

**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:** Trefnant

**APPLICATION NO:** 30/2007/0048/ PF

**PROPOSAL:** Change of use of ground floor of disused granary to Class B1 office use

**LOCATION:** The Old Granary Chapel Street Trefnant Denbigh

**APPLICANT:** Mr Gareth Hughes

**CONSTRAINTS:** Conservation Area

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

### CONSULTATION RESPONSES

1. TREFNANT COMMUNITY COUNCIL  
Awaiting response
2. CONSERVATION ARCHITECT  
More detail required for proposed joinery and detail to fully assess the impact. Windows should ideally be white painted timber etc.
3. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No formal response received, but informally acknowledged that a refusal would be hard to sustain in this location based on highway issues
4. WELSH WATER  
No objections

### RESPONSE TO PUBLICITY

Letters of representation received from:

1. Miss M Barlow, Maelor, St Asaph Road, Trefnant
2. Mr N Drinkwater, Trefnant Stores, St Asaph Road, Trefnant
3. Mr A K Hatenoer, Isfryn, St Asaph Road, Trefnant
4. Paul A Jones, 10 Chapel Street, Trefnant

Summary of planning based representations:

- i) Lack of parking/loss of garage facility
- ii) Impact on character of the area
- iii) Loss of privacy and security
- iv) Access rights
- v) Drainage

### THE PROPOSAL

1. The application site lies within the Trefnant development boundary and conservation area. It is a disused ground floor garage that along with the self contained flat above used to be 'The Old Granary'. The Old Granary now exists only as the first floor flat with the garage having been sold to separate owners some years ago. It is now proposed to convert the disused garage into an office. (Class B1)
2. Physical alterations involved as part of the change of use are: installation of 2 sash windows to the road (front) elevation, 1 sash window to the courtyard (rear) elevation, replacement of wooden panel side elevation with brickwork, and installation of 2 pedestrian doorways – one to the rear elevation, and one to the side elevation.
3. The surrounding area is characterised by a mix of residential and commercial properties. Commercial use includes a fish and chip shop, an off licence and general store, hairdressers and public house.

Parking for some of these premises is located on The Square, although the pub has its own parking area.

4. Access to the application site is via Chapel Street and a courtyard area. Information contained as part of this and previous applications denotes the courtyard as being land with shared access rights over it.

#### **RELEVANT PLANNING HISTORY**

5. **1/11619**

Conversion of first floor of disused granary to self contained flat. Granted 27/7/88

#### **30/2006/0032**

Conversion and refurbishment of ground floor of disused granary to form a self contained flat. Refused on grounds of lack of amenity space – 24/03/06

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

6. Policy GEN 1 – Development within development boundaries  
Policy GEN 6 – Development control requirements  
Policy CON 5 – Development within conservation areas  
Policy EMP 4 – Employment development within Development Boundaries  
Policy EMP 6 – Office Development  
Policy TRA 9 – Parking and servicing provision

Supplementary Planning Guidance

SPG 13 – Conservation areas

SPG 21 – Parking requirements in new developments

GOVERNMENT GUIDANCE

Planning Policy Wales 2002

#### **MAIN PLANNING CONSIDERATIONS**

7.
  - i) Principle of Development
  - ii) Impact upon residential amenity
  - iii) Impact upon conservation area/visual amenity
  - iv) Parking and access issues

8. With regard to the considerations in paragraph 6:

- i) Principle of development

Policy EMP 4 allows for employment development within development boundaries provided that the proposal is appropriate for the area. It is considered that the principle of development in this location is acceptable. The existence of non residential uses within the immediate vicinity establishes this area as the 'centre' of Trefnant.

Policy EMP 6 refers more specifically to B1 Office development. Acceptable locations for such uses are detailed as being: on the fringe of town centres and in the conversion of existing buildings. The application site is considered to be in the village centre. The proposal involves the conversion of an existing building. Given the existence of other commercial/retail activities in the area, and the original use of the building, it is considered that the proposal is in keeping with the character of the area. It is therefore considered that the principle of development is compliant with Policies EMP 4 and EMP 6 and is therefore acceptable.

- ii) Impact upon residential amenity

The Town and Country Planning (Use Classes) Order 1987, SI 1987/764 (as amended) defines Class B1 business use as an office use, research and development use or industrial use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It is also acknowledged that B1 office uses are footloose and unlike A2 offices are not dependant upon frequent visits from members of the public. Therefore it is argued that in principle this proposal would not have a negative impact upon the residential amenity of the area. It is noted with specific reference to the proposal in consideration, that the size of the proposed office is relatively small – 33m<sup>2</sup> - indicative that only a low level of activity would be generated from this proposal. This view is also supported by the traffic flow information which indicates only around 2 further vehicle movements per day.

Concerns regarding the loss of privacy are considered to be unfounded. The courtyard elevation of the proposal incorporates one additional window at ground floor level looking onto the courtyard. It would not be directly looking at a dwelling and would not result in a loss of privacy. Further, it is not considered that this proposal would result in a loss of security for residents. There are already public facilities nearby which attract members of the public at a range of hours during the day, and given the scale of the proposal it is not considered that the number of 'strangers' in the locality would increase to an unacceptable level. Notwithstanding this, it is considered prudent to condition the hours of operation for the proposed business for the sake of further protecting residential amenity.

It is considered that the proposed use is acceptable in this location as it would not detrimentally impact upon the areas residential amenity. It therefore complies with criterion v) of Policy GEN 6 and Policy EMP 6.

iii) Impact upon conservation area/visual amenity

Being located within the Trefnant Conservation Area, the proposal falls to be considered using Policy CON 5, Development within Conservation Areas. Therefore it must be demonstrated that the character of the conservation area is either retained or enhanced.

The building is at present of little architectural interest and the surrounding properties have mostly been modernised by the insertion of uPVC windows which do not retain or enhance the character of the conservation area.

The works proposed as part of this application are installation of 2 sash windows to the road (front) elevation (by expanding two existing openings), 1 sash window to the courtyard (rear) elevation, replacement of wooden panel side elevation with brickwork, and installation of 2 pedestrian doorways – one to the rear elevation, and one to the side elevation.

It is considered that it would be possible to retain the character of the conservation area whilst implementing this scheme. However, the proposal as submitted is lacking in detail regarding the materials, finish and glazing. An example of the correct type of window for this area can be observed upon the adjacent Trefnant Stores building – white painted timber, 2 over 2 pane and sliding sash opening.

It is therefore considered that the visual appearance of the building and the conservation area would not be harmed as a result of this proposal, provided further details regarding the fenestration are submitted.

iv) Parking and access issues

Policy TRA 9 and SPG 21, state that proposals for B1 offices should allow for 1 car park space per 30m<sup>2</sup>. It is acknowledged that parking is at a premium within Trefnant. However, the Highways Authority have not raised any formal objection to this proposal. Further, on the application 30/2006/0032/PF for change of use to self contained flat, the Highway Authority responded formally that there was no objection. It is therefore considered to be acceptable in terms of highway implications and parking.

Neighbours concerns regarding access to the courtyard are acknowledged. However, contradictory claims over rights of access and ownership of the courtyard are considered to be issues of a civil nature and beyond planning control. It is the applicant's responsibility to ensure that the proposed development complies with the relevant legal requirements relating to rights of access.

## CONCLUSION

9. It is considered that the principle of a B1 Business Office in this location close to the centre of Trefnant is acceptable. There would not be undue detriment caused to the residential amenity of the area and the character of the conservation area would not be harmed.

**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. 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 fenestration detailing shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted and approved in writing by the Local Planning Authority.
5. The premises shall not be open to customers outside the following hours and days: 0800 - 1800 Monday - Saturday

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 the details are satisfactory in relation to the character and appearance of the building
5. In the interests of the amenity of occupiers of nearby residential property.

**NOTES TO APPLICANT:**

Welsh Water stipulates that no net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system. This is to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

**ITEM NO:** 2

**WARD NO:** Prestatyn Central

**APPLICATION NO:** 43/2006/1259/PF

**PROPOSAL:** Erection of pitched-roof extension to rear of dwelling and formation of dormer windows to side and front elevations

**LOCATION:** 59 The Avenue, Prestatyn

**APPLICANT:** Mr & Mrs J Woodmansee

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL  
No response received to amended plans (dated 01/02/07)

**RESPONSE TO PUBLICITY:**

Representations received (to amended plans dated 01/02/07):

1. Dr S.M and Mrs P.M. Kamaluddin, 61 The Avenue, Prestatyn
2. Micheal Gregson, 34 Orme View Drive, Prestatyn
3. Catrin Barker, 53 Orme View Drive, Prestatyn
4. Natalie Davies, 38 Orme View Drive, Prestatyn
5. Mr Sandal, 36 Orme View Drive, Prestatyn

Summary of planning based representations:

- i) Overdevelopment
- ii) Loss of light to 61 The Avenue
- iii) Impact on the character of the dwelling and the area

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

1. The proposal is for a rear extension at 59 The Avenue in Prestatyn. Projecting from the furthest point of the rear elevation by 2.5m, the extension is 6m in height, which is the maximum height of the existing dwelling. A loft conversion is also proposed with a dormer window to the front elevation and three rooflights on the north roof plane. Windows are proposed at ground floor level at the rear and the side. The proposal comprises of a living room and kitchen/diner extension at ground floor level and bedroom and bathroom on the first floor. Materials are proposed to match the existing.
2. 59 The Avenue is a bungalow located on the eastern side of The Avenue. The dwelling has a small garden area to the front and a rear garden with a single storey detached garage to the north boundary. The Avenue slopes down from 59 to the north west. 59 is the middle dwelling in a group of three. No. 57 is a bungalow at a lower level and 61 is a larger two storey dwelling at a higher level. 59 also has a boundary with no. 38 Orme View Drive to the east.
3. Cllr Neville Hugh Jones has requested that the application be considered by Planning Committee to allow consideration of the impact on adjoining properties.

**RELEVANT PLANNING HISTORY:**

4. None

**PLANNING POLICIES AND GUIDANCE:**



5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy Gen 6 - Development Control Criteria  
Policy HSG 12 – Extensions  
Policy SPG 1 - Extensions

**MAIN PLANNING CONSIDERATIONS:**

6. The main issues are considered to be:
  - i) Principle of development
  - ii) Visual Appearance
  - iii) Residential Amenity
  - iv) Comments of the objectors
7. In relation to the main planning considerations as noted at paragraph 6:
  - i) Principle of development  
The principle of the proposal is acceptable and in line with Policy HSG 12 as the scale and form are subordinate to the existing dwelling, the design and materials are in keeping with the existing, and the proposal will not adversely impact on the character and appearance of the locality.
  - ii) Visual appearance  
The visual appearance of the extension is acceptable. The main element of the extension is to the rear of the dwelling. The dormer is the only alteration to the frontage which ensures the original features of the dwelling are preserved.

There is a distinct mix of dwelling types and styles in the area ranging from two storey dwellings to bungalows, some of which have been extended. There is also evidence of small dormers in the area. Therefore, the proposal would not appear out of character with the area.

- iii) Residential amenity  
The proposal will not impact significantly on the privacy and amenity of nearby occupiers. A condition will be attached to remove permitted development for any additional windows.

Although there are velux windows on the 1<sup>st</sup> floor of the proposal, they will serve a bathroom and hall. The 1<sup>st</sup> floor bedroom will be served by the dormer on the front elevation. The ground floor side window to the kitchen/diner will be screened by the garage. Owing to the above and the levels on site it is not considered that the windows will impact on no. 57 below.

Whilst there are side windows on no. 61 The Avenue, it is considered that, owing to the levels on the site, the proposal being set off the side elevation to no. 61m by 2.5m and the relatively limited projection, the proposal can be accommodated without significant impact on amenity to no. 61. Furthermore the extension is to the north of no. 61 which should not impact on the amount of direct sun light received on this elevation. There are no windows proposed on the roof plane facing no. 61.

The proposal will not impact on 38 Orme View Drive as there are no side or rear windows facing no. 38.

There is adequate amenity space with a garden depth of 8.5m at the rear and the parking remaining is acceptable to accommodate the requirements of the dwelling.

The original proposal was submitted in October 2006 and has been amended to address concerns raised by the LPA and neighbouring occupiers. As outlined in the explanatory text of HSG 12 it is considered reasonable and legitimate for householders to want to improve and extend their properties. The main issue raised in the representations related to the over development or over intensification of the site. No. 59 has not been extended previously. Clearly the proposal does not represent an over development of the site as the proposal only accounts for an approximate increase of 25% on the original footprint of the dwelling and does not increase the number of bedrooms.

**SUMMARY AND CONCLUSIONS:**

8. The proposal is acceptable and is recommended for permission.

**RECOMMENDATION:** - 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. 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 elevations of the extension hereby permitted unless otherwise agreed 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.
3. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity.

**ITEM NO:** 3

**WARD NO:** Prestatyn North

**APPLICATION NO:** 43/2007/0036/ PF

**PROPOSAL:** Development of part of go-kart track as adventure minigolf and associated works

**LOCATION:** Festival Gardens Ffrith Beach Victoria Road West Prestatyn

**APPLICANT:** Ffrith Leisure Ltd.

**CONSTRAINTS:** C1 Flood Zone Article 4 Direction

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

**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL  
Awaiting response
2. HEAD OF DEVELOPMENT SERVICES  
Complies with planning brief for site.
3. LAND DRAINAGE UNIT  
No objection.
4. COASTAL DEFENCE UNIT  
The site is protected from coastal flooding, to a limited extent, by the sand dunes to the north of the site.
5. HEAD OF TRANSPORT & INFRASTRUCTURE  
Awaiting response.
6. SENIOR PARKS, PLAYGROUNDS & PLAYING FIELDS OFFICER  
No objections.
7. HEAD OF COUNTRYSIDE & LEISURE  
Supports proposal.

**RESPONSE TO PUBLICITY:**

None at time of writing report

**EXPIRY DATE OF APPLICATION: 02/04/2007**

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

1. The application site is within the Ffrith Beach Festival Gardens, located off Victoria Road West within the defined settlement boundary of Prestatyn. The Festival Gardens developed in the early 1990s, following the grant of a planning permission in 1993. The site is allocated within the current Denbighshire Unitary Development Plan as a Tourism Development Area. The area subject of this application is approx. 0.18 ha of land which is located adjacent to the entertainment building.
2. This application is for the re-development of vacant land (originally intended for a go-kart track) as adventure mini-golf and associated works. The mini golf course will include various features such as a stream, ponds, waterfalls, sand traps and walkways with a 2.2m high fence around the site.
3. There is a separate application on the agenda dealing with proposals to remodel the existing pedestrian entrance to the Ffrith Beach site (Code No. 43/2007/159/PF).

**RELEVANT PLANNING HISTORY:**

4. **PRE/371/93**

Entertainment complex. Landscape with go-kart track, truck track, narrow gauge railway, adventure golf, children's fair, boating lake GRANTED 8<sup>th</sup> December, 1993

**43/2007/0159/PF**

Removal of existing features and remodel existing pedestrian entrance area - PENDING

**43/2007/0210/PF**

Removal of existing play area and construction of new multi use games area and play area PENDING (received 16<sup>th</sup> February, 2007).

**PLANNING POLICIES AND GUIDANCE:**

5. 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 CPZ 1 Development within the coastal planning zone

Policy TSM 2 Tourism Development Areas

Policy ENP 6 Flooding

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

6.

i) Principle of development

ii) Impact on visual amenity

iii) Security

7. With regard to the main planning considerations above:

i) Principle of development

The site is designated within the UDP as a Tourist Development Area where proposals for suitable regeneration and improvements will generally be permitted. The original permission in 1993 included the provision of an adventure golf facility at the eastern area of the site, but it was not implemented. The Ffrith was originally designed for the use proposed, and the proposal would provide a positive use for this part of the site. In principle the proposal would be acceptable.

ii) Impact on visual amenity

The area of the mini golf course would be visible from the car park, and from specific viewpoints within the site, including from a public footpath that runs through the site but not from any other main public view points or highways, and is sited away from any residential properties. There would be no adverse impact on the visual amenities of the area.

iii) Security

The proposed mini golf area would be surrounded by a 2.2m high weld-mesh fence which is considered to be sufficient to deter unauthorised entrants. The site would also incorporate PIR motion sensors (Pyroelectric Infrared) or similar system which would be linked to the management suite. The entire site would be managed by Ffrith Leisure Ltd's internal wardens and watch patrols. There are existing lighting columns in close proximity to the site, one of which is within the mini golf area and would be utilised to serve the use.

**SUMMARY AND CONCLUSIONS:**

8. The proposal within a Tourist Development Area is considered acceptable with no adverse impact likely on the visual amenities of the area or security 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, including the public footpath which runs through the site.

The reason for the condition is:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

**NOTES TO APPLICANT**

None.

**ITEM NO:** 4

**WARD NO:** Prestatyn North

**APPLICATION NO:** 43/2007/0159/ PF

**PROPOSAL:** Removal of existing features and remodel existing pedestrian entrance area

**LOCATION:** Festival Gardens Ffrith Beach Victoria Road West Prestatyn

**APPLICANT:** Mr H Orenstein Ffrith Leisure Ltd.

**CONSTRAINTS:** C1 Flood Zone Article 4 Direction

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

**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL  
Awaiting response
2. ACCESS OFFICER  
Awaiting response
3. LANDSCAPE ARCHITECT  
Awaiting response
4. HEAD OF TRANSPORT & INFRASTRUCTURE  
Awaiting response
5. SENIOR PARKS, PLAYGROUNDS & PLAYING FIELDS OFFICER  
The proposals identified are in line with our own proposals and we would support the application as it will make the site safer and open it up for the benefit of all users of the site.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 08/04/2007**

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

1. The application relates to works at the entrance of the Ffrith Beach Festival Gardens, located off Victoria Road West in Prestatyn. The preceding report on the agenda (43/2007/0036/PF) outlines the planning background to the development of this area. The area subject of this application forms the majority of the frontage of the site, from the vehicular access through to the pedestrian access with a frontage distance of approx. 100m, and includes the existing gardens with walls and hill fort.
2. This application proposes the removal of the existing features and remodelling of the existing pedestrian entrance area. The proposal comprises the following works:-
  - To simplify the entrance area by removing the existing amenity features and locating them elsewhere within the site. The paving is to be reinstated, path to be re-laid to reduced levels with new shrub planting, grassed area with cobbles feature located centrally with a promotional feature (to be agreed).
  - The spiral garden walls and hill fort structure and associated amenity features are to be removed. The mounds are to be excavated back to natural ground levels, paths re-laid and surrounding area re-graded and seeded to smooth flowing contours. All removed features are to be set aside and re-used elsewhere within the site.
  - From the pedestrian access area through to the boating lake (over the site of existing spiral garden

and hill fort) a 4m wide path, paved to match existing stripped slabs laid to new levels is proposed. This would be linked into existing paths which are to either be cleaned or re-laid to suit the new levels proposed.

- The existing semi-mature planting along the frontage to the site and adjacent to the spiralled garden to be removed and set aside for use elsewhere within the site where possible. These areas are to be excavated back to natural ground levels, paths re-laid and surrounding area re-graded and seeded to smooth flowing contours.
- Adjacent to the vehicular entrance, existing boulders and cobbles adjacent to the footway are to be rationalised to simplify ground maintenance with surplus set aside for re-use on site. The ground would be re-graded, re-seeded and dressed with topsoil with selected large boulders retained to preclude vehicular encroachment. The planting adjacent to the main gate is to be protected and retained.
- Walls adjacent to the lake are to be retained and lakeside vegetation protected.

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

3. **PRE/371/93**

Entertainment complex. Landscape with go-kart track, truck track, narrow gauge railway, adventure gold, children's fair, boating lake GRANTED 8<sup>th</sup> December, 1993

**43/2007/0036/PF**

Development of part of go-kart track as adventure mini golf and associated works - PENDING

**43/2007/0210/PF**

Removal of existing play are and construction of new multi use games area and play area PENDING received 16<sup>th</sup> February, 2007

#### **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 CPZ 1 Development within the coastal planning zone

Policy TSM 2 Tourism Development Areas

Policy ENP 6 Flooding

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

5.

- i) Principle of development
- ii) Impact on visual amenity
- iii) Security

6. With regard to the main planning considerations above:-

i) Principle of development

The site is designated within the UDP as a Tourism Development Area where proposals for regeneration and improvements will generally be permitted. The proposals identified are consistent with the Council's own proposals for the site and the re-modelling works are considered desirable to make the site safer and open it up for the benefit of all users of the site. The principle of the development is considered acceptable.

ii) Impact on visual amenity

The proposal involves the removal of existing features at the entrance to the site and the application proposes to excavate the site back to its natural ground level. The frontage of the site will be opened up, with open grassed areas and new shrub planting with a cobbled feature located at the main pedestrian entrance. It is considered that the proposal would result in an improved, more attractive environment for all users.

iii) Security

Many of the areas near the spiralled gardens and hill fort, due to levels and barriers are hidden, and in terms of safety, could be considered as sites for anti-social behaviour as they are hidden away from public viewpoints. The re-modelling would provide an open frontage which would help to avoid such problems.

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

7. The proposal is considered acceptable and is consistent with the Council's own strategy for the site. There would be improvements in visual amenity and site security.

**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 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.
4. Prior to the construction of the cobbled feature, full details of the promotional feature shall be submitted to and approved in writing by the Local Planning Authority, and shall be completed in accordance with such approved details.

The reasons for the condition(s) is (are):

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interest of visual amenity.

**NOTES TO APPLICANT**

None.



**ITEM NO:** 5

**WARD NO:** Prestatyn Central

**APPLICATION NO:** 43/2007/0149/ PF

**PROPOSAL:** Siting of portable building to provide changing-room facilities for football teams

**LOCATION:** Playing Fields, The Morfas, Off Dawson Drive Prestatyn

**APPLICANT:** Mr Ian Price Prestatyn Athletic Junior Football Club

**CONSTRAINTS:** Article 4 Direction Public Footpath / Bridleway 250m Of Landfill Site

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

**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL  
Awaiting response.
2. FOOTPATH OFFICER  
No objection providing footpath No. 39 remaining unaffected.
3. ENVIRONMENT AGENCY  
No objection. Standard advice note applies.
4. PUBLIC PROTECTION  
Awaiting response.
5. HEAD OF COUNTRYSIDE AND LEISURE  
Awaiting response.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. Mr. A.R. & Mrs. J.F. Shipley, 32, St. James Drive, Prestatyn
2. Mrs. J. I. Cook, 33, St.. James Drive, Prestatyn
3. Mr. K. Brown & Mrs. D. Brown, 31 St James Drive, Prestatyn

Summary of planning based representations

- i) Concerns over siting of facility in proximity to properties.
- ii) Concerns over drainage issues.

**EXPIRY DATE OF APPLICATION: 05/04/2007**

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

1. Planning permission is sought for the erection of a linked changing room and shower facility for the Prestatyn Athletic Junior Football Club. The flat roof modular buildings are to be sited on an open area of land some 20m east of the civic amenity site at Y Morfa Playing Field.
2. The units would be sited immediately to the south of the established pedestrian footway/cycleway to the south end of Y Morfa and some 60m north of dwellings on St James' Drive. The structures would measure 9.7m in length and 6.1m in width (max). The height to the flat roof would be 2.6m.

3. Details have been submitted which identify a septic tank being installed to the south of the buildings to serve the facility. Surface water drainage will be by way of a soakaway. No details of security fencing or landscaping are submitted as part of this scheme.

**RELEVANT PLANNING HISTORY:**

4. **43/2001/0064/PF**  
Siting of portable building for storage/changing facilities for football teams – GRANTED 27/04/01 for 2 year period

**43/2003/0516/PF**

Renewal of above – GRANTED 16/06/03 for 2 year period

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy REC 1 – Protection of existing open space  
Policy ENV 3 – Local Landscape Areas  
Policy ENV 9 – Community Woodlands  
Policy ENP 4 – Foul and Surface Water Drainage

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of development in this location
  - ii) Impact on visual amenity
  - iii) Impact on residential amenity
  - iv) Drainage issues
7. In relation to the points identified in paragraph 6 above:
  - i) Principle  
There is clearly an identified need for the provision of more permanent changing and shower facilities for the large Prestatyn Athletic Club. Temporary permissions have been given previously for storage containers in order to place nets, flags etc close to the adjacent pitches. Policy REC 1 seeks the protection of existing open space unless the open space can be retained and enhanced through the redevelopment of a small part of the site. Such developments are also allowable providing there would be an overall community gain and the particular loss of open space has no significant affect on the character of the area. The principle of this provision is, therefore, considered acceptable given that the use is ancillary and related to the playing fields.
  - ii) Visual Amenity  
The buildings would be located to the south end of Y Morfa at a higher level than dwellings further south of the application site and given the general open character and expanse of Y Mora it is not considered these relatively small structures would impact upon the character or visual amenities of the area.
  - iii) Residential Amenity  
Given that there is some 60m between the rear of dwellings on St James' Drive and the new facilities at a higher level it is not considered there would be any significant impact on any nearby residential amenity. Providing that conditions are imposed requiring further landscaping around the structures it is not considered any loss of amenity would be experienced.
  - iv) Drainage  
Drainage consultees have raised no specific objections to the methods proposed subject to conditions. Discussions are ongoing about the method of foul drainage disposal given the concerns of residents.

**SUMMARY AND CONCLUSIONS:**

8. There are no material planning objections to this facility which complies with the relevant policy criteria.

**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 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.
4. Prior to the commencement of the use of the buildings hereby permitted full details of the proposed foul drainage provision shall be submitted to and approved in writing by the Local Planning Authority. The drainage arrangements shall be fully operational before the use of the buildings is commenced.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interest of the protection of the natural environment and water resource.

**NOTES TO APPLICANT:**

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.

Please see attached guidance notes from the Environment Agency

<b>ITEM NO:</b>	6
<b>WARD NO:</b>	Rhyl West
<b>APPLICATION NO:</b>	45/2006/1067/ PF
<b>PROPOSAL:</b>	Change of use of land from highway to form extension to premises by the addition of a new retractable awning and a demountable fabric barrier system to the front of the building to provide a 'pavement cafe' area
<b>LOCATION:</b>	The Sussex 20-26 Sussex Street Rhyl
<b>APPLICANT:</b>	Mr Andrew Miller JD Wetherspoon plc
<b>CONSTRAINTS:</b>	C1 Flood Zone Conservation Area Article 4 Direction
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. RHYL TOWN COUNCIL  
'Object to loss of public highway at a point where despite the area being pedestrianised there is significant traffic movement'.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection, however separate consent of the Highway Authority will be required to carry out the proposal'.
3. SENIOR CONSERVATION OFFICER  
No objection
4. COMMUNITY SAFETY OFFICER  
Concerns raised re. potential number of users standing outside premises and smoking.

**RESPONSE TO PUBLICITY:**

Representations received (to amended plans dated 01/02/07):

1. Sussex Street Baptist Church, Sussex Street, Rhyl

Summary of representations:

- i) Impact on the highway, accessibility to Church parking, loss of highway
- ii) Proposal may encourage further drinking in the street
- iii) Conflict of uses, proposal opposite the church
- iv) Impact on the character of the area

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

1. The proposal is for the use of part of the highway on Sussex Street for a pavement café. The proposal for the Wetherspoons Public House, The Sussex at no. 20-26, involves the installation of a retractable awning on the front elevation and the creation of a 3m deep area across the frontage by the erection of a demountable post and banner system.
2. The application has been supported by letters stating the following:
  - Access to the pavement area will be from inside the public house only. The barriers preclude access from the street so that the door staff can monitor users.
  - Access could be restricted to 22.00 hours
  - The area is covered by CCTV cameras.
  - The proposal does not propose to change the use of the highway but only to use the highway.
3. Sussex Street is located within the town centre of Rhyl and is a pedestrianised street where there is a range of uses. Wetherspoons occupies a relatively wide frontage of approx. 20m. There is an existing open element on the western side as the windows are set back from the main frontage.

**RELEVANT PLANNING HISTORY:**

4. None

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 - Development Control Criteria  
Policy CON 5 - Development within Conservation Areas

**MAIN PLANNING CONSIDERATIONS:**

6. The main issues are considered to be:
  - i) Principle of development
  - ii) Visual Appearance
  - iii) Highway Impact
  - iv) Comments of the objectors
  
7. In relation to the main planning considerations as noted at paragraph 6:
  - i) Principle of development  
The principle of the proposal is acceptable and would fall within the broad objectives of Policy GEN 6.
  
  - ii) Visual appearance  
The visual appearance of the extension is acceptable. the Conservation Officer is satisfied that the proposal will not impact on the character or appearance of the Conservation Area. Furthermore, the nature of the proposed works, canopy and barrier system is temporary, and can be undone/removed easily.
  
  - iii) Amenity  
The proposal will not impact significantly on the privacy and amenity of nearby occupiers where the predominant uses are commercial in a busy town centre location. The nearby church is likely to be used at different periods to the peak periods for the pub. A condition can be attached to prohibit amplified music being piped out to the area to avoid excessive noise and disturbance.  
  
Although the application is not expressly being made for a smoking area, if the applicant proposes to use the area to comply with the new smoking legislation a separate licensing application may be required. Furthermore although the proposal could be used by smokers it would be difficult for the Local Planning Authority to exercise control over how the area is used.
  
  - iv) Highways  
The Highways Department has raised no objection to the proposal and its impact on the pedestrian highway. The 3m projection would leave ample space for vehicles to use the remainder of the highway.

**SUMMARY AND CONCLUSIONS:**

8. The proposal is acceptable and is recommended for permission subject to 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 enclosed post and barrier system shall be as indicated on the plans submitted to the Local Planning Authority on the 22 November 2006. When the use is in operation access to the pavement seating area shall be through the public house only.
3. No sound amplification equipment or loudspeakers shall be operated externally from the public house other than in accordance with details to be agreed in writing with the Local Planning Authority.
4. The pavement cafe use shall not commence until the CCTV cameras have been installed and are in operation.

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 order to maintain control over the proposed users, and to reduce crime and disorder.
3. To protect the amenities of occupiers of nearby properties.
4. In order to maintain control over the proposed users, and to reduce crime and disorder.

**NOTES TO APPLICANT:**

You are advised that the proposal will require the separate consent of the Highways Department. Please contact Tim Towers, Highway Maintenance Manager on 01824 706875 prior to commencing any works.

Please contact the Licensing Department of the Local Authority prior to development commencing to ensure the proposal complies with the relevant Licensing Legislation.

**ITEM NO:** 7

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2006/1173/ PF

**PROPOSAL:** Conversion, alterations and extension of vacant hotel accommodation at 1st, 2nd and 3rd floor levels to 10 no. self contained flats and conversion of ground floor licensed premises to 2 no. retail units

**LOCATION:** The Overtown Club 17/19 Kinmel Street Rhyl

**APPLICANT:** L W Properties Ltd.

**CONSTRAINTS:** C1 Flood Zone Article 4 Direction

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

#### CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL  
"No decision due to meeting becoming inquorate. However, request that consideration be given to condition requiring the installation of pedestrian barriers on kerbside adjacent to premises on both Bodfor and Kinmel Streets to discourage parking by residents."
2. HEAD OF HOUSING  
No objection to application at Overtown Club but concerned about transfer of Palace Hotel requirement to this site due to policy preference for on-site provision, concentration of affordable housing at Overtown Club and timing of provision.
3. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection
4. DWR CYMRU WELSH WATER  
No objection
5. ENVIRONMENT AGENCY  
No objection

#### RESPONSE TO PUBLICITY:

None

**EXPIRY DATE OF APPLICATION: 20/03/2007**

#### REASONS FOR DELAY IN DECISION:

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

#### PLANNING ASSESSMENT:

##### THE PROPOSAL:

1. The application site comprises a 3 storey property located on the corner of Bodfor Street with Kinmel Street within the town centre of Rhyl. The Overtown Club comprises a vacant public house at ground floor level with former hotel accommodation above. The site is located within an area of mixed commercial uses (Class A1, A2 to A3) some with residential units above. The site is within very close walking distance of the main High Street, and bus and train stations. The site currently has no off street parking provision and on street parking immediately adjoining the site is restricted. Construction works have commenced on the site. However, the applicant has advised that the works to date are general

repairs to the building.

2. This application is for the change of use of the property at ground floor level to form 2 no retail units with associated storage areas, kitchens and toilet facilities. On the upper floors it proposed to provide 10 no self contained flats to be accessed off Kinmel Street. It is also intended to make minor alterations to the openings at ground floor level and windows on the upper floors are to be replaced like for like in terms of design. To the rear, an extension of dimensions of approx 2m by 7m is proposed to eaves height. This would be sited between existing parts of the building and is required to provide a stairwell.
3. The conversion scheme would provide 4 no 1 bed properties with floor areas of 46 sq m and 47 sq m and 6 no. 2 bed flats with floor areas ranging from 59 sq m to 83 sq m. The 2 larger units are to be located within the roof space and, therefore, the proposal also involves the insertion of roof lights, 3 to the front and 6 to the rear.
4. The applicant is offering 3 affordable housing units for this development in accordance with the Council's policy which seeks 30% provision on-site. Additionally, the applicant seeks to provide an additional 4 no. affordable housing units within this scheme as off-site provision for the Palace Hotel conversion. The Palace Hotel development was granted with a Section 106 agreement. The terms of the legal agreement allowed the option to provide 3 no 2 bed affordable housing units either on or off site.
5. The applicants case for providing the Palace Hotel conversion affordable housing at this site is based on:
  - i) The affordable housing policy came into operation after the applicant acquired the Palace Hotel.
  - ii) The Palace Hotel development would not be able to sustain provision of affordable units due to the cost and quality of the units.
  - iii) The Overtown Club is in a sustainable location close to services.
  - iv) The units provided at the Overtown Club will be of good quality and with space standards exceeding the Council's minimum requirements.
  - v) 4 units are being offered compared to the requirement of 3.
  - vi) Other developments by the applicant will provide on-site affordable housing – the Sandringham, the Palace Hotel extension and the Overtown Club.

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

6. 45/2005/1037/PF - Palace Hotel, West Parade, Rhyl - Change of use to 12 no. self-contained flats, alterations to existing vehicular access, and associated works (partly retrospective) Granted 12<sup>th</sup> July 2006
7. 45/2006/0240/PF - Palace Hotel, West Parade, Rhyl - Erection of four-storey extension to provide 9 no. self-contained dwelling units. Resolved to grant planning permission subject to a S106 obligation 4<sup>th</sup> October 2006

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

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy STRAT 11 Regeneration
  - Policy GEN 1 Development within development boundaries
  - Policy GEN 6 Development Control Requirements
  - Policy HSG 10 Affordable Housing within the development boundaries
  - Policy HSG 13 Subdivision of existing premises to self contained flats
  - Policy RET 1 Town & District Centre Boundary
  - Policy RET 15 Upper Floors of Commercial Premises
  - Policy TRA 9 Parking & Servicing provision
  - Policy REC 2 Amenity & Recreational open space requirements in new developments
  - Policy ENP 6 Flooding

Supplementary Planning Guidance 4: Recreational Public Open Space

Supplementary Planning Guidance 7: Self contained flats and Houses in Multiple Occupation

Supplementary Planning Guidance 21: Parking Requirements in New Developments

Supplementary Planning Guidance 22: Affordable Housing in New Developments

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales March 2002

TAN 15: Development & Flood Risk



## MAIN PLANNING CONSIDERATIONS:

9.

- i) Principle of the development
- ii) Impact on residential amenity
- iii) Impact on visual amenity
- iv) Affordable Housing
- v) Open Space
- vi) Flooding
- vii) Highway considerations

10. With regard to the main planning considerations above:-

- i) Principle of the development

### Retail

The site is located within the town and district centre boundary as defined by Policy RET 1. This policy states that these areas will be the main location for retail and commercial development subject to proposals being of an appropriate scale and type, and maintains or enhances the centre's vitality and viability. The proposed use of the former public house at ground floor level as 2 no retails units is therefore considered acceptable in principle within the town centre.

### Residential

Policy RET 15 allows the beneficial economic use of upper floors within town and district centres subject to general amenity considerations; townscape and visual considerations; impact on the local highway, and acceptable servicing or parking arrangements. Residential conversions should also be assessed against Policy HSG 13. This policy allows for such conversions provided the property is suitable for the number and type of flats; meets the Council's approved layout and car parking guidelines; retains any inherent characteristics of merit and does not involve major alteration or extension; adequate refuse disposal, storage and outside drying areas are available and in the case where commercial uses exist at ground floor level, the proposal provides a separate and satisfactory pedestrian access to the living accommodation above. Assessed against these policies, the proposal to provide 10 no. self contained flats is considered generally acceptable, although further comment is provided on the parking issue below.

- ii) Impact on residential amenity

The closest residential properties are located on the upper floors of properties on Kinmel Street, including the adjacent property at 23 Kinmel Street. It is not considered that a retail use at ground floor level with residential use of the upper floors in a property formerly a public house with hotel accommodation above within a town centre would result in an adverse impact on the amenities of existing residents. In terms of amenity for future occupiers, the units provided would be accessed separately from the retail units and are all fully self contained, exceeding the Council's approved floor space standards. To the rear of the site, a separate bin store would be provided for the residential units along with a covered cycle storage area. It is considered that an acceptable level of amenity would be afforded to future occupiers of the properties.

- iii) Impact on visual amenity

The size, scale and design of the proposed extension hidden to the rear is considered acceptable. The alterations proposed to the external appearance of the building are considered appropriate and would retain the characteristics of the building, which is an attractive building with traditional features. The site is located on a prominent corner site within the town and the proposal to make positive use of the building, retaining these traditional features and characteristics of the building, is supported.

- iv) Affordable Housing

### Overtown development

The applicant is offering 3 no affordable housing units in relation to the Overtown application itself as follows - 1 no 1 bed at unit 7 (47 sq m) and 2 no. 2 bed at units 9 and 10 (79sqm and 83 sq m) as low cost flats for sale. This meets the 30% policy requirement and is considered acceptable and meets the relevant standards set by the Welsh Assembly. This provision should be secured by a Section 106 agreement.

### The Palace Hotel Application (ref 45/2005/1037/PF)

The applicant is offering 4 no. 2 bed flats, units 1 (67 sq m), 4 (76 sq m), 5 (59 sq m) and 8 (76 sq

m) as the affordable housing provision required by planning permission ref 45/2005/1037/PF through an existing Section 106 agreement. The case put by the applicant (see paragraph 5 of the report) has been carefully considered by Officers and, in this instance, is supported. Particular attention should be drawn to the viability issue and regeneration benefits of both schemes, factors allowed for by SPG 22 (paras 5.6 and 5.7). In addition it should be noted that affordable housing would still be provided on the Palace Hotel site, should the extension proceed (3 units). The size of the units at the Overtown Club would be comparable with the size of units proposed in the Palace Hotel extension.

v) Open Space

The applicant is aware of the planning policy requirements for provision of open space in new developments of 10 or more units. The size and type of development and in a location within the town centre would support the case for the payment of a commuted sum to allow provision/enhancement of open space elsewhere in the town. This is a matter which should be secured by a Section 106 agreement, providing a commuted sum of £29,616.00.

vi) Flooding

The site is located within a Zone C1 as defined by the development advice maps contained within TAN 15. However, the site is located outside the Environment Agency's flood extent zone, and as such the Agency has raised no objection to the proposal. In light of the existing and proposed use of the property, a Flood Consequence Assessment has not been requested

vii) Highway Considerations

The site is located within the town centre of Rhyl within close proximity to the bus and train station. Taking these issues into account, and having regard to the existing use of the site as a public house and hotel, the Highway Officers have raised no objection to the proposal. Provision of on-site parking is not feasible. Nor is it considered necessary given that car ownership levels are likely to be limited, public car parks are located nearby, and it is a town centre location close to sustainable transport options. With regard to the request by Rhyl Town Council that consideration be given to providing pedestrian railing on the corner of Bodfor Street and Kinmel Street to deter cars parking on the corner, this is considered unreasonable considering that parking is restricted in this area which is enforced by traffic wardens.

## SUMMARY AND CONCLUSIONS:

11. The principle of the development is considered acceptable with no adverse impact on visual or residential amenity. The Council's affordable housing policy for the Overtown Club development has been met and a commuted sum would be payable, to allow provision/enhancement of open space elsewhere in the town. There would be no risk of flooding with no adverse impact on highway safety.

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act to secure

- (a) The provision of 3 affordable housing units and the retention of these units for affordable purposes. In this case these would be low cost units for sale.
- (b) The payment of a commuted sum for provision and maintenance of open space of £29,616.00 apportioned as follows:

CROS Provision Costs	£8,733.60
CROS Maintenance Costs	£9,172.80
Childs Provision Costs	£8,652.00
Childs Maintenance Costs	£3,057.60

The Certificate of Decision would only be released on completion of the legal obligation. The application would be represented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this Committee.

12. The proposal to provide the affordable housing requirement arising from the Palace Hotel conversion is also supported.

**RECOMMENDATION 1 (Overtown Club) : 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, this permission relates to the use of the retail units hereby permitted as Class A1 only and no other use within the Town and Country Planning (Use Classes) Order 1987.
3. The bin and cycle stores for the residential properties shall be provided prior to the occupation of the first unit and shall thereafter be retained for that purpose at all times.
4. No development shall commence on the external elevations of the retail units hereby permitted until details of the materials and colour finish of the shopfronts has been submitted to and approved in writing by the Local Planning Authority. The development shall commence strictly in accordance with such approved details.

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 enable the Local Planning Authority to control the use in the interests of local amenity.
3. In the interest of residential amenity.
4. In the interest of visual amenity.

**RECOMMENDATION 2 (Details of Affordable Housing on Palace Hotel ref 45/2005/1037/PF)**

**APPROVE** off site affordable housing for 4 no. 2 bed units at the Overtown Club, units 1, 4, 5 and 8

**NOTES TO APPLICANT:**

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

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

Your attention is drawn to the attached response from Dwr Cymru Welsh Water.

You are advised that separate Advert Consent for signage on the retail units would be required.

**ITEM NO:** 8

**WARD NO:** Efenechtyd

**APPLICATION NO:** 02/2006/1417/ PF

**PROPOSAL:** Change of use of agricultural land to form extension to domestic curtilage and retention of detached building

**LOCATION:** Cil Onnen Corwen Road Ruthin

**APPLICANT:** Mr Matthew Jackson

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

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

**CONSULTATION RESPONSES:**

1. RUTHIN TOWN COUNCIL  
" No objection"

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

1. Mr. P. Turner, Cil y Groeslwyd Isaf, Corwen Road, Ruthin

Summary of planning based representations:

- i) Concerns over size and scale of the building
- ii) Impact upon rural character of area
- iii) Concerns over potential use of site for commercial activity

**EXPIRY DATE OF APPLICATION: 10/04/2007**

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

1. The application site is located in a relatively isolated location to the west of the main A494 Corwen Road. Accessed via a shared driveway off the main road the site consists of a previously extended single storey dwelling which resulted from an original conversion of an agricultural outbuilding.
2. To the west of the dwelling and at a higher level is located a Grade II listed detached dwelling known as Cil y Groeslwyd-isaf. The shared driveway serves both the aforementioned properties but extends to the west side of Cil Onnen and leads up to an open area of land the subject of this application.
3. Permission is sought to retain a detached, pitched roof steel fabricated building some 14m north-west of the dwelling at Cil Onnen. The building has been erected on former agricultural land and the applicant is now also seeking to retain the use of this land as extended residential curtilage with the building being used for ancillary domestic purposes. The building itself measures 12m x 9m with a height to ridge of some 4.5m. An area beyond the building (north) is shown on submitted plans to be retained for storage of machinery and vehicles. The extended curtilage is shown to project northwards by some 40m. Beyond that area to the north and east is agricultural land and woodland.

**RELEVANT PLANNING HISTORY:**

4. **3265** – Conversion of farm building to dwelling – GRANT – 9/1/70
- 02/2001/832** – Extension to dwelling - GRANT 24/01/01

## **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 16 – Extensions to domestic gardens

### **GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002

## **MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of proposal in this location.
  - ii) Impact on visual amenity.
  - iii) Impact on residential amenity.
7. In relation to the issues identified in paragraph 6 above:-
  - i) The issues which must be assessed in relation to this proposal are the size and scale of the building and the scale of the extended residential curtilage. The applicant has stated that he uses the building for purposes incidental to the enjoyment of his dwelling.

### The Building

The building is located some 14m from the dwelling within an area of extended curtilage of some 40m in length. The size and scale of the building, would not appear as a structure designed for use for purposes incidental to the enjoyment of the single storey dwelling. It is considered, therefore, that the building in itself would fail to comply with policy criteria which seek to ensure development respects the site and surroundings and does not unacceptably affect the form and character of the surrounding landscape. (Policy GEN 6)

### The Extended Curtilage

The principle of extending domestic gardens outside development boundaries relies on such extensions being limited in size and not impacting upon the character and appearance of the open countryside. The applicant has applied to retain a 12m x 9m steel building on former agricultural land extending some 40m beyond his existing domestic curtilage. This it is considered has an unacceptable impact upon the character and appearance of the open countryside and fails to comply with the criteria of Policy HSG 16.

The building is constructed in materials which do not relate to those on any nearby domestic building. Its size and scale is also out of proportion generally with the nearby stone dwellings, one of which is Grade II Listed. The area of land around the building has a gravel type appearance and does not enhance the character and appearance of this attractive open countryside location. The potential for additional vehicles, machinery or domestic paraphernalia being sited around this large structure would be to the detriment of the visual amenities of the site and surroundings. The negative impact on the visual amenities of the site and surroundings is contrary to the relevant criteria of Policy GEN 6.

There is some 18m separating the adjacent dwelling at Cil y Groeslwyd-isaf and the building it is proposed to retain as part of this application. A single storey, detached stone outbuilding in the curtilage of the neighbouring dwelling stands between the house and the new detached building the subject of this application. The main portion of the proposed extended curtilage is also largely out of view of the neighbouring dwelling. It is not considered that the building itself or the extended residential curtilage area, providing it would be used specifically for purposes incidental to the enjoyment of the dwelling, would have any significant detrimental impact upon nearby residential amenity.

## **SUMMARY AND CONCLUSIONS:**

8. The size, scale and design of the building located on an area of intended extended curtilage projecting some 40m into the open countryside would give rise to an unacceptable form of development to the detriment of the character and appearance of the area. This would be in conflict with adopted policy and guidance.

9. An enforcement report follows this item, given that the use has commenced and the building has been constructed.

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

The reasons are:-

1. It is considered that the building, by reason of its size, scale and materials, represents an unacceptable form of development in the open countryside unrelated to nearby building causing detriment to the visual amenity of the site and surroundings contrary to Policy GEN 3 and criteria i, ii and v of Policy GEN 6 of the Denbighshire Unitary Development Plan.
2. The change of use of land to domestic curtilage would by reason of its size represent an intrusive form of development in the open countryside location contrary to criteria i and iii of Policy HSG 16 of the Denbighshire Unitary Development Plan.

**NOTES TO APPLICANT:**

None

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2006/00001

**LOCATION:** Cil Onnen, Corwen Road, Ruthin

**INFRINGEMENT:** (1) Erection of detached building;

(2) Use of land and building for mixed use of commercial storage, sale and repair of agricultural vehicles and use for purposes incidental to the residential use of Cil Onnen

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

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 3 Development Outside Development Boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 16 Extensions to domestic gardens

Policy EMP 5 Small scale employment development outside development boundaries

Policy EMP 9 Working from home

### GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

TAN 9 : Enforcement of Planning Control

### HUMAN RIGHTS CONSIDERATIONS

The rights of a person to work from home does not outweigh the right of the Local Planning Authority to protect the amenity of the area. No Human Rights issues have been raised in this case.

## **1. BACKGROUND INFORMATION**

- 1.1 This report is related to the previous item (planning application 02/2006/1417/PF).
- 1.2 In November 2005 a complaint was received that the applicant in this case had erected a detached building outside any defined curtilage area. It was also alleged that the applicant was storing, repairing and then selling agricultural plant, machinery and vehicles from the site and the building.
- 1.3 A subsequent visit to the property by an Enforcement Officer revealed the presence of the detached building and various agricultural vehicles/plant located around the site.
- 1.4 Further investigations discovered a number of website advertisements relating to the sale of agricultural vehicles from the site with photographs highlighting the repairs and storage of such vehicles. The applicant owns an agricultural plant and machinery business in nearby Ruthin.
- 1.5 Whilst evidence shows that the detached building and site has been used for commercial activity there is also evidence that the building and site has been used for ancillary domestic use with the owner's vehicles and children's toys located in the site.

- 1.6 Whilst the commercial activity has subsided whilst the planning application has been under consideration, the advertisements on websites and photographs obtained still suggest a mixed use activity on the site.

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

- 2.1 The erection of the detached building and the use of the land for a mixed use of commercial storage, repair and sale of agricultural vehicles and ancillary domestic use outside the defined residential curtilage area is contrary to the Unitary Development Plan policies referred to above and constitutes a breach of planning control.
- 2.2 The site lies outside the authorised residential curtilage of Cil Onnen. The site is also outside any defined settlement limit as set out in the adopted Unitary Development Plan. The character of the site and surroundings is rural and it is considered that the erection of such a sized building, the encroachment into an agricultural field of the building and the use described causes significant harm to the character of the area and nearby residential amenity. The area of land now used as a mixed use of extended curtilage and the commercial use is not a lawful expansion of the curtilage of Cil Onnen. It represents a harmful encroachment into the open countryside with the resultant industrial sized building forming an alien feature in the landscape to the detriment of visual and residential amenity.
- 2.3 To allow the introduction of a commercial activity outside a development boundary, within a new build scheme and in close proximity to a nearby residential dwelling would be contrary to the aforementioned Unitary Development Plan policies causing detriment to the character and appearance of the area.
- 2.4 It is not considered that the use of planning conditions would, in this instance, overcome the concerns outlined above and the harm caused to the amenity of the area and the neighbour.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 3 month compliance period requiring:
- (i) The cessation of the use of the site and building for a mixed use for purposes incidental to the residential use of Cil Onnen and the commercial storage, repair and sale of any vehicles, plant or machinery and the return of the site to agricultural use. , and;
  - (ii) The removal of the unauthorised detached building.
- 3.2 To instigate prosecution proceedings where any person on whom a notice has been served fails or refuses to comply with the provisions of the notice.



**ITEM NO:** 9

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2007/0161/ PF

**PROPOSAL:** Erection of two-storey dwelling & detached garage and installation of new septic tank on 0.07ha of land

**LOCATION:** Land At Rhoslwyn Llanfwrog Ruthin

**APPLICANT:** Mr D W Edwards

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. RUTHIN TOWN COUNCIL  
Awaiting response
2. PUBLIC PROTECTION  
Awaiting response
3. ENVIRONMENT AGENCY  
Awaiting response

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 04/04/2007****PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application site is located to the rear of the dwelling known as Rhoslwyn (formerly Trelma) Llanfwrog, Ruthin. It extends to 0.08ha in area and access is off the road leading to Clocaenog at the north-east corner of the application site. The development boundary of Ruthin runs through the site approximately 5 metres from the western boundary, although there are no physical features with which to identify the exact line of the boundary.
2. There is an existing access to the rear of Rhoslwyn and Celyn Bach; this separates the application site from the two dwellings to the east. The plot is in a slightly elevated position from the access track and is bound by hedging to the north-east and post and wire fencing along the lower eastern boundary.
3. The application is for full planning permission for the erection of a single dwelling, detached garage and installation of a private treatment plant. The dwelling would be a two storey 4 bedroom dwelling, with dormer windows to the front, side and rear elevation. The walls are to be painted render, windows and doors would be stained timber, and the roof slate. The garage would be of materials to match the dwelling. It would be located to the rear of the proposed dwelling.
4. The application is referred to Planning Committee as the site is owned by a County Councillor.

**RELEVANT PLANNING HISTORY:**

5. **2/6153**  
Development of land by the erection of a dwelling, construction of new vehicular and pedestrian access and septic tank (outline application) – Land adjoining Trelma, Llanfwrog – Refused 3/05/1983

**2/7839**

Proposed construction of new agricultural access – Land adjacent to Rhoslwyn, Llanfwrog – GRANTED - 17/01/86

**2/501/97/PF**

Erection of dormer bungalow and conservatory, formation of new vehicular and pedestrian access and installation of new septic tank – Land adjoining Rhoslwyn, Llanfwrog – Granted 14/5/1998

**2/72/99/PF**

Erection of detached dwelling and installation of new septic tank – Land to the rear of Rhoslwyn, Llanfwrog – Granted 8/4/1999

**02/2006/0734/PO**

Development of 0.08ha of land by the erection of one dwelling, construction of means of access and installation of private treatment plant – Land at Rhoslwyn, Llanfwrog – Granted 26/7/2006

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002) Policy GEN 1 –  
Development within development boundaries  
Policy GEN 3 – Development outside development boundaries  
Policy GEN 6 – Development Control Requirements  
Policy ENP 4 – Foul and surface water drainage

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

- 7.
- i) Principle of development
  - ii) Impact upon visual amenity
  - iii) Impact upon residential amenity
  - iv) Highways considerations
  - v) Drainage
8. In relation to the considerations as noted in paragraph 6 above:
- i) Principle Development  
The development boundary line for Ruthin runs through the application site. Approximately 5 metres of the westernmost portion of the site lies outside the development boundary, the majority of which would be given over to residential curtilage rather than physical development. The position of the boundary is not marked by any physical features. Given the lack of an identifiable development boundary in this location it is considered that the extent of encroachment is acceptable. It is maintained that the proposal would not prejudice the purpose of having a development boundary in this location, and would not set a precedent for future development outside the development boundary. The proposal is therefore considered acceptable in principle provided permitted development rights for the dwelling are removed so as to prevent further ancillary development within the residential curtilage beyond the development boundary.
  - ii) Impact upon visual amenity  
The size, scale and design of the proposed dwelling and garage is considered to be appropriate in this location. The area is characterised by large dwellings. The materials proposed for the development are render and slate which fit in well with the context of the area. Details of landscaping and the proposed retaining walls should be submitted for approval prior to the commencement of development to further protect the visual amenity of the area. The impact this proposal would have on the visual amenity of the area is therefore considered acceptable and in accordance with criteria i) and ii) of Policy GEN 6.
  - iii) Impact on residential amenity  
The proposed dwelling would be located approximately 25 metres from Rhoslwyn. The site is well screened and privacy retained by the presence of trees along the eastern boundary. As such there are no issues of overlooking of adjacent properties. The curtilage area for the proposed dwelling is

considered to be acceptable. The application is therefore considered to be acceptable in terms of residential amenity and compliant with criterion v) of Policy Gen 6.

iv) Highways considerations

An existing access would serve the property. There are no concerns regarding highway issues in this location provided parking and turning facilities are provided and retained within the site.

v) Drainage

The method of drainage for the site is via the means of a septic tank. Policy ENP 4 is the appropriate policy. Comments from Public Protection indicate that there are no objections to the proposal. This aspect of the proposal will be dealt with further at the building regulations stage.

**SUMMARY AND CONCLUSIONS:**

9. The modest encroachment beyond the development is acceptable as are the site specific impacts.

**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. Prior to the commencement of the application of any render, a sample panel of the type of render 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 render to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.
4. 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.
5. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
6. 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. In the interests of visual amenity.
3. In the interests of visual amenity.
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. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

The septic tank shall be sited as to not to contaminate any water supplies. Sub surface drainage should comply with BS 6297:1983.

<b>ITEM NO:</b>	10
<b>WARD NO:</b>	Ruthin
<b>APPLICATION NO:</b>	02/2007/0230/ AC
<b>PROPOSAL:</b>	Details of external wall and roof materials submitted in accordance with condition no. 2 of planning permission code no. 02/2005/0892/PF
<b>LOCATION:</b>	Ruthin Craft Centre Park Road Ruthin
<b>APPLICANT:</b>	Denbighshire County Council
<b>CONSTRAINTS:</b>	Within 67m Of Trunk Road 250m Of Landfill Site
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - No Press Notice - No Neighbour letters - No

**CONSULTATION RESPONSES:**

## 1. COUNTY CONSERVATION ARCHITECT

"The report addresses the use of pre-patinated zinc as a roofing and cladding material for the new craft centre. The overall design of the building relies on the use of a material such as zinc to achieve the proposed profiles of the roof and cladding. There are few if any alternative materials which can achieve the modelling which is such an important part of the proposed design. Perhaps only lead could be used but this would have cost implications together with potential contaminated rainwater run off. The use of slate would require a significant redesign of the roof to achieve the necessary minimum roof pitches. While I do not have a sample of the final colour I believe it is similar in tone and hue to slate which is typically used in the area. The faceted nature of the cladding will relieve with light and shade what might otherwise be too uniform in appearance. I accept all the advantages outlined in the report and as a consequence I have no objections at all to the use of this material on this building. I would however recommend that samples be produced as soon as possible of all the three principle external materials, the oak, the zinc and the cast stone for final approval."

**RESPONSE TO PUBLICITY:**

Not applicable.

The application relates to details submitted for approval in relation to a planning permission for the redevelopment of the Craft Centre, so no formal publicity is required.

**EXPIRY DATE OF APPLICATION: 29/04/2007**

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

1. Members may recall considering the full planning application for the redevelopment of the Ruthin Craft Centre at the September 2005 meeting.
2. Planning permission was granted for the redevelopment, for a new Centre for the Applied Arts. The permission included approval of the design of the building, but was subject to compliance with a number of conditions, including the one below:

"2. Notwithstanding the submitted details, 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 roofs of the development hereby permitted and no materials other than those approved shall be used."

The application seeks approval of the details referred to in Condition 2.

3. In debate on the application at the September 2005 Committee, concern was expressed over the proposed use of zinc as the main roofing material. In addition to Condition 2 requiring the further

approval of the external materials, a note was appended to the certificate of decision requesting the submission of further information to allow proper consideration of this type of material. Members also requested officers to report the application for approval of Condition 2 to the Committee for determination.

4. The submission consists of a 5 page statement, explaining the choice and type of roof materials; including commentary on:

The reasons for introducing zinc as a roofing / cladding material

The statement outlines the most important factors for use of zinc includes its long life span, minimum maintenance, its use as a main roof and cladding material on buildings in Europe for over 200 years, the fact that north east Wales has been one of the main zinc producing areas so it is a natural material with strong local connections, contributing to the building's cultural character:

Procedure

Examples of use of zinc as a roofing / cladding material are the Queensferry Campus in Flintshire, as a bay window and other features at the Community Centre on Wellington Road, Rhyl.

The use of the external materials

The following materials are proposed:

Soffits to walkways / courtyard overhangs – zinc

Courtyard walls / lower sections of walls – cast stone coloured with ironoxide

Doors, windows and cladding – faced in Welsh Oak.

Visual impact

The combination of use of traditional 'standing seam' zinc cladding on the roof and upper walls, and the design of the building would ensure different angled surfaces give different reflective effects during the day. Other junction details have been carefully designed to create neat edges and cast shadow.

Weathering properties

The statement confirms substantial research into options available for the finish of the zinc. A 'pre-patinated' finish is proposed. This involves a process of applying a protective layer adhering to the zinc beneath it, to provide a protection from atmospheric corrosion, and to give the zinc an appearance and texture matching the finish of naturally weathered zinc.

Cost / durability

The statement indicates that with the exception of aluminium, the capital cost of zinc is less expensive than other metal roofs, which would either have a very shiny finish or have to be artificially colour coated (all inappropriate in the site context). Zinc would be approximately 30% less expensive than slate. It is stated there are examples of zinc roofs that have provided 100 years of continuous service; it is seen as difficult to vandalise or damage, and its malleability avoids defects developing.

5. The conclusion of the submission emphasises the importance of zinc as an element of the project, and that its use in terms of visual form making, detailed design, lifetime cost/durability, and environmental performance have been carefully considered to ensure it contributes to creating a unique building for the new Ruthin Craft Centre. It also includes comment from the Arts Council of Wales Architectural Assessment of the building which concludes:

"The proposed design promises both to meet the specific needs of the Centre and to be a major addition to the relatively small stock of good modern buildings in the principality. The approach is founded upon a rigorous engagement with and interpretation of the architectural brief. This results in a design that is inherently simple, but which, through subtle inflections of form, space and material, becomes an eloquent expression of the nature and purpose of the Centre"

**RELEVANT PLANNING HISTORY:**

6. **25/3537**

Erection of Craft Centre – GRANTED – 30<sup>th</sup> May 1979 (Clwyd County Council) – Original application.

**2/2005/0892/PF**

Demolition of all existing buildings and replacement with new centre for applied arts, comprising studio workshops, galleries, retail area, offices, restaurant, education space and tourist information centre,

construction of new vehicular and pedestrian access, alterations to existing car parking arrangements and augmentation of existing landscaping – GRANTED 29/09/2005

**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

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002 Section 11 – Tourism, Sport & Recreation  
TAN 12 - Design (2002)

**MAIN PLANNING CONSIDERATIONS:**

8. (i) Acceptability of external materials

The report outlines in some detail the justification for the use of external materials, including the use of zinc on the roof and upper areas of the external walls.

There has been detailed dialogue between the project architects and the County Conservation Architect over the proposed use of external materials. The conclusions of the Conservation Architect after full consideration of the background and the case justifying the choice of materials, is that there are no objections to the use of zinc on the building. This is subject to final approval of samples, including the proposed Welsh oak and cast stone.

Ultimately, with respect to concerns over the use of zinc as a main roof / cladding material, there are sound reasons advanced to support its approval subject to careful assessment of samples. The building is of a striking modern design, and the proposed materials reflect the commitment to this concept.

**SUMMARY AND CONCLUSIONS:**

9. In the circumstances, given the previous approval of the design of the building, and the justification advanced it is considered the proposed use of zinc, Welsh Oak and cast stone would be acceptable on what will be a significant modern building on this key site.

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

1. No external materials shall be applied to the building(s) until the written approval of the local planning authority has been obtained to samples of the zinc, Welsh Oak and cast stone, and the development shall be carried out strictly in accordance with the approved samples.

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

1. In the interests of visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 11

**WARD NO:** Llandrillo

**APPLICATION NO:** 07/2007/0157/ PF

**PROPOSAL:** Erection of new agricultural building

**LOCATION:** Ty Draw Cynwyd Corwen

**APPLICANT:** Mr I Jones

**CONSTRAINTS:** C2 Flood Zone

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

**CONSULTATION RESPONSES:**

1. LLANDRILLO COMMUNITY COUNCIL  
Awaiting response
2. ENVIRONMENT AGENCY  
No objection
3. PUBLIC PROTECTION  
Awaiting response
4. CONSERVATION ARCHITECT  
The new building will have very little impact on the setting of Plas yn Faerdref.

**RESPONSE TO PUBLICITY:**

Letter of representation received from:-

1. Mr. & Mrs. P. Cawthorn, Plas Yn Faerdref, Cynwyd

Summary of planning based representations:

Plas yn Faerdref is a Grade II\* Listed Building, the development will affect the setting of the listed building. Alterations to an access have been made without the benefit of planning permission

**EXPIRY DATE OF APPLICATION: 28/03/2007**

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

1. The application site is in the open countryside between the villages of Cynwyd and Llandrillo and comprises a working farm complex. Access to the site is off the B4401 Cynwyd to Llandrillo road.
2. The proposal is for the erection of an extension to an existing farm building on the complex. The proposed extension measures 22m by 30.4m in width and 8m in height to the ridge. The floor area of the proposed building would be 668.8m<sup>2</sup>, open to the front for storage and divided to the rear to allow for loose boxes and a feeding area along the middle.
3. The dwelling at Plas yn Faerdref is located to the east of the application site, on the opposite side of the B4401 road. There is a distance of some 170m between the two with hedging and trees forming the rear boundary of the application site and likewise forming the boundary of Plas yn Faerdref with the road

**RELEVANT PLANNING HISTORY:**



4. None

**PLANNING POLICIES AND GUIDANCE:**

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

Policy GEN3 – Development outside development boundaries

Policy GEN6 – Development control requirements

Policy CON1 – The setting of listed buildings

Policy EMP13 – Agricultural development

**GOVERNMENT GUIDANCE**

Planning Policy Wales – March 2002

TAN 6 – Agricultural and Rural Development

**MAIN PLANNING CONSIDERATIONS:**

- 6.

- i) Principle of development
- ii) Impact on visual amenity
- iii) Impact on residential amenity
- iv) Impact on setting of listed building
- v) Unauthorised widening of access track

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

- i) Principle  
The location of the application site is in the open countryside and comprises a working farm complex. Policy GEN3, criterion vi), states that development in connection with agriculture will be permitted provided that there is no impact on the social, natural and built environment. The building is required to meet the needs of the farm complex and all the other buildings on the site are currently in use for agricultural purposes. In relation to Policy GEN3, and criteria i) and ii) of Policy EMP13, the principle is considered to be acceptable.
- ii) Visual amenity  
The size and scale of the building is considered to be acceptable in this location as are the proposed materials for the extension. These are to match the existing slate blue corrugated sheeting of the existing building, with block work up to 1.9m from ground level. The siting of the building is within the existing farm complex and relates well to the other buildings in the farm yard. The impact on visual amenity is acceptable and in accordance with criteria i) ii) and iii) of Policy GEN6.
- iii) Residential amenity  
There will be no adverse impact on residential amenity. The nearest dwelling to the application site is some 170m away with tree and hedge screening between the two. The proposal is in accordance with criterion v) of Policy GEN6.
- iv) Listed Building  
Concerns have been raised by the occupants of Plas yn Faerdref in relation to the impact of the development on the setting of the listed building. Comments from the Conservation Officer indicate that the proposed development would have little impact on the setting of the listed house and as such the proposal is in accordance with Policy CON1.
- v) Access track: Concerns have also been raised about the widening of the access track leading down to the application site. The access off the B4401 is an existing access. To widen the existing access may require planning permission but in this instance it is considered that the works carried out are minor and acceptable and it would not be expedient to take enforcement action..

**SUMMARY AND CONCLUSIONS:**

8. The application is for the erection of an extension to the existing agricultural building. The proposal is acceptable based on the impact on visual and residential amenity and there is no material impact on the setting of the listed building at Plas yn Faerdref. The proposal is in accordance with Policies GEN3, GEN6, CON1 and EMP13.

**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.

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.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 12

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 14/2006/1444/ PF

**PROPOSAL:** Erection of 1 No. dwelling with parking provision

**LOCATION:** Land To The Side Of 8 Pen Y Gelli Bontuchel Ruthin

**APPLICANT:** Mr J E Jones

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. CYFFYLLIOG COMMUNITY COUNCIL  
"No objection"
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection subject to conditions
3. WELSH WATER  
No objection
4. LAND DRAINAGE SECTION  
Awaiting response

**RESPONSE TO PUBLICITY:**

Letters of representaiion received from the following:

1. Mr. W.M. & Mrs. P.M.B. Bignell, 6, Pen y Gelli, Bontuchel

Summary of planning based representations:

- i) Object due to the adeqacy of the sewerage system to accommodate an additional dwelling

**EXPIRY DATE OF APPLICATION: 31/01/2007**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is located to the side of the dwelling at no 8 Pen y Gelli, Bontuchel, and extends to some 0.03ha in site area and currently forms part of the garden area for that property.
2. This application is for full planning permission. It follows an earlier application made on the site in 2003 for outline submission for a single dwelling.
3. The dwelling proposed is of two storey construction with footprint of 60m<sup>2</sup>. A kitchen, lounge/ dining room and utility room is proposed on the ground floor with 3 bedrooms and a bathroom at first floor level. The materials propped are pebbledash / white painted render and concrete roof tiles. Vehicular access would be obtained from the south west corner of the plot.

## RELEVANT PLANNING HISTORY:

### 4. 14/2003/0556/ PO

Development of land by the erection of 1no dwelling and new access (outline application). GRANTED with conditions on the 30<sup>th</sup> July 2003.

## PLANNING POLICIES AND GUIDANCE:

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

Policy GEN3 – Development outside development boundaries

Policy GEN6 - Development control requirements

Policy HSG5 – Groups of houses in the open countryside

Policy ENP4 – Foul and surface water drainage

SPG10 – Infill Housing in the Countryside

SPG21 – Parking

### GOVERNMENT GUIDANCE

Planning Policy Wales 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 above:

#### i) Principle

The application site is in the open countryside where the provisions of policy GEN3 are applicable. Criterion ii) refers to the infilling of one or two units within a clearly identifiable group of dwellings in the open countryside. This is further explained in Policy HSG5, where it states that one or two units in the open countryside may be permitted within small groups of houses subject to criteria i) – iii). The application site is located to the side of the dwelling at no 8 Pen y Gelli with dwellings to the rear of the site. In relation to criterion i), the proposal comprises of the infilling of a small gap between buildings along a continuously frontage. The proposal does not result in ribbon development or the perpetuation of ribbon development. In principle, the erection of a dwelling in this location is considered to be acceptable and in accordance with GEN3 and HSG5.

#### ii) Visual amenity

The size, scale and design of the proposed dwelling is considered to be acceptable in this location and comparable to adjacent properties in the immediate locality. The use of render and concrete roof tiles in this location is also considered to be acceptable and is in accordance with criteria i) – iii) of Policy GEN6.

#### iii) Residential amenity

There is one small window on the side elevation of no 8 Pen y Gelli. This does not serve a habitable room. The rear elevation of the proposed dwelling will be located some 5m from the side of no 8 but the orientation of the main aspects of both dwellings would ensure no material harm from overlooking. There is a two storey dwelling with an attached single storey building split into two dwellings to the rear of the site. An existing 1m high timber fence separates the application site and those dwellings to the rear and the application site is located on a slightly lower level. A distance of some 20m separates the side of the proposed dwelling from the principal front elevation of those dwellings to the rear. One small landing window will be located on this elevation. This is considered to be acceptable in relation to residential amenity and is in accordance with criterion v) of Policy GEN6.

#### iv) Highways

The proposal will utilise an existing access. Highways have raised no objections to the proposal and therefore the proposal is in accordance with criterion vii) of Policy GEN6.

v) Drainage

Concerns have been raised from the occupants of no 6 Pen y Gelli about the adequacy of the drain serving the dwellings along Pen y Gelli. At the time of writing the report, a response from the internal drainage section has not been received to comment on the capacity of the drain in this location. The drain is owned by Denbighshire County Council. In relation to ENP4 – Foul and Surface Water Drainage, the proposed development is considered to be acceptable as the proposal seeks to connect to the existing sewer.

**SUMMARY AND CONCLUSIONS:**

8. The application site is in the open countryside where the proposal for infill development is in accordance with Policy HSG5. There will be no adverse impact on visual or residential amenity and there are no highway concerns to be raised. Drainage seeks to connect to the existing sewer which is in accordance with Policy ENP4.

**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 access to the site shall be laid out and constructed in accordance with Drawing Number 02/19'A' and completed before the dwelling is occupied.
3. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.
4. The surface of the access shall be paved with a bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs before the development is brought into use.
5. 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.
6. 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.
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 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. 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.
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.
4. To ensure that no deleterious material is carried on to the highway.

5. In the interests of residential and/or visual amenity.
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.

**NOTES TO APPLICANT:**

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

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

**ITEM NO:** 13

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

**APPLICATION NO:** 21/2006/1449/ PF

**PROPOSAL:** Erection of extension to existing garage to form additional garage and stables together with overnight accommodation

**LOCATION:** 1, Tyddyn Daws Cadole Mold

**APPLICANT:** Mrs J Jepson

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. LLANFERRES COMMUNITY COUNCIL  
"What is the justification for the proposed application? How is material to be removed from the bank and what is the method of disposal? Proposed plan for accommodation is outside the development boundary."
2. AONB COMMITTEE  
The JAC has no observations on the principle of the proposed development but would prefer to see more natural local stone facing materials, and also recommends that an appropriate scheme of landscaping for the site be carried out as part of the development.
3. HEAD OF TRANSPORT AND INFRASTRUCTURE  
Awaiting response

**RESPONSE TO PUBLICITY:**

Letter of representation received from the following:

1. Mrs J. C. Mc Creddin, Cae Gloch, Ruthin Road, Cadole.

Summary of planning based representations:

- i) Concerns about highway implications. An application for the erection of a bungalow on land adjoining 1 Tyddyn Daws was refused in 1989 for reasons in relation to amenity impact on no 1 and 2 Tyddyn Daws and in relation to the standards of visibility and absence of radius splays at the junction of the access track with the 494 being inadequate to accommodate further development.

**EXPIRY DATE OF APPLICATION: 04/02/2007**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is within the Clwydian Range AONB, within the development boundary of Cadole and forms part of the curtilage area of the dwelling known as 1 Tyddyn Daws. There is an existing single storey double garage within the curtilage area of the dwelling, located to the side rear of the dwelling.

2. Access to the site is directly off the A494 via a single lane track, this access serves nos 1 and 2 Tyddyn Daws and Cae Gloch.
3. The current proposal is for the erection of an extension to the existing garage to form an additional garage, two stables, a tack room and accommodation. The proposal is to provide bed and breakfast type accommodation for horse and rider to visitors of the area.
4. This proposal is an alteration to a previously approved application for the erection of a garage extension, two stables and a tack room to be used for the personal enjoyment of the applicant and not for any business or commercial venture.

**RELEVANT PLANNING HISTORY:**

5. **21/2006/0761/PF** – Erection of extension to existing garage to form additional garage and stables. Granted with conditions on the 8<sup>th</sup> September 2006.

**31/10637** – Development of land by the erection of a bungalow (outline application). Refused on 17<sup>th</sup> July 1989 for reasons in relation to the access and impact on the residential amenity of no's 1 & 2 Tyddyn Daws.

**PLANNING POLICIES AND GUIDANCE:**

6. 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

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle of development
  - ii) Impact on visual amenity
  - iii) Impact on residential amenity
  - iv) Highway considerations
  - v) Impact on AONB
8. In relation to the main planning considerations as noted above:
  - i) Principle:  
The application site is within the development boundary of Cadole where the principle of development is considered to be acceptable. The curtilage area of the property extends beyond the development boundary, but the location of the proposed extension is within the allocated development boundary. This is in accordance with policy GEN1.
  - ii) Visual amenity  
The size, scale and design of the proposed development is considered to be acceptable in relation to criterion i) of policy GEN6. The materials proposed are to be stone (on the gable) and render with a slate roof to match the existing garage and dwelling. This is considered to be in accordance with policy GEN6 of the Denbighshire UDP.
  - iii) Residential amenity  
There is another dwelling close to the application site; this is no 2 Tyddyn Daws. The rear elevation of this dwelling currently faces the side of the existing garage, the proposal will mean that the front elevation of the stables will be facing the rear of no 2. There is a distance of some 10m between the existing dwelling and the proposed stables with an existing fence and some vegetation separating the two. The proposal is only single storey in height and thus the outlook of the residents will not be compromised as a result of the proposal. This is in accordance with criterion v) of policy GEN6.
  - iv) Highways  
No official response from the highways department has been received at the time of writing the report. Concerns have been raised in relation to the access track serving the application site, no 2 Tyddyn Daws and Cae Gloch. An application for a permanent residential unit was refused in 1989



on the basis of poor visibility and the absence of radius splays which was inadequate to accommodate further development. The current proposal for the erection of B & B accommodation is not considered to have an unacceptable impact on highway safety as the limited number of horses and people staying at the premises would be an additional two. Based on this it is considered that the proposal is in accordance with criterion vii) of policy GEN6.

v) AONB

Comments received from the AONB indicate that there are no objections to the proposed development, but comment on the materials to be used for the proposal. They suggest that stone would be a more appropriate material for the AONB, this proposed on the gable elevation of the extension. Overall there will be minimal impact on the character and appearance of the AONB and as such the proposal is in accordance with policy ENV2.

**SUMMARY AND CONCLUSIONS:**

9. The proposal is for the erection of an extension to the existing garage to form an additional garage, two stables, a tack room and a unit of accommodation to be used as B & B for people and horses. The principle of development is considered to be acceptable, as is the impact on visual and residential amenity. Concerns have been raised by neighbours in relation to the access for the proposed development not having adequate visibility onto the A494. This proposal is not for a permanent unit of accommodation and as such the use would not be as intensive as another permanent dwelling unit. The impact on the AONB is considered to be acceptable and in accordance with policy ENV2.

**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. All stonework proposed for use in the construction of the building(s)/walls shall be local natural limestone of uniform colour to match the existing building(s)/walls in texture, type, colour, mortar and pointing.
4. The use of the accommodation hereby approved shall be used for Bed and Breakfast purposes only or as ancillary accommodation in connection with the main use of the dwelling at no. 1 Tyddyn Daws and not as a separate unit of residential accommodation or for a livery or riding school activity.

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 and residential amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 14

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2006/1422/ PC

**PROPOSAL:** Continuation of use of dwelling as residential guest house

**LOCATION:** Tyddyn Bryn Rossa Prion Denbigh

**APPLICANT:** Ms Claire Andrews

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. LLANRHAEADR COMMUNITY COUNCIL  
"The council has no further observations to make on the above planning application"

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. C & HM Graham, Ysgubor Bryn Rossa, Prion

Summary of planning based representations:

- i) Use of shared driveway and safety of the access through their residential curtilage;
- ii) Impact upon residential amenity – noise and disturbance.

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

1. Permission is sought for the continuation of use of the dwelling Tyddyn Bryn Rossa as a guest house. The dwelling has 4 bedrooms of which 3 are used for the accommodation of guests. In total Tyddyn Bryn Rossa can accommodate 6 guests at any one time. Guests stay for either 3 nights or a week. There is no daily turnaround of guests. Once there, guests undertake a range of activities including exploring the surrounding countryside with transport provided.
2. Tyddyn Bryn Rossa is located adjacent to Bryn Rossa Farm House and Ysgubor Bryn Rossa, a converted outbuilding. The curtilage of Tyddyn Bryn Rossa includes a large parking and turning area capable of accommodating several vehicles. Access to the property is via a driveway which is approximately 100 metres long, and links the property with the unclassified lane from Llanrhaeadr.

**RELEVANT PLANNING HISTORY:**

3. **23/2003/0582**  
Change of use of store barn to dwelling with office and conversion of shed to store, workshop and garage to be used in connection with a joinery/building business. Refused 30/7/2003 due to insufficient marketing having been undertaken and its potential impact on neighbouring residential amenity. It is noted that the Highways Authority raised no objections to this application which proposed a commercial use and relied upon the same access arrangements as the application currently being considered.

**23/2004/0584/PF**

Conversion of barn to dwelling, Granted 17/8/01 with conditions

**23/2005/1397/PF**

Erection of a pitched roof extension to side dwelling and change of use of land to form extension to residential curtilage. Granted 5/1/06 with conditions.

**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 TSM 5 – Rural Tourism
  - Policy TSM 7 – Serviced Holiday Accommodation

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

- 5.
- i) Principle of proposal
  - ii) Impact upon residential amenity
  - iii) Access issues
6. With regard to the considerations in paragraph 4:
- i) Principle of Proposal  
The principle of a guest house in this location is judged using Policies TSM 5 and TSM 7. Both policies aim to ensure that proposals for tourism and serviced accommodation are of a character and scale which is appropriate for the area. As such this proposal relates to a building which has already been converted, as required by TSM 7 criterion iii). The scale of the proposal – 3 guest rooms, providing a maximum of 6 guests at any one time – is not considered to constitute over development. It is therefore acceptable in principle.
  - ii) Impact on residential amenity  
Tyddyn Bryn Rossa is located to the rear of Ysgubor Bryn Rossa. The impact upon neighbouring residential amenity is assessed as being little different to that of a residential 4 bedroom dwelling. The key difference would be the number of cars arriving and leaving the premises. It is anticipated that the number of vehicle movements will average around 12 per day, with 3 guest cars arriving and departing per week.  
  
Whilst it is clear that this proposal would result in some increased activity, it is not considered that it would be sufficient impact upon residential amenity to warrant a refusal on these grounds alone. This application is therefore acceptable in terms of impact on residential amenity.
  - iii) Access issues  
Concerns have been raised about the suitability of the access. The Highway Authority have verbally expressed no concern in the matter, referring to their comments on application number 23/2003/0582. This application is discussed in the planning history section of the report. Based on these comments it is concluded that the proposal presents no problems regarding the access and highway safety.

**SUMMARY AND CONCLUSION**

7. The proposal complies with policy and is considered acceptable in terms of its impact on residential amenity and highway safety.

**RECOMMENDATION: GRANT:-**

There are no conditions:-

**NOTES TO APPLICANT:**

None

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

## THE FORMER NORTH WALES HOSPITAL, DENBIGH

### 1. PURPOSE OF REPORT

- 1.1 The report is a bi-monthly update for the Committee on progress relating to the implementation of the Section 106 Agreement and development generally at the site.

### 2. PROGRESS SINCE LAST REPORT

- 2.1 The last information report was presented to the 24<sup>th</sup> January, 2007.
- 2.2 There have been two meetings of the NWH Development Team on the 25<sup>th</sup> January, and 27<sup>th</sup> February. Issues under discussion have included:

#### Health and Safety/Site Security

The North Wales Police representative has visited the site and has suggested measures to improve site security. Works have been carried out to board up ground floor openings.

#### Listed Building Consent

The County Conservation Architect has met the owner's architect to clarify information requirements for a listed building consent application, which is being prepared.

#### Submission of surveys and details required by planning consent / S.106 agreement

The owner and architect have been reminded of the necessary details which require submission to comply with the planning consent, and to co-ordinate with the listed building consent. Work is progressing on the preparation of a number of reports. A concept plan is to be developed as a basis for guiding future discussions and submissions, based on a design brief and phasing plan.

### 3. RECOMMENDATION

- 3.1 That Committee accept this information report.

**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 date of Site Visits required. At Planning Committee on 21st February 2007, it was requested that a list of dates be drawn up for the ensuing year

**2. DATE OF THE SITE VISITS**

- 2.1 In consultation with County Clerk's Department, and the the Chair and Vice Chair of Planning, it has been decided that the following dates are suitable. These fall on the Friday immediately prior to the Planning Committee in each case.

<b>2007</b>	<b>2008</b>
16th March	18th January
13th April	15th February
18th May	14th March
15th June	18th April
27th July	
31st August	
5th October	
2nd November	
7th December	

**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 the Friday before each Planning Committee, in accordance with the list specified in the report