm or the tenants agricultural enterprise. Paragraph 31 relates to new protected buildings and states that local authorities should exercise particular care when considering applications within 400m of established livestock units. On balance owing to the the intensity of the farmyard use as described in the correspondence of 7th March and the nature of the buildings at Rhydyddauddwr the application is considered acceptable.

ii) Listed Building/Visual Amenity

In terms of the impact on the Listed Building, the alterations have been designed to have minimum impact on the form of the existing building. The alterations and the materials are in keeping with the listed outbuilding which complies with Policy CON 2 and 3. The Listed Building Application has been submitted to CADW and a number of minor changes have been made to the scheme in order to protect and conserve the character of the Listed Building. It is considered that the conversion would preserve the building from further degradation.

iii) Residential Amenity

The proposal will not impact on the privacy and amenity of nearby occupiers. The proposal will not overlook the adjoining property or cause a loss of amenity. There is a substantial amount of amenity space proposed for the dwelling on the eastern side of the building. The western side will remain open and although it is bounded by the farmyard and associated outbuildings it is not considered that it would impact seriously on residential amenity.



Furthermore as the proposal is for the conversion of an agricultural outbuilding prospective occupiers would be aware of the implications of its location in proximity to the farm enterprise.

- iv) Highways  
The proposal will not impact on highway safety. There is an adequate access and parking and turning for the proposed dwelling. An access is proposed to the farmyard and land to the south of the proposal.
- v) Ecological impact  
Approval of the proposal is subject to a bat and bird survey. This will provide details of any species using the barns and mitigation measures for their protection.
- vi) Comments of Objections  
The comments of the objectors have been addressed in the planning considerations. It has been demonstrated that the building is in need of repair, is not presently used and is not viable for commercial purposes and the scheme of conversion is acceptable. In response to the issues raised in the correspondence of 15 September TAN 6 has been addressed above.

#### **SUMMARY AND CONCLUSIONS:**

12. The proposal is acceptable and is recommended for approval.

#### **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. 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. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
4. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).
5. Space for the parking and turning of vehicles within the site shall be provided in accordance with a scheme to be submitted to and approved in writing, by the Local Planning Authority; such works as may be approved shall be completed before the building is first brought into use and shall thereafter be retained solely for those purposes.
6. No works to any building on the site, including demolition, shall be carried out until

such time as the affected buildings have been surveyed for the presence of bats and birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of bats and birds shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.

7. 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 commencement 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.

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. In the interests of visual amenity.
4. In the interests of investigation and recording of historic/listed buildings.
5. In the interests of highway safety.
6. In the interests of any protected species on the site.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 and 10.

You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of building works.

**ITEM NO:** 18

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2006/0178/ LB

**PROPOSAL:** Partial demolition, external and internal alterations to convert redundant barn to single dwelling

**LOCATION:** Barn at Rhydyddauddwr Farm Abbey Road Rhuddlan Rhyl

**APPLICANT:** Trustees Bodrhyddan Estate Maintenance Fund

**CONSTRAINTS:** Listed Building

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

**CONSULTATION RESPONSES:**

67. RHUDDLAN TOWN COUNCIL  
"Recommended for permission".
68. SENIOR CONSERVATION OFFICER  
No objections to the proposals, as revised, from a Conservation aspect. Need to apply a controlling condition for the paint colours for external joinery'.
69. CLWYD-POWYS ARCHAEOLOGICAL TRUST  
Require photographic survey

**RESPONSE TO PUBLICITY:**

Representation received from:

2. Tim Evans, Planning Consultant on behalf of Mair Williams and Sons

Summary of planning based representations:

- i) Impact of the proposal on the tenants farming enterprise
- ii) Loss of agricultural buildings
- iii) Concerns over unsatisfactory access to the yard
- iv) Amenity considerations for potential occupiers

**EXPIRY DATE OF APPLICATION: 17/07/2005**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. This application for listed building consent corresponds to the previous item ref: 44/2006/0177/PF. The description of the development is as for that item. It was deferred from the September Planning Committee pending a Members' Site Inspection Panel. The notes of the site visit will be presented in the addendum report to the Committee.

**RELEVANT PLANNING HISTORY:**

2. No relevant planning history.

**PLANNING POLICIES AND GUIDANCE:**

**3. Denbighshire Unitary Development Plan**

Denbighshire Unitary Development Plan

Policy CON 3 – Change of Use of Listed Buildings

Policy CON 2 – Alterations or extensions to Listed Buildings

SPG 14 – Listed Buildings

SPG 16 – Conversion of Rural Buildings

Circular 61/96 (as previous)

**MAIN PLANNING CONSIDERATIONS:**

4. The main issues are considered to be:

- i) Principle
- ii) Impact on the character and appearance of the Listed Building

5. In relation to the considerations as noted in Paragraph 8 above:-

- i) The principle of the proposal is acceptable. The building is considered to be structurally sound and capable of conversion. The visual appearance is considered acceptable as discussed below. The conversion will not have an unacceptable impact on the character of the Listed Building and the character and appearance of the countryside.
- ii) In terms of the impact on the Listed Building, the alterations have been designed to have minimum impact on the form of the existing building. The alterations and the materials are in keeping with the listed outbuilding which complies with Policy CON 2 and 3. A number of minor changes have been made to the scheme in order to protect and conserve the character of the Listed Building. It is considered that the conversion would in fact preserve the building from further degradation.
- iii) The comments of the objectors relating to the Listed Building have been addressed in the planning application considerations. It has been demonstrated that the building is in need of repair, it is not viable for commercial purposes and the scheme of conversion is acceptable.

**SUMMARY AND CONCLUSIONS:**

6. The proposal is acceptable and is recommended for approval.

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

- 1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
- 2. The proposed external joinery to the doors shall have wide boards (min, 150mm.w.) and shall have traditional ironmongery.
- 3. All external timber shall be painted in accord with a colour scheme to be submitted to and approved in writing by the Local Planning Authority.

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

- 1. To comply with the provisions of the 1990 Listed Buildings Act.
- 2. To respect the character of the listed building.
- 3. To respect the character of the listed building.

**NOTES TO APPLICANT:** None

**ITEM NO:** 19

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2006/0240/ PF

**PROPOSAL:** Erection of four-storey building to provide 9 no. self-contained dwelling units

**LOCATION:** Rear Of Palace Apartments 83/84 West Parade Rhyl

**APPLICANT:** L W Properties Ltd.

**CONSTRAINTS:** C2 Flood Zone  
C1 Flood Zone  
Tidal Floodplain  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

1. RHYL TOWN COUNCIL
  - Initial plans  
"Object – over intensification of the site."
  - Amended plans  
"Object on the grounds of over intensification of the site".
2. ENVIRONMENT AGENCY
  - i) The application proposes to increase the levels of occupancy at a site located extremely close to primary sea defences. Highlights that (as the applicant acknowledges) under extreme weather conditions, the velocity of flood water may well exceed TAN 15 criteria.
  - ii) Has concerns regarding two emergency access/egress routes required, dependent if the source is fluvial or tidal, with potential to lead to confusion amongst occupiers as to which route to take, resulting in disastrous consequences.
  - iii) In line with Planning Policy Wales and TAN 15 the Agency does not consider the risk to the development acceptable and therefore continues to object to the development.
3. WELSH WATER  
No objection subject to conditions.
4. HEAD OF HOUSING SERVICES  
Confirms that, in this particular case, the overall number of affordable units required for the site is 6 units.
5. HEAD OF TRANSPORT AND INFRASTRUCTURE  
Initially had concerns in relation to vehicular parking within the site, with reference to the Council's standards of 2 car spaces per unit in this case, equating to 42 car spaces and the submitted plans indicating 17 No vehicular spaces. In recognising the reduction in parking standards, advises that the additional traffic and parking

information submitted by the applicant (including details relating to encouraging cycling by providing secure cycle storage, the close proximity to a seasonal bus route outside the site and main bus route on Wellington Road, and the location of the site within walking distance of local shops and facilities,) provides the basis for allowing a reduction in this case , subject to the inclusion of conditions, and notes to applicant.

## **RESPONSE TO PUBLICITY:**

### Initial plans

Letters of representation received from:

1. Alexander F. Litherland (on behalf of Mr. Edward O'Hara, 9, North Avenue)
2. Mr. Edward O'Hara, 9, North Avenue, Rhyl
3. Edmund Kirby (on behalf of Mr. E. O'Hara) 9, North Avenue
4. Mr A Singh - 38 Palace Avenue, Rhyl

Summary of planning based representations:

### Residential Amenity

- Size, proximity, and impact will adversely affect the privacy and amenity of adjacent properties (notably 9, North Avenue and 38, Palace Avenue), involving direct overlooking and sub standard distances,

### Noise & Disturbance

- Caused by additional levels of vehicular and pedestrian movements.

### Car parking provision

- Will exacerbate existing problems with on-street parking in the area - no increase in provision from current situation.
- Unclear as to the extent of car parking provision.

### Site context and overdevelopment

- Overall size and detail inappropriate.
- Sets an unfortunate precedent for neighbouring sites, including overdevelopment and limited space for landscaping.
- Restricts privacy and amenity spaces for the site.

### Loss of Hotel/Tourism use

- The loss of the hotel use.

### Unitary Development Plan Housing Allocations

- Unidentified sites therefore be contrary to the UDP.
- No requirement for windfall sites.

### Design

- Inappropriate appearance- particular west elevation, not in character /sympathy with existing property.

### Other considerations

- Effect on daylight levels of 9 North Avenue and 38 Palace Avenue, highlights the submission of a daylight analysis. Occupiers at 9, North Avenue are elderly, one being disabled, with existing limited daylight provision.

### Amended plans

Edmund Kirby, Liverpool (on behalf of Mr. E. O'Hara) 9, North Avenue

- Residential amenity  
Fenestration on south elevation detrimental to 9 North Avenue
- Site context and overdevelopment  
No reference in the contextual analysis to planning policy
- Other considerations  
The alley running along the south of the site unable to be used as a proposed emergency flood exit – the alley is not within the ownership of the applicant

**EXPIRY DATE OF APPLICATION: 10/04/2006**

**REASONS FOR DELAY IN DECISION:**

- Reconsultations – amended plans
- additional information from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. Members may recall that this proposal was deferred at the 26<sup>th</sup> July 2006 Planning Committee meeting to allow re-consultation on revised plans and additional information.
2. The Palace Hotel stands on the corner of Palace Avenue and West Parade, Rhyl, and comprises an imposing five storey (inclusive of basement) slate and brick Victorian property. An attached, single storey vacant café wraps around its westerly corner. An existing vehicular access point serves the site, off Palace Avenue.
3. To the east of the Palace (separated by Palace Avenue) is a site subject to redevelopment for 59 extra care flats. To the south, separated by the existing rear yard area of the Palace and a roadway, exists the predominantly 2-storey semi-detached residential properties of Lake Avenue. Retail premises directly abut the majority of the western boundary of the Palace. The site lies within a C1/C2 flood zone and the Rhyl THI.
4. Planning permission has recently been granted for the conversion of the existing building into 12 self-contained flats. The permission involves a S106 Obligation for the provision of 3 no. affordable housing units, together with a commuted sum for off site open space provision.
5. The current application seeks to provide a four storey (including a basement area) extension to the rear and part west side of the building, involving an additional nine (9) number flats, leading to a total of 21 self-contained flats for the site.
6. Car parking provision for the proposal indicates a total of 17 car spaces – 6 within the existing Palace building basement area, with the majority of spaces indicated within the basement area of the proposed extension. A cycle storage area is proposed within the Palace building basement. Areas dedicated for a recycling facility and bin storage are indicated along the south and westerly boundaries.
7. External materials include red and yellow brickwork and rendering, and with the exception of an area of flat roof, slate roofing to match existing, garage and stores building, together with a detached shed, have previously been removed from the site.

8. The agent has submitted the following information to accompany the application:-
- i) Contextual Design Analysis
  - ii) Travel and Parking Statement

**RELEVANT PLANNING HISTORY:**

9. **45/2005/1017** - Change of Use of the Palace Hotel into 12 flats – GRANTED 12 July 2006

**PLANNING POLICIES AND GUIDANCE:**

10. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

STRATEGIC POLICIES – 1,2,5,7,11,15,16.

Policy GEN 1	-	Development within Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 8	-	Planning Obligations
Policy GEN 10	-	Supplementary Planning Guidance
Policy ENP 4	-	Foul and Surface Water Drainage
Policy ENP 6	-	Flooding
Policy CPZ 4	-	Coastal Defence & Flooding
Policy CPZ 3	-	Rhyl/Prestatyn Seafront
Policy HSG 10	-	Affordable Housing within Development Boundaries
Policy REC 2	-	Amenity and Recreational Open Space –
Requirements in New		Developments
Policy TRA 9	-	Parking and Servicing Provision
Policy TSM 14	-	Foryd Harbour/Ocean Beach

SPG 2	-	Landscaping
SPG 4	-	Recreational Public Open Space
SPG 7	-	Self-contained Flats and Houses in Multiple Occupation
SPG 21	-	Parking requirements
SPG 22	-	Affordable Housing

GOVERNMENT GUIDANCE

Planning Policy Wales 2002

TAN 2	-	Affordable Housing
TAN 12	-	Design
TAN 15	-	Development and Flood Risk
TAN 18	-	Transport

OTHER GUIDANCE

West Rhyl Regeneration Strategy 2004 (unadopted)

**MAIN PLANNING CONSIDERATIONS:**

- 11.
- i) The principle of the development – location and flooding issues
  - ii) Surface Water Drainage
  - iii) Impact on residential amenity
  - iv) Impact on visual amenity – design and density
  - v) Highway considerations
  - vi) Open space requirements
  - vii) Affordable housing
  - viii) Other considerations



12. In relation to the considerations as noted above:-

i) The principle of the development – location and flooding issues

In terms of the principle of the development, the scheme proposed is within the town boundary on land previously used/developed, where planning policies seek to encourage reuse in a sustainable manner, which would facilitate the regeneration of the area.

In relation to TAN 15 advice, and the requirement for new developments in zones C1 and C2 to be justified at the location, the proposal is supported by the following tests;

- Necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, **or**
  - Necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- And**
- It concurs with the aims of PPW and meets the definition of previously developed land, and

The site lies within the defined UDP development boundary for Rhyl, and with the West Rhyl Regeneration Strategy area; and complies with the PPW definition of 'brownfield' land.

As with the adjacent planning permission for 59 units, the proposal would involve considerable investment in the area on a prominent seafront location, supported by planning policies and the general strategy for the area. The principle is therefore acceptable.

The justification supports the proposal, in the knowledge that the development is subject to flood risk and therefore mitigation should be planned and designed to minimise flood implications. TAN 15 procedure obliges the potential consequences of a flooding event for a particular type of development to be considered, namely a Flood Consequence Assessment (FCA). The purpose of an FCA is to reduce the risk and potential adverse impacts.

With the change of use application, the Environment Agency acknowledged that the problem of safe egress in an extreme flood event would remain an issue, but that the change of use appeared to offer an improvement to the situation. The recommendation was therefore one based on a precautionary approach; with the total number of units higher than the current 'extension' application for 9 units.

Consequently, this existing planning application for the extension has to take on board the issues previously highlighted by the Environment Agency with the change of use application.

The current application FCA confirms that there are four main potential methods of flood defence 'failures' -

- overtopping of the coastal/fluvial defences
- breach of the coastal/fluvial defences
- increase in sea levels due to global warming

- overloading of the existing highway drainage system

The site is located approximately 50 metres from the existing coastal defences and some 700 metres from the Afon Clwyd defences. One of the six mitigation factors suggested by the applicants relate to two proposed emergency access/evacuation link corridors to the Palace Hotel then to the West Parade, which is above the predicted flood level; secondly, a route directly onto the alley, south of the site, then into Lake Avenue. However, given possible landownership issues, access onto Lake Avenue may not be feasible. It is understood that this is in the process of being resolved. The main differences between the two applications would appear to relate to the overall site intensity of use and emergency routes. The Agency response highlights these issues.

In terms of intensity, further clarification from the applicants suggests that the total occupation involved with the site would be less than the previous hotel occupancy. TAN 15 (para. 72) highlights that whether a development should proceed depends on whether the flooding consequences can be managed to an acceptable level for the nature/type of proposal e.g. provision of timely flood warnings and safe emergency access routes. This mitigation, taking into account the above, is feasible.

ii) Surface Water Drainage

Clarification with Welsh Water has resolved the means of surface water disposal, allowing connection to the public sewer on Palace Avenue, with a suitable means of surface water attenuation within the site, as illustrated on revised plans.

iii) Impact on residential amenity

The nearest adjacent residential properties are 37, 39 Palace Avenue (to the east), 38 Palace Avenue (to the south) and 9 Lake Avenue (to the south).

From the ridge, to ground floor level, the maximum height of the extension will be approx. 16.5 metres.

The amended plans have taken on board the Local Planning Authority's concerns regarding direct overlooking into adjacent residential properties and gardens. Given the relationship and orientation of the windows, the plans are considered acceptable in terms of residential amenity impacts. Should planning permission be given, conditions should be imposed restricting no new, additional windows being installed, together with the provision of obscure glazing on bathroom windows.

Having regard to the site context and proposal, Highway Officers have requested additional detail and control of traffic management during construction work and this is considered appropriate in this case, replicating conditions imposed on the neighbouring site for the construction of 59 residential units.

iv) Impact on visual amenity

The Palace is a fine example of Victorian architecture – its façade and form worthy of retention and maintaining a link with the history of West Rhyl. The key issue for the design and form of the extension is that the form and height remain in context with the Palace. The submitted Contextual Analysis takes this on board.

On the West Parade elevation, the proposal has a limited and subordinate

elevation to that of the main Hotel; is lower and set back from the main elevation, and includes a horizontal design emphasis, material and detail compatible and sympathetic to those of the main building.

The east elevation is also subordinate in bulk, mass and height to the main Hotel elevation; set back and uses a more simple design detail than the main Hotel.

The revised plans have included amendments and details to reflect the Local Planning Authority's initial concerns regarding mass and window detailing. The revised scheme is now considered acceptable.

v) Highway considerations

The level of car parking provision is less than the maximum expected space requirements of 2 spaces per unit as outlined in SPG 21. The accompanying travel and parking statement acknowledges this, highlighting the consideration of four mitigating points in this case; urban brownfield location; provision of cycle stands; direct and easy access of bus routes; easy walking distance of local amenities.

Policy TRA 9 and SPG 21 aim to reduce the need to travel, particularly in site locations which are available to achieved maximum sustainable travel options. In urban locations, such as this proposal, the maximum space requirements for 2 spaces per unit would not be expected. The provision reflects availability of public transport, walking and cycling distances from local shops and services and similar provision on developments nearby. In this case, the proposal is considered compatible with the principles of planning policies and the SPG 21.

vi) Open space

As part of the change of use application, the applicant is required to provide a commuted sum of £23,343.36 for the provision and maintenance of off-site open space.

This current application will require the same approach, with a figure of £17,769.60 for off site provision and maintenance. This will require a S106 Obligation. In relation to landscaping, the site has limited available areas, notably on the north (along the West Parade); along Palace Avenue; part of the south boundary, and the area between the rear of the Peabody Café and extension. The majority of these areas will be paved with slabs.

vii) Affordable Housing

Together with the change of use application, a total of 6 affordable dwellings have been negotiated for the whole site development. The proposal accords with the principles of Policy HSG10 and SPG22.

viii) Other considerations

The Highway Officer has confirmed that the alley way to the rear (south) of the Palace Hotel is not a highway maintainable at public expense. The issue of ownership and use is a matter between the parties involved and does not affect the merits of the application in this case.

## **SUMMARY AND CONCLUSIONS:**

13. The application consolidates private sector, self-contained residential accommodation on a seafront site. In regeneration terms this is to be supported and this issue outweighs, on balance, the flooding objection. In relation to detailed impacts on residential and visual amenity the proposal is considered acceptable.

Parking provision reflects the urban location. Affordable housing and open space provision would be secured by a S.106 obligation. Given the relationship of the scheme to the existing dwelling and the sensitivity of the flood risk issues it is also suggested that a flood management plan be a requirement of the S.106.

14. The recommendation, is subject to the applicant first entering into a Section 106 Obligation requiring the following:-
- Commuted sum for provision and maintenance of open space of £17,769.60 – apportioned as follows:

CROS Provision Costs	£5,240.16
CROS Maintenance Costs	£5,503.68
Childs Provision Costs	£5,191.20
Childs Maintenance Costs	£1,834.56

- Provision of 6 affordable housing units for the whole site
- Flood management plan for the whole site

**RECOMMENDATION: GRANT** – subject to compliance with the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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 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.
4. The development hereby permitted shall be used at all times as an extension to the existing Palace building and not as a separate detached residential block, separate to the existing building.
5. Prior to the commencement of the erection of any external brickwork, a sample panel of the type of brickwork, mortar, and pointing it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the brickwork, mortar and pointing to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.
6. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
7. Prior to the commencement of development the following details shall be submitted for the further written approval of the Local Planning Authority.

- i) External lighting facilities;
  - ii) Refuse storage facility, including security and laying out, with priority given for a recycling approach;
  - iii) Flood proof construction techniques, together with flood warning and evacuation plan for safe egress of owners, visitors and staff in an inundation event;
  - (iv) location of the proposed site compound, wheel wash facilities, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes
- and the development shall be completed in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

8. No additional windows shall be inserted at any time without first obtaining the formal written consent of the Local Planning Authority.

9. Notwithstanding the submitted rear, elevation drawings, no emergency exit door or window shall be inserted at any time without first obtaining the formal written consent of the Local Planning Authority.

10. All mock windows shall function at all times as mock windows to be surfaced with a stipple finish to be of the same, type texture and colour as the extension, prior to the occupation of the units hereby approved.

11. The flat roof upper area shall be used for emergency purposes only, and shall not at any time be used for social and domestic purposes or functions.

12. The access to the site shall be laid out and constructed as indicated on the approved plan before any work starts on site, and the access shall be completed in accordance with the approved details before the development is brought into use.

13. Facilities shall be provided and retained within the site for the parking and turning of vehicles and cycle storage in accordance with the approved plan and the car parking areas shall be marked out and cycle storage provided and available for use prior to the proposed development being brought into use.

14. Full details of the vehicular foot way crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the access shall be completed in accordance with the approved plans before it is brought into use.

15. All bathroom windows on the south elevation illustrated on approved drawing number 05/19/02/16 shall include fixed obscure glazing prior to the occupation of the units, and shall remain as such at all times.

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 order to protect the amenities of the locality and to ensure to an overall flood management for the site.
- 5. In the interests of visual amenity
- 6. In the interests of visual amenity.
- 7. In the interests of the amenities of the area and to take a proactive approach for waste disposal.
- 8. In the interests of the residential and visual amenities of the locality.
- 9. In the interests of proper flood mitigation measures.
- 10. In the interests of the residential and visual amenities of the locality.
- 11. In the interests of the amenities of the locality.
- 12. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
- 13. 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.

14. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

15. In the interest of residential amenities.

**NOTES TO APPLICANT:**

You are advised to contact the Highway Authority in relation to the following before work starts on site.

Consent to erect any scaffolding, hoarding of fence on the highway for the purpose of carrying out the work.

together with the following Advisory Notes.

(i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.

(ii) New Roads and Street Works Act 1991-Part N Form.

(iii) Highways Act 1980 Section 184 Consent To Alter A vehicular Crossing Over A Foot Way.

**ITEM NO:** 20

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2006/0755/ PF

**PROPOSAL:** Change of use from Class A1 shop to Class A3 restaurant, new shop front and roller shutters

**LOCATION:** 14 Wellington Road Rhyl

**APPLICANT:** Mr G Roman

**CONSTRAINTS:** C1 Flood Zone  
Town Heritage Area  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

- 70. RHYL TOWN COUNCIL  
"No Objections"
- 71. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No Objections
- 72. TOWN HERITAGE INITIATIVE PROJECT MANAGER  
The site is currently outside the conservation area, although it is intended that the boundaries will be revised in the near future in order to enable the THI area to extend along this section of Wellington Road. Whilst this would not directly affect the current application, a design which would not adversely affect the future CA should be encouraged.
- 73. PUBLIC PROTECTION  
It may be appropriate to set some form of hours of use limitation in line with other recent applications for A3 uses to control future variation of use to something with a more intrusive nature.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

- 1. Mr C G Henderson, of Ian Grant Design of 12 Wellington Road, Rhyl
- 2. Hans Keller of Snax Café of 16 Wellington Road, Rhyl

Summary of planning based representations:

- (i) The intensification of eating establishments in Rhyl town centre.
- (ii) The lack of space for waste bins, which will have to be placed in an alley way that could restrict emergency evacuation from there property. The roller shutter being closed when the business was shut, which would discourage visitors to Rhyl.
- (iii) The impact of a late night business operation on this part of Rhyl town centre, and the associated problems with noise and disturbance.

- (iv) That the application is for a restaurant and that it will be predominantly a take away, and that there is inadequate parking facilities on this section of road.

**EXPIRY DATE OF APPLICATION: 14/08/2006**

**REASONS FOR DELAY IN DECISION:**

- Additional information required from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is on Wellington Road in Rhyl Town Centre between Queen Street and the High Street. The road has waiting restrictions down both sides.
2. The application site is currently outside the Rhyl Conservation Area. However it is anticipated that following work by the Town Heritage Initiative that this area will be included.
3. The building is a large three storey building in the middle of a row of shops. This stretch includes a number of A1 retail shops and financial service providers. The only other food retailer on the section is a café next door at number 16 Wellington Road, which only operates during the day. There are no businesses in the immediate area that have late night uses.
4. The application site was last in use as a Better Buys convenience store. However it has been vacant for a number of years. To the rear of this property is a communal alley way that serves the properties on this parade.
5. The proposal is a change of use application, to convert a vacant shop which currently has permission for Class A1 retail use, to be used as a restaurant with Class A3. The proposal is also for a new shop front and roller shutter.

**RELEVANT PLANNING HISTORY:**

6. None.

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 Development control requirements  
Policy CON 6 Development Adjacent to Conservation Areas  
Policy RET 1 Town and District Centres  
Policy RET 6 Town and District Centres : Non A1 Uses  
Policy RET 16 Food and Drink – Hot Food Take-Aways

SPG 11 Hot Food Takeaways  
SPG 12 Shop Fronts

GOVERNMENT GUIDANCE  
Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

8.
  - i) Principle of change of use
  - ii) Residential Amenity
  - iii) Visual Amenity
  - iv) Parking



v) Waste Management

9. In relation to the considerations as noted in Paragraph 11 above:-

i) Principle

The site is located within the Town and District centre boundary as identified in the UDP, where in principle Class A3 uses are permitted provided it is a suitable scale and type appropriate to size, character and function of the centre. This is re-emphasized in Policy RET 6 Town and District Centres : Non A1 Uses. The change of use would maintain the viability and vitality of the town centre and not lead to a clustering of A3 uses. Thus it would comply with the principles of Policies RET 6 and RET 16.

ii) Residential Amenity

Whilst residential properties occupy upper floors in this area of the town centre, the proposed restaurant would not be out of character with a busy town centre commercial area, including late night uses. It is considered that it could operate with suitable conditions limiting the hours of opening. It is not considered that there would be any adverse impact on residential amenity.

iii) Visual Amenity

This application does include a new shop front and roller shutter. The site is located adjacent to the Conservation Area where the main planning consideration is to preserve and maintain the character and appearance of the Conservation Area. Comments received from the THI Officer indicate no objections to the proposal, and that it would not impact on the existing Conservation Area, nor any proposed extension of the Conservation Area that may include this section of Wellington Road. This is in accordance with Policy CON 6.

iv) Parking

Objections to the proposal have been received in relation to the impact that the proposal will have in terms of on-street parking. It is considered that the majority of customers will be pedestrians and that there is unlikely to be any significant hazards created during peak traffic periods. Comments received from the Highways Department indicate no objections to the proposal. This is in accordance with criterion (vii) of Policy GEN 6.

v) Waste Disposal

Amended plans for the proposal indicate an on site area for the storage of waste facilities. This is considered acceptable and in accordance with criterion (xiii) of Policy GEN 6.

#### **SUMMARY AND CONCLUSIONS:**

10. The principle of the change of use is considered acceptable with no adverse impact on residential or visual amenity.
11. There are considered to be no significant highways issues in relation to the proposal, and regard has been given to the means of waste disposal from the site.

#### **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 premises shall not be open to customers outside the following times and days:  
0800 hours to 00.00 hours (midnight) Monday to Saturday (inclusive)  
10.00 hours to 23.00 hours on Sunday
3. No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the design, siting and materials of the roller shutter and shop front, and only the approved details shall be implemented.

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. In the interests of amenity of occupiers of neighbouring properties.
3. To ensure the details are satisfactory in relation to the character and appearance of the building

**NOTES TO APPLICANT:**

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

**ITEM NO:** 21  
**WARD NO:** Rhyl South East  
**APPLICATION NO:** 45/2006/0825/ PF  
**PROPOSAL:** Retention of increased height floodlighting columns and lights  
**LOCATION:** Rhyl High School And Leisure Centre 86 Grange Road Rhyl  
**APPLICANT:** Denbighshire County Council Life Long Learning  
**CONSTRAINTS:** Public Footpath / Bridleway  
Article 4 Direction  
**PUBLICITY UNDERTAKEN:** Site Notice - No Press Notice - No Neighbour letters - Yes

**CONSULTATION RESPONSES:**

74. RHYL TOWN COUNCIL  
"No objection".

75. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection.

**RESPONSE TO PUBLICITY:**

Letters of representation received from the following:-

1. G. E. Carter, Graceland, Larkmount Road, Rhyl (not objecting to proposal but wanting increased height fencing)
2. D Bartley - 15 Park Drive, Rhyl (no objection to scheme but wishes to see one light removed)
3. Megan Adams, 10, Grange Park, Rhyl (including signatures from J. & M. Round, 8, Grange Park and N.  
& B. Hughes, 12, Grange Park, Rhyl)

Summary of planning based representations

- i) Concerns over increased height of columns
- ii) Concern over impact of lights.

**EXPIRY DATE OF APPLICATION: 06/09/2006**

**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)

**PLANNING ASSESSMENT:  
THE PROPOSAL:**

1. The application site consists of the established all-weather pitch to the south-east of the Rhyl High School site. The pitch, which now includes a running track on its northern side enjoys a boundary to Larkmount Road.
2. The all-weather pitch has undergone recent upgrade works which involved the installation of an all-weather running track and long jump pit. The pitch itself was reduced in size as part of a previously permitted scheme. However, at that time, plans indicated the intention to relocate existing floodlighting columns retaining their previous 11m height. This application seeks permission to retain 10 no. increased height 15m columns with upgraded lighting.
3. The columns are situated at each side of the pitch with 5 no. along the Larkmount Road boundary. The 5 no. columns on the running track (north) side of the pitch also include lamps situated at an 8m level facing the track.

**RELEVANT PLANNING HISTORY:**

**4. 45/2003/0042/PF**

Alterations and extensions to sports centre to form new entrance and store room. Erection of new boundary fencing and upgrading of lighting scheme to reduced size all-weather pitch. Construction of all-weather running track with fencing and lighting formation of parking areas and footways with additional lighting – GRANTED – 24/7/03

(This scheme indicated existing height floodlighting columns re-positioned)

**45/2004/0204/PF**

Alterations and extensions to Rhyl Leisure Centre to provide new reception, link corridor and changing rooms (amendment to previously approved scheme granted under ref. no. 45/2003/0642/PF)

(This revised scheme also indicated existing height floodlighting columns re-positioned)

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 6 - Development control requirements
  - Policy CF 1 - Community facilities – General
  - Policy REC 1 - Protection of existing open space
  - Policy REC 4 - Recreational facilities within development boundaries
  - Policy ENP 1 - Pollution

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002

TAN 16 - "Sport and Recreation"

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of development against policy criteria
  - ii) Impact on neighbour amenity
  - iii) Impact on visual amenity
  - iv) Impact on highway safety
7. In relation to the points identified in paragraph 6 above:-
  - i) Principle  
The site forms part of a well established community facility. The provision

and general upgrade of such a facility meets development plan policy criteria and Government Guidance on the promoting of sport and recreation. As such, the principle of retaining the upgraded floodlighting columns and lights is acceptable.

ii) Residential Amenity

The main issue relating to this proposal is whether the 4m increase in height of the now 15m high columns would have a significantly greater impact on those surrounding residential dwellings, which have sat alongside a busy all-weather pitch and its floodlighting for many years, than the previous floodlighting. Whilst it must be acknowledged that the physical increase in height of 4m appears significant, account needs to be taken of both the slimline design of the upper parts of the columns and the improved lighting now installed. It is evident that the upper sections of the columns taper much thinner than the base sections meaning that their impact against the skyline is not significant. In the context of both standard street lighting columns and the floodlighting at the nearby Belle Vue football ground the increase in height does not cause any significantly greater loss of amenity to those dwellings sited nearby. The closest residential dwelling on Larkmount Road, Graceland, is some 15m from the nearest column and whilst the concerns of residents living on Grange Park are noted the rear of these dwellings are separated by Larkmount Road. The actual lighting specification for the upgraded columns means that light spillage experienced from previous floodlights would be reduced. The modern design and specification of the lights meets the spill and illuminance criteria for such an urban area and as such, this factor is not considered to be a cause for concern in terms of any increased impact on neighbouring dwellings. As part of the negotiation process on this application, officers have liaised with a resident on Park Drive to ensure that the lighting has been taken out of one of the columns closest to his dwelling. A planning condition can ensure this situation remains.

iii) Visual Impact

The increased height of the modern, slimline floodlighting columns which taper upwards is not considered to have any significantly increased visual impact on the site and surroundings. The lighting upgrade results in less spillage outside of the pitch itself thus making the visual impact of the proposal acceptable.

iv) Highway Safety

The lighting specification results in limited spillage onto the adjacent highway and thus the proposal would not increase highway dangers. Highway Engineers have no objections.

**SUMMARY AND CONCLUSIONS:**

8. The increased height floodlighting complies with national and local plan policies for such a community facility. The slimline design of the upper part of the column reduces its physical impact on surrounding dwellings with improved lighting resulting in less light spillage from the pitch. Whilst neighbour concerns are noted from the 3 properties on Grange Park, it is not considered the impact is sufficient to warrant refusal of the scheme with the resident on Park Drive content with the scheme subject to one light being removed from a single column.

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

1. The pitch and track shall only be used and the floodlights only operated between the following hours:-  
0900hours - 2200 hours Mondays to Sundays
2. The use of the lights hereby permitted shall not exceed the maximum permissible levels agreed as part of this permission being within CIBS and ILE Zone E3.
3. The lighting head and lamp on the north-western end of the running track shown on drawing no. P1231/L1 as column "C" positioned closest to the dwellings on Park Drive shall be removed within one month of the date of this decision and thereafter not restored.

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

1. In the interests of residential amenity.
2. In the interests of residential amenity.
3. In the interests of residential amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, and 10.  
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

**ITEM NO:** 22

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2006/0868/ PF

**PROPOSAL:** Change of use of ground-floor flat to children's day nursery for 25 children with living accommodation over

**LOCATION:** 37 Marine Drive Rhyl

**APPLICANT:** Mr A C And Mrs H Thomas

**CONSTRAINTS:** Article 4 Direction

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

#### **CONSULTATION RESPONSES:**

##### 1. RHYL TOWN COUNCIL

" The proposal to "drop off" on Marine Drive is considered inappropriate. Parking is restricted in this area by double yellow lines and the simultaneous arrival of a number of vehicles at peak times is considered unacceptable in terms of road usage and the amenities of adjoining properties.

Although there is on-street parking on the North side of Marine Drive this will require children to cross the road to access/depart the Nursery and parking (particularly in the summer months) is limited in this area. This is likely to lead to parents parking immediately outside of the property.

The proposed parking/drop off point to the rear is also considered insufficient especially if parking to the front of the building is not permitted. Given the number of children to be accommodated it is likely that all identified parking spaces will be required by staff. It is also likely that parents collecting/dropping off children by way of the alley would park in the alley creating an obstruction/nuisance to other properties occupiers which utilise this joint access to there own properties.

It is unclear from the application as to what the "with living accommodation over" relates. If the property contains flats not related to the use of a children's nursery then the residential amenities of the occupiers will be damaged. There would also be potential conflict between the residential users and the nursery in terms of access to parking, bin storage, shared access etc. If the applicant does not have sole occupancy of the whole building it is not considered acceptable and any permission should restrict/control the future letting of other flats within the property.

It is considered that all users of the rear access entry way should be consulted by the Planning Authority ".

##### 2. HEAD OF TRANSPORT & INFRASTRUCTURE

No objection subject to conditions

3. PUBLIC PROTECTION  
No objection subject to conditions
4. CARE STANDARDS INSPECTORATE WALES  
No reply.

**RESPONSE TO PUBLICITY:**

Letters of representations received from:

1. Mr & Mrs Wickenden, 36 Marine Drive
2. Mr & Mrs Jackson

Summary of representations:

- i) Noise implications
- ii) Traffic implications for parking and drop-off, pick-up
- iii) Concerns over waste
- iv) Concerns over the number of children using the facility
- v) Concerns over the use of the garage building
- vi) Overlooking potential increased by changing window to door

**EXPIRY DATE OF APPLICATION: 30/08/2006**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The proposal is for the change of use of the ground floor of an existing dwelling to a day nursery for 25 no. children. No external alterations are proposed other than the alteration of an existing side window to door. The ground floor nursery would comprise of 5 rooms of nursery space, kitchen, managers office, storage and nappy room, hall and lobby. The proposal incorporates alterations to the rear layout to include grassed play area, soft impact play area and enclosing the existing decking area. The proposal includes 4 car-parking spaces, 1 for disabled. No alterations to the access to the unadopted road are proposed.
2. The applicant has indicated that the intention is to use the upper floors for residential purposes for the operators of the nursery. The use of the upper floor of the garage was originally intended use for staff accommodation in the form of a staff-room. However, the applicant has indicated in correspondence that this space will now be used for storage purposes only.
3. Drop off and pick up would be on Marine Drive and children would be greeted by staff of the nursery. The rear entrance would be for disabled access only.
4. The large detached dwelling is served by a vehicular access off an unadopted road off Marine Drive. The 26m long rear yard is bounded by a 2m high wall on the western side and by outbuildings and a wall on the eastern side. The access to the rear car-parking is at the south western corner of the site. There is an existing garage in the south eastern corner of the site.

**RELEVANT PLANNING HISTORY:**

5. No relevant history

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy Gen 6 - Development Control Considerations  
Policy CF1- Community Facilities  
SPG 3 Children's Day Care  
SPG 21 – Parking Requirements in New Developments



GOVERNMENT GUIDANCE  
Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

7.

- i) Principle
- ii) Residential Amenity
- iii) Highways
- iv) Comments of the Objector

8. In relation to the main considerations in paragraph 5:-

i) Principle

The principle of the proposal is acceptable and in line with Policies GEN 6 and CF1 and SPG 3 as the site is located to serve the local population, accessible to non-car users and located within the Rhyl development boundary. The proposed use is considered acceptable in this location as it complies with the relevant policies.

ii) Residential amenity

The proposal will not impact significantly on the privacy and amenity of nearby occupiers. It is a daytime use and unlikely to generate excessive noise levels providing the numbers of children are controlled and the numbers of children playing outside is limited. There is adequate amenity space to accommodate the requirements of the use. Although the issue of overlooking has been mentioned by the objectors the door replaces an existing window and therefore there will be no additional impact from that change.

iii) Highways

Highways have not objected to the proposal. It is considered that the provision of 4 no. parking spaces would be adequate for the proposal and would not impact on highway safety or lead to a proliferation of parking on the private road or Marine Drive. The parking provision accords with the guidelines. Although there are double yellow lines in front of the property loading and unloading is permitted which would allow for dropping off and picking up. Furthermore the applicant has indicated that they will operate a system whereby some staff and children will be collected and dropped off in a MPV.

iv) Comments of the objector

The comments of the objectors have been noted and are addressed in the planning considerations. The applicants have indicated that waste would be collected by specialist contractors. This is also covered under the Care Standards for Nurseries for Wales regulations.

**SUMMARY AND CONCLUSIONS:**

9. The proposal is acceptable and is recommended for approval.

**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. No more than 25 children shall be accommodated at the children's day nursery at any

one time.

3. A 2 m high physical barrier (walling/fencing) shall be created on the east side of the soft impact play area and grassed play area prior to the implementation of this permission and thereafter retained and maintained in accordance with details to be submitted and approved in writing by the Local Planning Authority.
4. No more than 10 children shall be outside in the rear garden area of the premises at any one time.
5. The premises shall only be open to children during the following hours and days:  
0700 - 1900 hours Mondays - Fridays
6. The parking area shall be retained for the parking of cars connected with the use hereby permitted at all times.

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. In the interests of residential amenity and highway safety.
3. In the interests of residential amenity.
4. In the interests of the amenity of occupiers of nearby residential property.
5. In the interests of the amenity of occupiers of nearby residential property.
6. In the interests of residential amenity and highway safety.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 23

**WARD NO:** St Asaph East

**APPLICATION NO:** 46/2006/0510/ PF

**PROPOSAL:** Erection of detached single-storey dwelling for use as vicarage and construction of new vehicular access

**LOCATION:** Land at (part garden of) The Deanery Upper Denbigh Road St. Asaph

**APPLICANT:** Diocese Of St Asaph

**CONSTRAINTS:** Conservation Area

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. ST ASAPH TOWN COUNCIL  
"No objection in principle, however, despite assurances given in the supporting documents, the Council is very concerned at the impact upon the Conservation Area; local wildlife and, particularly because of the depth of excavation, it is essential that all work is supervised by a qualified Archaeologist".
2. CONSERVATION OFFICER  
No objection
3. COUNTY ARCHAEOLOGIST  
Archaeological evaluation work has taken place on the site and identified potentially significant buried archaeological remains. On the basis of the evidence as discovered, would object to the application. However, it may be possible to mitigate the damage by carrying out a complete excavation of the area to be developed, including areas for service trenches.
4. DWR CYMRU WELSH WATER  
No objection subject to conditions
5. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection
6. PRINCIPAL COUNTRYSIDE OFFICER  
No objection
7. CLWYD POWYS ARCHAEOLOGICAL TRUST  
Object, the evaluation report clearly indicates that the plot retains a high archaeological potential.

**RESPONSE TO PUBLICITY:**

- Letters of representation received from:-
1. Gareth Williams - 5 Kentigern Court, St Asaph
  2. Mr. C. E. Leach, 4, Llys Trewithan, Mount Road, St. Asaph (3)
  3. H. Salmon, 7, Llys Idris, St. Asaph

4. Mrs. C. Wynne (no address provided)
5. A. & D. Roberts, 8, Llys Idris, St. Asaph

Summary of planning based representations:

- i) Property is large
- ii) A new and modern design in a Conservation Area and would detract from the Cathedral and its surroundings
- iii) Adverse impact on privacy
- iv) Property being used as a 'meeting room' would cause additional noise and disturbance
- v) Drainage Issues
- vi) Impact on trees and on local wildlife

**EXPIRY DATE OF APPLICATION: 20/08/2006**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. This application was deferred from Planning Committee on 6<sup>th</sup> September 2006 to allow a Members' Site Inspection Panel to consider wildlife, tree and archaeological issues. The notes of the panel will be reported to members in the addendum report. The application site forms part of the rear garden of the Deanery, located adjacent to St Asaph Cathedral, to the rear of the car park, within the development boundary of St Asaph. The site slopes down in a westerly direction and there are several trees along the boundaries and within the site. Along the boundary with the highway is a stone boundary wall, approx 1.5m high. The site is located within a designated Conservation Area.
2. The Deanery is a large 2 storey property set in extensive grounds and has a vehicular access off a private, unadopted highway which also serves The Palace, Esgobty Farm, and a dwelling at Esgobty Stables. To the southern and western boundaries the site abuts the rear of properties on Kentigern Court and Llys Idris, which are single storey detached properties set at lower ground levels than the application site.
3. This application is for the erection of a single storey dwelling for use as a vicarage on part of the rear garden of the Deanery. It is proposed to form an additional access to the application site off the existing private highway, with 2 no. off street car parking spaces to be provided.

**RELEVANT PLANNING HISTORY:**

4. 46/2003/1060/PO – Development of 0.085ha of land by erection of 1 detached two storey dwellinghouse for use as a vicarage and construction of new vehicular access (outline application) WITHDRAWN December 2003 following advice of officers to investigate conservation and archaeological issues.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy STRAT 5 - Design  
Policy STRAT 7 – Environment  
Policy GEN 1 Development within Development Boundaries  
Policy GEN 6 – Development Control Requirements

Policy CON 5 Conservation Area  
Policy CON 11 Areas of Archaeological Importance  
Policy ENV 7 – Landscape/Townscape Features

Planning Policy Wales (March 2002)

Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology

#### **MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of development
  - ii) Impact on residential amenity
  - iii) Impact on visual amenity/character and appearance of Conservation Issues
  - iv) Archaeological Issues
  - v) Landscaping & Wildlife Issues
  - vi) Drainage Issues
  
7. In relation to the main planning considerations:
  - i) Principle of development:

The principle of the development within the development boundary of a town would be considered acceptable provided the proposal complies with other relevant policies in the UDP. The land is not safeguarded for other uses.
  
  - ii) Impact on residential amenity

There are existing residential properties surrounding the site with the exception of the northern boundary, where it adjoins a private highway. To the eastern boundary is the Deanery, the rear boundary of which would be located approx. 22m away from the side elevation of the proposed dwelling, leaving a rear amenity space for the Deanery in excess of 600 sq metres. To the southern and eastern boundaries at a lower level, are single storey dwellings, namely 5 and 6 Kentigern Court and 7 and 8 Llys Idris. The properties on Llys Idris back on to the application site, with their rear gardens physically bounding the site, whilst the side boundaries of the properties on Kentigern Court abut the site. At the closest point, the gable of the proposed dwelling which contains no windows would be located approx 14m away from the dwelling at 8, Llys Idris, set in 7m away from the boundary with this property. The property at 5 Kentigern Court would bound the rear garden of the proposed dwelling, and the screening currently along this boundary is a mix of post and wire fencing and a stone boundary wall, with a gap in between which leaves the rear garden of this property visible from within the site. The proposed dwelling would be located approx. 22m away from the boundary with this property, the closest part being a garage. The proposed dwelling is single storey and would be sunk into the ground. In addition, a native hedge would be planted along the boundary of the site and all trees along the boundary would be retained with additional trees to be planted. It is therefore considered that the siting and design of the dwelling respects the character of the area, without causing an unacceptable impact on the amenities of existing residents in the area. The proposed dwelling would provide a large rear amenity space with a garage, and off street parking for 2 no. dwellings. The proposed dwelling provides an acceptable level of amenity for future occupiers of the dwelling. Comments have also been raised by local residents in respect of the 'meeting room' and the impact on peace and privacy. In this respect, the 'meeting room' is an ancillary part of the vicarage,

and it would be used by the occupier of the property in connection with church business.

- iii) Impact on visual amenity/character and appearance of the Conservation Area  
The proposed dwelling would be partially in to the ground in order to lower the height of the building, and to minimise the impact on the Conservation Area and setting of St Asaph Cathedral. The Conservation Officer has raised no objection to the siting and design of the dwelling and it is considered that the sympathetic design is in keeping with the overall character and appearance of the area. With the use of appropriate external materials, it is not considered that there would be any adverse impact on the visual amenities of the area.
- iv) Archaeological Issues  
Following the previous submission, which was withdrawn to allow further investigations of conservation and archaeological issues, detailed archaeological evaluation work has taken place. This identified potentially significant buried archaeological remains within the plot. Pit and gully features contained medieval rubbish, including relatively high status pottery and fragments of roof tile dating to the 13th/14th centuries. Pits of the type found are very commonly found to the rear of buildings, this coupled with the discovery of roof tile remains indicates the strong likelihood of a medieval structure/s in the area of the proposed development. The County Archaeologist has indicated that it may be possible to mitigate the damage by carrying out a complete excavation of the area to be developed, including areas for service trenches. In this way the site would be destroyed but evidence preserved by record. Any excavation carried out would need to be extremely thorough and the programme of work would need to include provision for all excavation, analysis of artefacts found including environmental, and publication of the information. This scenario is in line with advice within Welsh Office Circular 60/96 and could be accommodated by condition, which would need to be very carefully monitored to ensure compliance.
- v) Landscaping & Wildlife Issues  
It is proposed to remove some trees within the site, and adjacent to the access in order to provide the access. However, it is proposed to plant several additional trees and significant hedge planting along 3 boundaries of the site. The Principal Countryside Officer has raised no objection to the proposal. The trees proposed for removal are mainly fruit trees, with the larger trees to be retained. There are bats on the site within the larger trees that are to be retained, and therefore no objection has been raised in this respect.
- vi) Drainage Issues  
Dwr Cymru Welsh Water have raised no objections to the proposal subject to suitable controls which can be made through the imposition of a planning condition.

#### **SUMMARY AND CONCLUSIONS:**

8. The proposal is considered acceptable in principle without adversely impacting upon the character and appearance of the Conservation Area. There would be no adverse impact on residential amenity, and with compliance with the relevant conditions, archaeological issues can be dealt with. There would be no adverse impact on local wildlife.

**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. No development shall take place until the applicant(s), their agents or successors in title has secured the implementation of a programme of archaeological work to include complete excavation of the entire area of the development and publication of the results in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
3. Prior to the commencement of the erection of any external brickwork, a sample panel of the type of brickwork, mortar, and pointing it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the brickwork, mortar and pointing to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.
4. The materials to be used on the roof of the building shall be blue/grey natural mineral slate with matching ridge tiles, samples of which should be submitted to and approved in writing by the Local Planning Authority; and the materials used on the roof of the buildings shall be strictly of the same type as the approved sample panel.
5. 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.
6. 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 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.
7. No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of the fenestration for the development.
8. Notwithstanding the provisions of Class(es) A to E (inc) of Part 1 and Class A of Part 2 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.
9. The dwelling shall not be occupied until the parking space(s)/garage and access thereto have been laid out/constructed in accordance with the approved plans.
10. No development shall take place until a scheme of foul, surface water and land drainage run-off has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
11. Prior to the commencement of the development hereby permitted detailed site surveys shall be undertaken to investigate the potential presence of Bat Species (Roost Survey) on the site. The survey, together with any mitigation measures arising from a confirmed presence, shall be submitted to and approved in writing by the Local Planning Authority and any mitigation measures fully implemented prior to the commencement of any works.

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 safeguard the site aof high archaeological interest.
3. In the interests of visual amenity
4. In the interests of the character and appearance of the Conservation Area.
5. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To ensure the details are satisfactory in relation to the character and appearance of the building
8. In the interests of residential and/or visual amenity.
9. In order that adequate parking facilities are available within the curtilage of the site.
10. To ensure satisfactory drainage of the site and to avoid flooding.
11. In the interests of nature conservation.

**NOTES TO APPLICANT:**

None



**ITEM NO:** 24

**WARD NO:** St Asaph West

**APPLICATION NO:** 46/2006/0878/ PF

**PROPOSAL:** Construction of pedestrian/cycleway to river flood embankment between The Plough Inn and Roe Parc Estate

**LOCATION:** Land at River Elwy Embankment Adjacent to St. Asaph Library The Roe St. Asaph

**APPLICANT:** Denbighshire County Council (Transport & Infrastructure)

**CONSTRAINTS:** C2 Flood Zone  
C1 Flood Zone  
Within 67m Of Trunk Road  
Public Footpath / Bridleway  
Conservation Area

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

**CONSULTATION RESPONSES:**

1. ST ASAPH CITY COUNCIL-  
"No objection"
2. HEAD OF TRANSPORT & INFRASTRUCTURE-  
No objection subject to conditions from Rights of Way Unit
3. ENVIRONMENT AGENCY -  
No objection subject to informative

**RESPONSE TO PUBLICITY:**

Letters of representations received from:

3. Mrs A.R. Alexander, 19 Roe Parc, St Asaph
4. Mr A.J Kirkham, 41 Roe Parc, St Asaph
5. Mr C.P. Wood 16 Roe Parc, St Asaph

Summary of representations:

- i) Impact of the proposal on the floodbank
- ii) Current access to the site is restricted
- iii) Concerns over potentially extending the cycleway through Roe Parc
- iv) Impact on residential amenity
- v) Support for safer link from Roe Parc to the town centre

**EXPIRY DATE OF APPLICATION: 30/08/2006**

**PLANNING ASSESSMENT:****THE PROPOSAL:**

10. The application has been submitted by the Transport and Infrastructure Section of Denbighshire Council.

11. The proposal is for the construction of pedestrian/ cycleway along the flood embankment from the rear of St Asaph Library to the southern end of Roe Parc. The proposed track will be approximately 450m long and on average 3m wide. Some clearance work and re-profiling is proposed to accommodate the development.
12. The applicant has indicated that the intention is to remove the gate at Roe Parc and replace it with a chicane/ barrier arrangement which would allow pedestrian and cyclist access but prohibit vehicular access. It is the intention that proposal will act as a connection to the A525 signed cycle route. However, the on road link element of the cycle route within Roe Parc is not part of this proposal.
13. There is a public right of way along the western embankment of the River Elwy. From Roe Parc there is a private right of way between the no. 16 and 17 to the embankment although this appears to have been used by the public for many years. The path along the embankment appears to be well used and mainly comprises of well worn grass.

**RELEVANT PLANNING HISTORY:**

14. 46/2005/1299/PF Construction of cycleway/footway & bridge. Granted 16 Dev 2006. A bridge across the River Elwy from the St Asaph Library to the rear of Lllys Y Felin Retirement Flats, and cycle/footway linking it to the southern end of the Common at Mill Street.

**PLANNING POLICIES AND GUIDANCE:**

15. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy Gen 6 - Development Control Considerations  
Policy ENV 3 - Local Landscape Area

**Government Guidance**

Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

16.
  - i) Principle
  - ii) Residential Amenity
  - iii) Impact on wildlife and Local Landscape Area
  - iv) Comments of the Objectors
17. In relation to the main considerations in paragraph 5:-
  - i) Principle  
The principle of the proposal is acceptable and in line with Policies GEN 6 and ENV 2. The proposal is considered acceptable in this location and supports a safe and sustainable mode of travel.
  - ii) Residential amenity  
The proposal will not impact significantly on the privacy and amenity of nearby occupiers. There is an existing right of way along the river bank and therefore the public already have the right to use the embankment. The access between 16 and 17 Roe Parc also appears to have been in public use for many years, albeit not a formal right of way. Whilst there will be increased activity, this needs to be balanced against the benefits of the scheme.
  - iii) Impact on the Local Landscape Area

The proposal will not impact on the Local Landscape Area. The proposal formalises the existing footpath and will not impact on the features which have led to its designation. A landscaping scheme will be required as a condition of this consent.

iv) Comments of the objector

In relation to the comments of the objectors there is an existing right of way over the flood bank. Works on the flood bank will require a separate consent from the Environment Agency under the Water Resources Act and Land Drainage Byelaws, enabling them to assess the impact on the flood bank. The Roe Parc gate will be removed to allow restricted access to the cycle/path way. The issue of the extension of the cycleway through Roe Parc to the existing A525 signed route is not part of this application and therefore not a planning consideration.

**SUMMARY AND CONCLUSIONS:**

18. The proposal is acceptable and is recommended for approval.

**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. 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 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.

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.

**NOTES TO APPLICANT:**

You are advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river, River Elwy.

You are advised that a public right of way by the development. Please liaise with the Rights of Way Section.

**ITEM NO:** 25

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2006/0798/ PS

**PROPOSAL:** Variation of condition no. 7 of planning permission code no. 47/2006/0037/PF to allow the retention of the outbuildings for agricultural storage purposes and conversion of Wern Ddu house to an agricultural store/farm workers amenity area

**LOCATION:** Land at Wern Ddu Waen St. Asaph

**APPLICANT:** Dr. Ffion Lloyd-Williams

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

76. TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL
- "OBJECTION – Council upholds objections and re-iterates Condition 7 be strictly enforced and adhered to any building place. Councillors are concerned and ask for reassurance that this will be enforced. Council quotes HSG8 – "Planning permission may only be permitted subject to a condition to ensure that the original dwelling, and any outbuildings, which compromise the objectives of the policy, are demolished and that permitted development rights are removed".

**RESPONSE TO PUBLICITY:**

NONE

**EXPIRY DATE OF APPLICATION: 31/10/2006****REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application site is located within open countryside to the south-east of St Asaph off an agricultural lane near to the Farmers Arms Public House. Wern Ddu is accessed via an agricultural lane off the B road between Rhualt and Trefnant before terminating at the Wern Ddu farm complex. The complex consists of a two storey, detached brick built farmhouse situated in a dip in the undulating fields with various detached barns and agricultural outbuildings sited to its north around a hard surfaced courtyard.
2. Members may recall a planning application granted at Committee in June of this year for the demolition of the redundant dwelling Wern Ddu and its replacement nearby. As part of that permission a condition was imposed under the provisions of Policy HSG8 to demolish the existing dwelling and some outbuildings prior to the commencement of the erection of the replacement.

3. Permission is now sought to vary the relevant condition to allow the retention of the Wern Ddu farmhouse and outbuildings to make physical alterations thereto and to use for agricultural purposes.
4. By way of further justification the applicant has stated that as a working farm agricultural buildings are still required. The applicant believes that the retention of the buildings for agricultural purposes would be preferable to demolition and possible erection of a new building or buildings. The application considers that the farmhouse retains historic interest dating back to around 1610 and as such there are aesthetic reasons for its retention.
5. The applicant is a daughter of a County Councillor.

**RELEVANT PLANNING HISTORY:**

5. 47/2006/37/PF – Erection of replacement dwelling – GRANTED 16/6/06

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN6 – Development Control Requirements
  - Policy HSG8 – Replacement Dwellings in the Open Countryside

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002.

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle of retention of building
  - ii) Impact on visual amenity
8. In relation to the points identified in paragraph 7 above:-
  - i) Principle  
 Policy HSG8 sets out specific criteria for the replacement of dwellings in the open countryside. Within the sub-text of this policy emphasis is placed on the need “to ensure the original dwelling ..... is demolished .....”. When permission was given for the replacement of Wern Ddu in June of this year the condition the subject of this application was imposed. Clearly the intention of this condition is to ensure two lawful dwellings do not remain on a site. This would be contrary to fundamental principles of both local and national policies and guidance. The applicant, in this instance seeks not to retain the previous dwelling for residential use but to adapt it for further agricultural use. Chimneys are shown to be removed and windows will be blocked up in an attempt to give the building more of an agricultural appearance. It is considered that, whilst the retention of this building compromises the overall retention of the replacement dwelling policy, subject to the applicant entering into a legal agreement to ensure no subsequent application will be submitted for conversion of this building back to residential use, the proposed variation of condition is acceptable in principle.
  - ii) Visual Amenity  
 The applicant, in the supporting information, emphasizes that the existing dwelling at Wern Ddu had to be replaced due to its proximity to an overhead pylon and its vulnerability to flooding. However, it is also emphasised that the

dwelling does have local historic significance and that its retention is preferable to the further erection of modern agricultural buildings. It is not considered that the alterations proposed to the building would cause any detriment to the visual amenities of the site and surroundings. Whilst its retention, in addition to the erection of the new dwelling, leads to more buildings in the countryside, the building is within a low lying complex of farm buildings, has traditionally been part of that group, and is more sympathetic to the rural scene than would be a modern agricultural building.

**SUMMARY AND CONCLUSIONS:**

9. Whilst the retention of the building for residential purposes would be contrary to local and national planning policies provided the applicant enters into a legal agreement preventing the building ever being converted back to residential use, the objectives of the policy on replacement dwelling would not be harmed. The physical alterations to the building give it more of an agricultural appearance which are acceptable from a visual point of view.
  
10. The recommendation is therefore subject to the applicant first entering into a Section 106 obligation to prevent future proposals for the residential use of the farm house and other outbuildings at the Wern Ddu farm yard.

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

1. The alterations to the building indicated on Drawing No. 06/36/ 3 of 3 shall be carried out within 6 months of the date of this permission.

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

1. In the interests of the character and appearance of the countryside.

**NOTES TO APPLICANT:**

None

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 4ydd Hydref 2006**  
**Eitem: 3**

**PLANNING COMMITTEE**  
**MEETING: 4th October 2006**  
**Agenda Item: 3**

## **ENFORCEMENT MATTERS**

- (i) **ENF/2006/00076 -**  
20 - 22 Chapel Street Denbigh  
Unauthorised UPVC double glazed windows and doors
  
- (ii) **ENF/2006/00080 -**  
1 Llys Clwyd, Myddleton Park, Denbigh  
Unauthorised change of Use of dwelling to taxi  
business/operating centre

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2006/00080

**LOCATION:** 1 Llys Clwyd Denbigh

**INFRINGEMENT:** Unauthorised change of use of dwelling to taxi business/operating centre

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 6 – Development Control Requirements  
Policy EMP 9 – Working from Home  
Policy TRA 9 – Parking and Servicing Provision

GOVERNMENT GUIDANCE  
Planning Policy Wales 2002

### **HUMAN RIGHTS CONSIDERATIONS**

The Human Rights Act 1998 is taken into account when considering taking enforcement action against unauthorised change of use of a dwelling to a taxi business/operating centre. In this instance, the matter under consideration relates to the rights of an owner of a residential property to operate a taxi business from the residential property and the impact that the operation of such a business has on the character and appearance of the residential area in the general public interest.

No specific human rights issues have been raised by the owner of the dwelling or any other interested party.

## **1. BACKGROUND INFORMATION**

- 1.1 1 Llys Clwyd, Myddleton Park, Denbigh is a detached bungalow situated within a small cul-de-sac of seven residential properties. The property in question is fully residential and therefore falls within Class C3.
- 1.2 On the 2<sup>nd</sup> August 2006, a complaint was received to the effect that a taxi business was in operation at 1 Llys Clwyd.
- 1.3 On the 8<sup>th</sup> August 2006, a second complainant expressed concern regarding the operation of a taxi business and the consequent traffic congestion. The complainant further stated that there had been an increase in traffic movements within Llys Clwyd as a direct result.
- 1.4 On the 9<sup>th</sup> August 2006, a site visit by a Planning Compliance Officer confirmed the presence of taxi style vehicles at 1 Llys Clwyd. A large white limousine was parked entirely within the front garden area; a 'black cab' was parked on the driveway and a yellow and blue Peugeot 406 bearing 'taxi' signs was parked immediately outside the address, across the entrance to the driveway.



- 1.5 On the 4<sup>th</sup> September 2006, a second visit by a Planning Compliance Officer revealed the same three vehicles parked in very similar positions.
- 1.6 The Peugeot 406 'taxi' bears the following telephone number (01745) 814356 on each side and rear. This telephone number is the residential number allocated to 1 Llys Clwyd.
- 1.7 No planning application has been submitted in respect of the change of use, as required under the Town and Country Planning Act 1990.
- 1.8 It is considered that should such an application have been submitted for a change of use to enable the operation of a taxi business, it would not have been recommended for approval on the grounds that such a business would have been out of character with the residential area and harming the intensions and principles of the policies and the guidance of UDP and National Policy Documents.
- 1.9 Given the circumstances of the case, it is now considered necessary to pursue enforcement action to secure the cessation of the unauthorised operation of a taxi business and the parking/storing of commercial taxi and limousine vehicles.

## **2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

- 2.1 The unauthorised business use at 1 Llys Clwyd is clearly detracting from the amenity of the immediate residential area.
- 2.2 The business use at this address is in conflict with Policies GEN 6, EMP 9 and TRA 9 of the Denbighshire Unitary Development Plan.
- 2.3 The use of conditions as part of any grant of planning permission for the change of use, would not remove these objections.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the cessation of the unauthorised operation of a taxi business and the parking/storing of commercial taxi and limousine vehicles at 1 Llys Clwyd.
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2006/00076  
**LOCATION:** 20-22 Chapel Street, Denbigh  
**INFRINGEMENT:** Unauthorised Installation of Double Glazed UPVC Doors & Windows

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 6 – Development Control Requirements  
Policy CON 5 – Development within Conservation Areas  
Policy CON 9 – Article 4 Directions  
SPG 13 – Conservation Areas

GOVERNMENT GUIDANCE  
Planning Policy Wales 2002  
Technical Advice Note (Wales) 9: Enforcement of Planning Control  
Circular 61/96 Planning and the Historic Environment

### **HUMAN RIGHTS CONSIDERATIONS**

The Human Rights Act 1998 is taken into account when considering taking enforcement action against unauthorised alterations to commercial/residential premises within a Conservation Area. In this instance, the matter under consideration relates to the rights of an owner of a residential property to install UPVC replacement windows and doors in modern materials and the impact that the installation of those modern materials has on the character and appearance of the Conservation Area in the general public interest.

No specific human rights issues have been raised by the owner of the dwelling or any other interested party.

### **1. BACKGROUND INFORMATION**

- 1.1 20 – 22 Chapel Street, Denbigh are two adjacent terraced residential properties within the Denbigh Conservation Area. The two properties are fully residential and therefore fall within Class C3.
- 1.2 The site lies within the Denbigh Conservation Area and within the area covered by a Direction under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995. This direction effectively took away householder permitted development rights for all dwelling houses located within the Conservation Area. The effect of the Direction is that planning permission is now required for any development previously permitted by Schedule 2, Part 1, 2 and 31 of the General Permitted Development Order 1995, where the works front a highway or open space.
- 1.3 On the 7<sup>th</sup> June 2006, it was discovered by a member of the Planning Compliance Section that UPVC windows and doors had been installed in both properties which had been subject to refurbishment. The windows and doors are of contemporary style.

- 1.4 No planning application has been submitted in respect of the replacement of the doors and windows, as required under the Town and Country Planning Act 1990.
- 1.5 It is considered that should such an application have been submitted for the contemporary UPVC replacements, it would not have been recommended for approval on the grounds that the modern materials would have been out of character with the appearance of the Conservation Area, harming the intensions and principles of the Denbigh Townscape Heritage Initiative, the Article 4(2) and the policies and the guidance of UDP and National Policy Documents.
- 1.6 It is understood that the works took place within the previous 12 months. In defence the owner contends that the UPVC windows have replaced ageing aluminium windows, notwithstanding this the introduction of contemporary UPVC windows and doors in this Conservation Area represents an unacceptable breach of planning control. The owner refuses to reinstate more acceptable windows and doors of traditional style.
- 1.7 Given the circumstances of the case, it is now considered necessary to pursue enforcement action to secure the removal of the unauthorised modern UPVC windows and doors and their replacement with traditional sliding sash style timber windows, which may be two pane and with traditional timber panelled doors. Window sills to match the neighbouring property at 24 Chapel Street, should be reinstated; these may be timber and painted black.

## **2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

- 2.1 The unauthorised development has been carried out within the last four years.
- 2.2 The use of contemporary UPVC materials for the windows and doors in the Denbigh Conservation Area is out of character with the predominant use of traditional materials in a Conservation Area and consequently has a detrimental impact on the appearance of the building and the character of the Conservation Area.
- 2.3 The use of modern UPVC materials on the building is in conflict with Policies GEN 6 and CON 5 of the Denbighshire Unitary Development Plan, SPG 12 and 13 of the Unitary Development Plan and Circular 61/96.
- 2.4 The use of conditions as part of any grant of planning permission for the retention of the unauthorised windows and doors, would not remove these objections.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the removal of the unauthorised UPVC windows and doors and their replacement with traditional timber sliding sash style windows and timber panelled doors.
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

**A REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**DATE OF SITE VISITS**

**1. PURPOSE OF REPORT**

- 1.1** To advise Members of the likely date of any Site Visits requested prior to the next Committee (8th November 2006)

**2. DATE OF THE SITE VISITS**

- 2.1** In consultation with County Clerk's Department, it has been decided that **Friday 3rd November 2006** is most suitable.  
This date has been provisionally booked.
- 2.2** You are advised, therefore, that any site visits arranged today or prior to next Planning Committee will take place on **Friday 3rd November 2006**

**3. MEMBERSHIP OF THE SITE VISIT PANEL**

- 3.1** The membership of the Site Panel will be:  
The Chair and Vice Chair, the Local Member(s) and a representative of the relevant Town or Community Council

**4. RECOMMENDATION**

- 4.1** That Members agree to the Site Visits being held on **Friday 3rd November 2006**

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 4ydd Hydref 2006**  
**EITEM: 5**

**PLANNING COMMITTEE**  
**MEETING: 4th October 2006**  
**ITEM: 5**

**Penderfyniadau wedi eu gwneud gan  
Bennaeth Gwasanaethau Cynllunio a Gwarchod y Cyhoedd o dan  
Pwerau Dirprwyedig  
19eg Awst - 10fed Medi 2006**

**Decisions Made by the Head of Planning and Public Protection  
under  
Delegate Powers  
19th August - 10th September 2006**

**Eitem er gwybodaeth  
Item For Information**

This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

**DECISION TYPES**

<b>GRANT</b>	- grant planning permission
<b>REFUSE</b>	- refuse all types of application
<b>APPROVE</b>	- approve reserved matters or condition
<b>CONSENT</b>	- grant listed building, conservation area, or advert consent
<b>DEEMED</b>	- does not require advert consent
<b>NO OBJ</b>	- no objection to works to tree(s) in conservation area
<b>NOT REQ</b>	- proposal does not require permission/consent
<b>DETERMIN</b>	- determine that prior approval is not required or is granted on determination application (certain telecom or agricultural works)
<b>P DEV</b>	- proposal found to be permitted development after receipt
<b>WDN</b>	- application withdrawn by applicant
<b>INVALID</b>	- application found to be invalid
<b>CERTIFY</b>	- Certificate of lawful use issued
<b>RCERTIFY</b>	- refuse to issue certificate of lawful use

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH  
CYNLLUNIO A GWARCHOD Y CYHOEDD O DAN  
PWERAU DIRPRWYEDIG**

19 /08 /2006 ac 10 /09 /2006

**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC  
PROTECTION UNDER DELEGATED POWERS**

19 /08 /2006 and 10 /09 /2006

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
01/2006/0750 / PF	<b>38 Trewen Denbigh</b>  Erection of single-storey pitched-roof extension and replacement garage at rear of dwelling	Mr & Mrs G Jones  <b>Case Officer - Paul David Griffin</b>	GRANT	24 /08 /2006
01/2006/0790 / PF	<b>Crown Buildings Crown Lane Denbigh</b>  Change of use of ground floor from tanning salon to barber shop (Class A1)	Tracey Miller  <b>Case Officer - Paul David Griffin</b>	GRANT	24 /08 /2006
01/2006/0807 / PF	<b>Caeau Gwynion Bach Prion Denbigh</b>  Demolition of existing 2 No. agricultural buildings and erection of 2 No. replacement agricultural buildings	Mr. I. Jones  <b>Case Officer - Paul David Griffin</b>	GRANT	31 /08 /2006
01/2006/0880 / INV	<b>Garden Cottage, Plas Castell Bull Lane Denbigh</b>  Restoration of existing dwelling and erection of two-storey flat-roofed extension	Mr & Mrs R Roberts  <b>Case Officer - Paul David Griffin</b>	WDN	04 /09 /2006
02/2006/0368 / AC	<b>Land At Glasdir Ruthin</b>  Details of soil survey submitted in accordance with condition no. 16 of planning permission code no. 02/2004/1059/PO	Welsh Development Agency  <b>Case Officer - Ian Weaver</b>	APPROVE	22 /08 /2006
02/2006/0550 / PF	<b>Land Adjacent To The Venue Lon Parcwr Ruthin</b>  Erection of 3 no. light industrial units (Plots 4,5 & 6)	Turner Brothers  <b>Case Officer - Shan Wyn Jones</b>	GRANT	06 /09 /2006

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19 /08 /2006 ac 10 /09 /2006

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19 /08 /2006 and 10 /09 /2006

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
02/2006/0728 / LB	<b>Gorphwysfa Stryd Y Castell Ruthin</b>  Demolition of part of boundary wall and erection of new oak gates (Listed Building application)	Mrs M O'Rian  <b>Case Officer - Paul David Griffin</b>	GRANT	21 /08 /2006
02/2006/0736 / LB	<b>Threads 40 Clwyd Street Ruthin</b>  Erection of single-storey extension to rear with parapet wall screen	Mrs S Watson  <b>Case Officer - Paul David Griffin</b>	GRANT	21 /08 /2006
02/2006/0788 / PF	<b>18 Lon Menlli Ruthin</b>  Conversion of detached garage to annex accommodation ancillary to main dwellinghouse	Mr. J.S. & Mrs. N. Carter  <b>Case Officer - Paul David Griffin</b>	GRANT	21 /08 /2006
02/2006/0803 / PF	<b>The Old Cinema 32-34 Well Street Ruthin</b>  Conversion / change of use of disused retail unit to licensed restaurant	Mr Roy Hughes  <b>Case Officer - Paul David Griffin</b>	GRANT	24 /08 /2006
02/2006/0848 / PF	<b>8 Llys Y Berllan Ruthin</b>  Adeiladu estyniad llawr cyntaf a tho ar oleddf ar ochr, estyniad unllawr a tho pwysu ar yr ochr arall ac estyniad ystafell haul i gefn yr annedd Erection of first-floor pitched-roof extension at side, single-storey lean-to extension to other side and conservatory extension at rear of dwelling	Mr & Mrs Robin Llwyd ap Owain  <b>Case Officer - Nicola Marie Jones</b>	GRANT	24 /08 /2006
02/2006/0901 / PF	<b>Ael Y Bryn Bryn Goodman Ruthin</b>	Mr & Mrs G Owen	GRANT	24 /08 /2006

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH  
CYNLLUNIO A GWARCHOD Y CYHOEDD O DAN  
PWERAU DIRPRWYEDIG**

19 /08 /2006 ac 10 /09 /2006

**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC  
PROTECTION UNDER DELEGATED POWERS**

19 /08 /2006 and 10 /09 /2006

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
	Erection of pitched-roof extensions to front and rear and erection of conservatory at side of dwelling	<b>Case Officer - Jenni Perkins</b>		
02/2006/0915 / PF	<b>Llys Gwern Wern Fechan Ruthin</b>	Miss Roberts	GRANT	31 /08 /2006
	Erection of porch to front of dwelling	<b>Case Officer - Jenni Perkins</b>		
02/2006/1014 / AC	<b>Outbuilding At Park Place Hotel 2 Mwrog Street Ruthin</b>	Simon Clarke	APPROVE	05 /09 /2006
	Details of brickwork submitted in accordance with condition number 3 of planning permission 02/2004/1602/PF & 02/2004/1603/LB	<b>Case Officer - Nicola Marie Jones</b>		
03/2006/0606 / AC	<b>Abbey Road Garage Abbey Road Llangollen</b>	McCarthy & Stone (Devs) Ltd.	APPROVE	22 /08 /2006
	Details of risk assessment and remediation works proposed in connection with site clearance submitted in accordance with condition no's 7, 8 and 9 of planning permission code no. 03/2005/0939/PF	<b>Case Officer - Ian Weaver</b>		
03/2006/0867 / PF	<b>2 Maes Bache Llangollen</b>	Mr D Ensor	GRANT	21 /08 /2006
	Erection of pitched-roof extensions to side elevations of dwelling	<b>Case Officer - Jenni Perkins</b>		
03/2006/0877 / PF	<b>39 Tyn Y Celyn Drive Llangollen</b>	Miss Diane Davies	GRANT	21 /08 /2006
	Erection of pitched-roof extension at side of dwelling	<b>Case Officer - Jenni Perkins</b>		



**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH  
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**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC  
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19 /08 /2006 and 10 /09 /2006

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
05/2006/1015 / AC	<b>Allt Y Celyn Barn Glyndyfrdwy Corwen</b>  Details of landscaping submitted in accordance with planning permission 05/2005/0377/PF	Mr Chris Charlton	APPROVE	06 /09 /2006
		<b>Case Officer - Nicola Marie Jones</b>		
06/2006/0940 / AG	<b>Bryn Farm Bryn Saith Marchog Corwen</b>  Resiting of existing agricultural shed	Mr R A Roberts	APPROVE	04 /09 /2006
		<b>Case Officer - Paul David Griffin</b>		
10/2006/0409 / PF	<b>Cae Madog Uchaf Llandegla Wrexham</b>  Conversion of outbuilding to dwelling and installation of new septic tank and alterations to existing vehicular access	Mrs D Crossley	GRANT	08 /09 /2006
		<b>Case Officer - Nicola Marie Jones</b>		
11/2006/0907 / PF	<b>Glanrafon Clocaenog Ruthin</b>  Erection of conservatory at front of dwelling	Mr & Mrs Draper	GRANT	31 /08 /2006
		<b>Case Officer - Jenni Perkins</b>		
12/2006/0399 / PO	<b>Land to rear of Glan Llyn Inn Clawddnewydd Ruthin</b>  Development of 0.035 hectares for 1 dwelling (outline application)	Mr & Mrs W. Cooper	REFUSE	24 /08 /2006
		<b>Case Officer - Nicola Marie Jones</b>		
12/2006/0681 / LB	<b>Llwyn Isaf Derwen Corwen</b>  Retention of alterations to enclose verandah with glass windows, softwood frames and doors	Mr D I James	GRANT	22 /08 /2006
		<b>Case Officer - Nicola Marie Jones</b>		

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH  
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19 /08 /2006 and 10 /09 /2006

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
15/2006/0436 / LE	<b>Cabin adjacent to Ffynnon y Berth Llanarmon Road Llanferres Mold</b>  Certificate of Lawfulness for existing use of mobile home and caravan as residential dwelling	Mr Neil Blackburn  <b>Case Officer - Paul Mead</b>	WDN	28 /08 /2006
15/2006/0627 / PF	<b>The White House Pant Du Road Eryrys Mold</b>  Change of use of redundant quarry office to single dwelling, retention of laboratory as B1 use and change of use of agricultural land to extend residential curtilage	Tarmac Limited  <b>Case Officer - Nicola Marie Jones</b>	GRANT	05 /09 /2006
15/2006/0764 / PF	<b>Outbuilding At Tyn Y Celyn Bryn Haidd Llanarmon Yn Ial Mold</b>  Conversion of redundant outbuilding to holiday cottage (resubmission)	Mr & Mrs R Long  <b>Case Officer - Nicola Marie Jones</b>	REFUSE	24 /08 /2006
15/2006/0817 / PO	<b>Land To Rear Of Heulfre Mill Lane Llanarmon-Yn-Ial Mold</b>  Development of 0.1ha of land for residential purposes, installation of new septic tank and construction of new vehicular access (outline application) (resubmission)	R Alan Yates  <b>Case Officer - Paul David Griffin</b>	REFUSE	24 /08 /2006
15/2006/0833 / PF	<b>Pen Y Bryn Old School Lane Eryrys Mold</b>  Erection of pitched-roof extensions to front and side/rear of dwelling	Mr & Mrs I M Wilson  <b>Case Officer - Paul David Griffin</b>	GRANT	08 /09 /2006
16/2006/0553 / PO	<b>Land Adjacent To Haul A Gwynt Lon Cae Glas Llanbedr Dyffryn Clwyd Ruthin</b>  Development of 0.09 hectares of land by erection of 1 no. dwelling and construction of new vehicular access (outline application)	Mr J.E Parry  <b>Case Officer - Nicola Marie Jones</b>	REFUSE	24 /08 /2006

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH  
CYNLLUNIO A GWARCHOD Y CYHOEDD O DAN  
PWERAU DIRPRWYEDIG**

19 /08 /2006 ac 10 /09 /2006

**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC  
PROTECTION UNDER DELEGATED POWERS**

19 /08 /2006 and 10 /09 /2006

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
17/2006/0866 / LE	<b>Maes Maelor Ruthin Road Llandegla Wrexham</b>  Certificate of Lawfulness of existing use of land for stabling, keeping, exercising/training of horses	Mrs J L Aylett	CERTIFY	08 /09 /2006
		<b>Case Officer - Paul David Griffin</b>		
18/2006/0665 / PR	<b>Land Adjoining Bryn Dedwydd Llandyrnog Denbigh</b>  Details of siting, design and external appearance of 2 dwellings, means of access and landscaping of the site submitted in accordance with Condition No. 1 of outline consent Ref. No. 18/2005/1217/PO	Orchard Grove	REFUSE	21 /08 /2006
		<b>Case Officer - Nicola Marie Jones</b>		
18/2006/0774 / PF	<b>Clwydfryn Llandyrnog Denbigh</b>  Erection of 1.83-metre high post and panel fence to part of side boundary	Mrs C Edwards	GRANT	31 /08 /2006
		<b>Case Officer - Paul David Griffin</b>		
18/2006/0787 / PF	<b>Bron Coed Llandyrnog Denbigh</b>  Erection of porch to front of dwelling	Mr. & Mrs P. G. Evans	GRANT	24 /08 /2006
		<b>Case Officer - Paul David Griffin</b>		
20/2006/0873 / PF	<b>Ty Newydd Llanfair Dyffryn Clwyd Ruthin</b>  Erection of steel-framed cubicle shed	Mr R Wynne	GRANT	06 /09 /2006
		<b>Case Officer - Nicola Marie Jones</b>		
21/2006/0244 / PF	<b>Bryn Gerllig Maeshafn Mold</b>  Erection of two storey pitched-roof extension at rear and conservatory at side of dwelling and change of use of land to form extension to residential curtilage	R. Taylor Esq.	REFUSE	05 /09 /2006
		<b>Case Officer - Nicola Marie Jones</b>		

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH  
CYNLLUNIO A GWARCHOD Y CYHOEDD O DAN  
PWERAU DIRPRWYEDIG**

19 /08 /2006 ac 10 /09 /2006

**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC  
PROTECTION UNDER DELEGATED POWERS**

19 /08 /2006 and 10 /09 /2006

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21/2006/0761 / PF	<b>1, Tyddyn Daws Cadole Mold</b>  Erection of extension to existing garage to form additional garage and stables	Mrs J Jepson  <b>Case Officer - Nicola Marie Jones</b>	GRANT	08 /09 /2006
22/2006/0786 / PF	<b>Bryn Clwyd Hendrerwydd Denbigh</b>  Erection of porch / conservatory to front of dwelling	Evans Esq  <b>Case Officer - Paul David Griffin</b>	GRANT	21 /08 /2006
23/2005/0157 / INV	<b>Land adjoining Cilfach/Fairfield Llanrhaeadr Denbigh</b>  Development of 0.07 hectares of land for agricultural worker's dwelling (Outline application)	Mr & Mrs E E Ellis  <b>Case Officer - Carole Bridge-Williams</b>	NOTPUR	05 /09 /2006
23/2006/0967 / AG	<b>Land At Ty Newydd Llanrhaeadr Denbigh</b>  Erection of agricultural building for farming purposes	Mr Eifion Evans  <b>Case Officer - Jenni Perkins</b>	REFUSE	06 /09 /2006
25/2006/0845 / PF	<b>Land At Hafod Elwy Hall Bylchau Denbigh</b>  Erection of Domestic Wind Turbine	Ms Wendy Charles-Warner  <b>Case Officer - Paul David Griffin</b>	GRANT	06 /09 /2006
27/2006/0789 / PF	<b>Cymmo Farm Rhewl Llangollen</b>  Extension to residential curtilage	E N Tate  <b>Case Officer - Nicola Marie Jones</b>	GRANT	05 /09 /2006
30/2006/1002 / AC	<b>Thatched Cottage Upper Denbigh Road St. Asaph</b>	Mr & Mrs A Davies	APPROVE	05 /09 /2006

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	Details of materials submitted in accordance with condition number 2 of planning permission code 30/2005/0952/PF	<b>Case Officer - Paul Mead</b>		
40/2006/0929 / AD	<b>Chester Wholesale News Kinmel Park Industrial Estate Bodelwyddan Rhyl</b>	Menzies Distribution Limited	GRANT	06 /09 /2006
	Display of replacement non-illuminated wall-mounted signs (2 no.)	<b>Case Officer - Emer O'Connor</b>		
42/2006/0828 / PF	<b>53 St. Asaph Road Dyserth Rhyl</b>	Mr & Mrs M. Ruane	GRANT	21 /08 /2006
	Erection of two-storey pitched-roof extension and conservatory at rear of dwelling	<b>Case Officer - Emer O'Connor</b>		
42/2006/0865 / PF	<b>2 Hiraddug Buildings High Street Dyserth Rhyl</b>	Ms E Lennox	GRANT	06 /09 /2006
	Change of use from Class D2 solarium to Class A3 hot- and cold-food take-away at ground floor	<b>Case Officer - Emer O'Connor</b>		
43/2006/0785 / PF	<b>Bodnant Infant School 42 Marine Road Prestatyn</b>	Mrs H Vernon/Denbighshire	GRANT	21 /08 /2006
	Erection of single storey toilet block extension off existing canteen	<b>Case Officer - Emer O'Connor</b>		
43/2006/0813 / AD	<b>Land At High Street Prestatyn</b>	Tesco Stores Limited	GRANT	21 /08 /2006
	Retention of directional sign in relation to retail premises	<b>Case Officer - Emer O'Connor</b>		
43/2006/0815 / PF	<b>3 Talton Crescent Prestatyn</b>	Mr P Davies	GRANT	21 /08 /2006
	Erection of single-storey pitched-roof extension to rear and loft conversion with dormer windows to front and rear.	<b>Case Officer - Emer O'Connor</b>		

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43/2006/0831 / PF	<b>2a Ffordd Penrhwyfya Prestatyn</b>  Erection of pitched-roof extension and alterations at side of dwelling	Mr. A. Hodgson  <b>Case Officer - Emer O'Connor</b>	GRANT	24 /08 /2006
43/2006/0834 / PF	<b>Pendre Coffee Shop 214 High Street Prestatyn</b>  Erection of flat-roofed extension at rear	Mr. R. Taylor & Mrs. J. Hudson  <b>Case Officer - Emer O'Connor</b>	GRANT	24 /08 /2006
43/2006/0846 / PF	<b>Tyn Yr Allt Hillside Prestatyn</b>  Demolition of existing single-storey extension and erection of two-storey pitched-roof extension at rear of dwelling	Mr. M. Moynihan  <b>Case Officer - Emer O'Connor</b>	GRANT	24 /08 /2006
43/2006/0859 / TC	<b>The Vicarage Ffordd Penrhwyfya Prestatyn</b>  Felling of 5 Sycamore trees in the Meliden (Ffordd Penrhwyfya) Conservation Area	Scottish Power Syste Plc  <b>Case Officer - Paul Mead</b>	WDN	01 /09 /2006
43/2006/0861 / PF	<b>Fourelms 11 Fforddilas Prestatyn</b>  Erection of pitched-roof and flat-roof extensions to existing dwelling	Mr A M Ward  <b>Case Officer - Emer O'Connor</b>	GRANT	05 /09 /2006
43/2006/0885 / TA	<b>Land near Pennant Grove junction Marine Road Prestatyn</b>  Resiting of KX100-style telephone kiosk	BT Plc  <b>Case Officer - Emer O'Connor</b>	GRANT	31 /08 /2006
43/2006/0892 / PF	<b>45 Ffordd Ffynnon Prestatyn</b>  Erection of front entrance porch and pitched-roof extension at rear of dwelling	Mr & Mrs D. Morgan  <b>Case Officer - Emer O'Connor</b>	GRANT	06 /09 /2006

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43/2006/0911 / PF	<b>105 Llandaff Drive Prestatyn</b>  Erection of attached garage at side of dwelling.	Mr Richard Worthing  <b>Case Officer - Emer O'Connor</b>	GRANT	06 /09 /2006
43/2006/1004 / AC	<b>17 Fforddlas Prestatyn</b>  Details of materials and fenestration submitted in accordance with condition numbers 2 & 3 of planning permission code 43/2005/1228/LB	Mr M Simpson  <b>Case Officer - Paul Mead</b>	APPROVE	05 /09 /2006
43/2006/1013 / AC	<b>70 Caradoc Road Prestatyn</b>  Details of external wall and roof materials submitted in accordance with condition no. 1 of reserved matters permission code no. 43/2005/1513/PR	Mr M Trefor  <b>Case Officer - Sarah Stubbs</b>	APPROVE	05 /09 /2006
44/2006/0596 / PF	<b>Bryn Cwybr Nursing Home Cwybr Rhuddlan Rhyl</b>  Erection of first-floor pitched-roof extension and alterations to existing single-storey flat-roofed extension at side; erection of two-storey extensions at front and rear of premises and single-storey extension at side and rear of premises	The Thomas Care Group  <b>Case Officer - Emer O'Connor</b>	GRANT	04 /09 /2006
44/2006/0809 / PF	<b>Skin Deep Fondella Buildings High Street Rhuddlan Rhyl</b>  Change of use of part of beauty salon to 2 no. retail units and associated works	Suzanne J Newberry  <b>Case Officer - Emer O'Connor</b>	GRANT	24 /08 /2006

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44/2006/0854 / PF	<b>8 Heol Y Hendre Rhuddlan Rhyl</b>  Erection of single and two-storey extension to front and side of dwelling	Mrs P E Comer  <b>Case Officer - Emer O'Connor</b>	GRANT	06 /09 /2006
44/2006/0876 / HE	<b>Bryngwyn Farm St. Asaph Road Rhuddlan Rhyl</b>  Removal of 8 metres of hedgerow	Denbighshire County Council Head Of Development Services  <b>Case Officer - Emer O'Connor</b>	APPROVE	21 /08 /2006
45/2005/0551 / PO	<b>Builders Yard 13 Sisson Street Rhyl</b>  Development of 0.08ha of land for residential purposes (outline application)	Mrs C Eastland  <b>Case Officer - Sarah Stubbs</b>	GRANT	05 /09 /2006
45/2006/0563 / PF	<b>7 South Avenue Rhyl</b>  Conversion of existing dwelling to pair of semi-detached dwellings	Mr M Olive  <b>Case Officer - Emer O'Connor</b>	GRANT	31 /08 /2006
45/2006/0614 / PF	<b>45 Merllyn Road Rhyl</b>  Erection of extension, conservatory and porch, installation of dormer windows to front and side and 2m high screen wall to side of dwelling	Mr & Mrs A Williams  <b>Case Officer - Emer O'Connor</b>	GRANT	06 /09 /2006
45/2006/0869 / PF	<b>39 Rosehill Road Rhyl</b>  Erection of conservatory at rear of dwelling	Mr & Mrs D Roberts  <b>Case Officer - Jenni Perkins</b>	GRANT	21 /08 /2006



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45/2006/0870 / PF	<b>205 and 207 Wellington Road Rhyl</b>  Installation of external security shutters	Escala Limited	GRANT	05 /09 /2006
		<b>Case Officer - Emer O'Connor</b>		
47/2006/0555 / PF	<b>Fachwen Farm Waen St. Asaph</b>  Erection of replacement dwelling and installation of new septic tank (Revision of previously-approved scheme)	Mr & Mrs C Lightbown	GRANT	31 /08 /2006
		<b>Case Officer - Emer O'Connor</b>		
47/2006/0747 / PF	<b>Holiday Cottage (Bridgemere) Pant Ifan Goch Holywell Road Rhualt St. Asaph</b>  Erection of pitched-roof extension to holiday cottage and change of use to residential dwelling incorporating existing detached garage at Pant Ifan Goch	Mrs Selby	REFUSE	06 /09 /2006
		<b>Case Officer - Paul Mead</b>		
47/2006/0927 / PF	<b>Brynlithrig Bach Rhualt St. Asaph</b>  Erection of two-storey pitched-roof extension to side/rear and conservatory to front of dwelling	Mr & Mrs G Cunnah	WDN	05 /09 /2006
		<b>Case Officer - Emer O'Connor</b>		