

PROTOCOL FOR PLANNING COMMITTEE

The following sets out the method by which the Chair of Planning Committee will conduct the Planning Committee in the interests of clarity, consistency, and fairness in proceedings.

In endorsing the protocol and its objectives, the Council emphasized that there must be no pre-Committee lobbying by Members of one another. The ability of non Members of the Committee to speak with the consent of the Chair provides sufficient a mechanism for all views to be expressed at the meeting.

1. The Chair will open proceedings at 9.30 a.m. and welcome all to the Planning Committee.
2. Officers will advise the Committee of any changes in substance to the agenda or its order including public speaking, deferrals and withdrawals. This will be reinforced by the Addendum Report - Late Letters and Amendments ("the blue sheet").
3. Any requests for applications to be brought forward to the start of the meeting will be proposed by Members, and subject to a seconder, will be subject to vote.
4. Applications involving public speakers will normally be considered at the start of the agenda.
5. Applications with public speakers will normally be considered before those without speakers.
6. The following will be the order of debate on each item (planning application or enforcement report) before the agenda:
 - i) Public speakers against and for to speak in accordance with the public speaking protocol.
 - ii) The Chair to seek proposers and seconds for the recommendation or any other alternative motions.
 - iii) Officers will introduce the item setting out the main planning issues including reference to visual displays.
 - iv) If a proposal to defer for a Members Site Inspection Panel is proposed and seconded, the issue as to whether a Site Inspection

Panel shall be held and the planning reasons for such a panel shall be debated first. This is in the context that the request for a Site Inspection Panel should normally be in advance of the Planning Committee as set out in the Guidelines for Site Inspection Panels.

- v) If any application has been subject to a previous Site Inspection Panel, the Chair will invite those Members who attended including the Ward Member, to speak first, before other Members.
- vi) On other applications, the Ward Member will be invited to speak first.
- vii) Members will be limited to a maximum of five minutes speaking in accordance with standing orders.
- viii) Once a Member has spoken, the Member shall not speak again unless seeking clarification on a point arising from the debate and only once all other Members have had the opportunity to speak and with the agreement of the Chair.
- ix) Following the debate the Chair will ask Officers to respond to any questions and sum up any issues arising from the debate including advice on a potential resolution in conflict with Officer recommendation.
- x) The Chair will put any motions to the vote.
- xi) The Chair will not tolerate any interruptions by Members without his agreement or audible conversations between Members or Officers which do not form part of the debate.
- xii) Failure to abide by the above protocol will lead in the first instance to a warning from the Chair. Further failures may result in a motion under Standing Order 18.3 that the member be not heard further, leading ultimately to a motion under Standing Order 18.4 that the member leave the meeting in the event of continued improper behaviour.
- xiii) The Chair will state clearly the decision once the resolution is made.

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

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

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

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

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ITEM NO: 1

WARD NO: Denbigh Lower

APPLICATION NO: 01/2006/1432/ PF

PROPOSAL: Change of use of, and two-storey pitched-roof extension to existing dwelling to form new restaurant/bistro with self-contained accommodation to first-floor and 2 No. bedrooms for B & B purposes. Formation of new car park.

LOCATION: Alafowlia Farm Rhyl Road Denbigh

APPLICANT: HCFS Limited

CONSTRAINTS: HSE Consultation zone

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

CONSULTATION RESPONSES:

1. DENBIGH TOWN COUNCIL
"The Council does not wish to raise any objections to the application"
2. WELSH WATER
No objections subject to conditions relating to sewerage being imposed.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to conditions relating to parking and access arrangements being imposed.
4. PUBLIC PROTECTION
No objection provided that adequate mitigation measures are put in place to deal with noise and odour pollution.
5. COMMUNITY SAFETY OFFICER
Awaiting response.
6. DENBIGH CHAMBER OF TRADE
Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Mr. Marshall, 7 Llys Gwydyr, Denbigh
2. Mr. G. Mathews, Rhandir Mwyn, Llanrhaeadr
3. S. J. Denly MRICS, 1, Llys Gwydyr, Denbigh

Summary of representations:

- i) Encourages anti-social behaviour
- ii) Increase in noise resulting in loss of residential amenity
- iii) Increase in traffic resulting in loss of highway safety
- iv) Loss of privacy
- v) Over development of the site

EXPIRY DATE OF APPLICATION: 07/05/2007

**PLANNING ASSESSMENT:
THE PROPOSAL:**

1. The proposal is to demolish existing stone barns and alter the remaining farm house to create a restaurant with small bed and breakfast facilities. The ground floor would accommodate the lounge / bar area, the restaurant area, kitchens and toilets. The first floor would accommodate three letting bedrooms and a two bedroom manager's accommodation unit.
2. The site is located on Rhyl Road to the north of Denbigh Town centre. The surrounding area is predominantly residential, although commercial uses can be observed 60 metres north of the site on the opposite side of the road. These include a petrol station, and off licence and several retail units dealing in furniture. Immediately south and east of the site is the Anwyl Estate.
3. The existing dwelling is a square shaped, two storey, detached property set back some 37m from Rhyl Road. Revised submitted plans indicate front, side and rear extensions to the dwelling in both two and single storey.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy EMP 4- Employment Development within Development Boundaries

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) Highways
7. In relation to the main planning considerations as noted in paragraph 6:
 - i) Principle of Development
The site is located within the development boundary of Denbigh but outside any designated policy area. The most relevant adopted policy within the UDP is EMP 4 which allows for employment development within development boundaries providing it is of an appropriate scale, type and character for the area. Given the nature of this proposed use and the general character of the area it is considered that the proposal is acceptable in principle.
 - ii) Impact of Visual Amenity
The work involved would create a street frontage facing onto Rhyl Road. The surrounding area is an eclectic mix of building styles. This proposal seeks to retain an element of the existing farm house and replace the demolished stone outbuildings by way of two storey stone front gable. Materials are to be render to match the existing farm house and stone reclaimed from the barns. It is considered that the proposed design is acceptable and that the visual amenity of the area would not be adversely affected.
 - iii) Impact of Residential Amenity
It is considered that proposals of this nature may affect residential amenity by way of noise, odour, increased activity and loss of privacy. Public Protection notes that provided hours of operation are imposed, and adequate method of control over extraction of fumes is established, that the proposal is

acceptable.

With regard to loss of privacy / overlooking it is noted that with the exception of two ground floor restaurant windows to the southern elevation there are no principal windows proposed in locations likely to impact upon surrounding neighbours. Privacy of neighbours can be further protected through screening to the north and south boundaries.

iv) Highways

Sufficient parking has been indicated and the existing access onto Rhyl Road would be improved. The Highways Authority has not raised any objection to the proposal.

SUMMARY AND CONCLUSIONS:

8. The proposal is acceptable in terms of planning policy and recommended for permission subject to condition.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roof of the development hereby permitted and no materials other than those approved shall be used.
3. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the local planning authority, and which shall be completed prior to the proposed development being brought into use.
4. Full details of the alterations to the existing access shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted is commenced.
5. The access shall be completed to the satisfaction of the Local Planning Authority before the use hereby permitted is commenced.
6. The premises shall not be open to customers outside the following times and days: 08.00 hours to 23.00 hours Monday to Sunday inclusive and the premises shall be vacated by customers by 23.30 hours.
7. No deliveries shall take place at the premises outside of the hours 08.00 hours to 18.00 hours Monday to Saturday inclusive.
8. Prior to the commencement of the use of the premises, equipment for the treatment and extraction of fumes and smells resulting from the preparation and cooking of food shall be installed in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Following its installation, the equipment shall be operated whenever preparation and/or cooking of food is taking place.
9. 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.

10. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To provide for the loading, unloading and 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. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. In the interest of free and safe movement on traffic on the adjacent highway.
6. In the interests of amenity of occupiers of neighbouring properties.
7. In the interest of residential amenity.
8. In the interests of amenity.
9. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
10. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

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

WATER SUPPLY:

The developer is advised to contact as New Connections Design Department, Players Industrial Estate, Swansea, S46 5BQ to discuss prior to the commencement of any site work. Tel: 01792 841000 for further information on this matter.

ITEM NO:	2
WARD NO:	Ruthin
APPLICATION NO:	02/2006/1302/ PR
PROPOSAL:	Details of siting, design and external appearance of 3 dwellings, means of access and landscaping submitted in accordance with Condition No. 1 of outline planning permission Ref No. 02/2001/0744/PO
LOCATION:	Tennis Club Bryn Goodman Ruthin
APPLICANT:	P Morgan
CONSTRAINTS:	Public Footpath / Bridleway
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. RUTHIN TOWN COUNCIL
'No objection. Our concerns remain regarding over-concentration of proposed dwellings and lack of open space for three detached dwellings'.
2. WELSH WATER
Standard advice and conditions regarding separation of foul and surface water.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
Highlights the following:
 - i) That the amended proposed site plan does not encroach onto the adjacent public footpath.
 - ii) The car parking accommodation for plot 3 has also been amended but includes the double garage which has to be discounted in line with SPG21. Suggest that the parking detail layout is revised to accord with SPG21.

RESPONSE TO PUBLICITY:

Letters of representation received (on revised plans) from:

1. H. & B. Williams, 11, Wern Uchaf, Rhuthun
2. G. Francis Roberts, Hafod, Wern Uchaf, Rhuthun
3. C. & C. Atkinson, Syreste, Wern Uchaf, Ruthin
4. A. & S. Kilday, Bryn Awel, Wern Uchaf, Ruthin
5. Mr David C Jones, Hafan Deg, Wern Uchaf, Ruthin
6. Miss B J Williams, Maes Teg, Wern Uchaf, Ruthin

Summary of planning based representations:

Design

- Inclusion of 3 no. buildings inappropriate and not justified/too much for the site
- Proposed relationship with respective ridge line heights unclear
- Inappropriate detailing relative to other new houses in locality

Drainage

- Lack of details

Amenities

- No reference to ground floor levels

Trees/landscape

- Impact of protecting existing boundary oak tree
- Impact of boundary oak tree on houses
- Inappropriate landscaping

Parking and highways

- Insufficient space and impractical solution, particularly for plot 3, involving a cramped arrangement for parking and turning.
- Access onto Wern Uchaf involves additional highway dangers.
- Likely to generate off street parking, causing further disturbance to Wern Uchaf residents
- Will add to existing traffic/parking issues

Public footpath

- Adverse impact on use of adjacent public footpath.

Other issues

- Lack of clarity in ownership and maintenance responsibilities with boundary hedge

EXPIRY DATE OF APPLICATION: 11/01/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site is situated between the residential areas of Wern Uchaf and Bryn Goodman, to the west of Ruthin School. A public footpath runs along the easterly boundary of the site. An existing bowling green and club house adjoins the western boundaries of the site, with residential properties to the north and south.
2. An outline application for the development of the site was reported to the Planning Committee in December 2001. Members resolved to grant planning permission for residential development (code 02/2001/744/PO), subject to the completion of a Section 106 legal agreement, securing the provision of a replacement recreational space in Ruthin.
3. The replacement recreational space has been secured through the Tennis Club development at Lon Fawr under planning permission code 02/2003/0813, issued in early 2006. This allowed the completion of the legal agreement and the release of the outline planning permission on the Bryn Goodman site in June 2006. This outline planning consent reserves all detailed matters for approval at detailed plan stage. As part of the outline application indicative plans for either 2 pairs of semi-detached units or 2 detached units were submitted. The notes to applicant on the certificate of decision confirmed these illustrations and access were treated as illustrative only.
4. This current application shows details of three (3no) detached, two storey dwellings, on the old Tennis Court site. Two of the units include detached garages (plots 1 & 2), whilst plot 3 includes an integral garage. Vehicular access is intended via Wern Uchaf.
5. The plan attached to this report indicates the proposed layout. This revised plan has been submitted following clarification of issues of landownership and

relationship with the adjacent public footpath. The receipt of revisions involved an amended south east elevation plan for plot 3.

6. As part of the application, the following additional information has been submitted:
 - Design Statement
 - Cross –sectional details

Briefly, the submitted design statement acknowledges the following facts:

- In this fringe area, a mixed form of residential properties exist, including semi detached, large and small detached houses and bungalows.
- Wern Fechan includes a line of post war semi detached houses.
- New, modern design properties exists along Wern Fechan, changing the character of the locality
- New design/building in locality reflect a similar approach e.g. Oaklea, continued with design principles for this application.
- Existing site hedge and tree features retained. (initial plans included for their removal)
- Design criteria included for tree protection measures
- Plot 3 sited to ensure maximum privacy for Llys Deri
- Wern Uchaf properties have a lower roof pitch to their roofs; other properties include steeper pitches.
- Full economic use of land involved

The cross- sectional details clarify the relationship between ridge heights and levels.

7. Having regard to the timing involved with the outline application, there is no requirement for the provision of affordable housing on this particular site.

RELEVANT PLANNING HISTORY:

8. Code 02/2001/744/PO
Development of land for residential purposes (outline application) Granted
05/06/2006

PLANNING POLICIES AND GUIDANCE:

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 1 – General
 - Policy STRAT 5 – Design
 - Policy STRAT 6 – Location
 - Policy GEN 1 – Development within Development Boundaries
 - Policy GEN 2 – Development of un-annotated land
 - Policy GEN 6 – Development Control Requirements
 - Policy GEN 10 - Supplementary Planning Guidance
 - Policy HSG 2 - Housing Development in Main Centres
 - Policy ENV 7 – Landscape/Townscape features
 - Policy ENP 4 – Foul and Surface Water Drainage
 - Policy TRA 6 – Impact of New Development on Traffic Flows
 - Policy TRA 9 – Parking & Servicing Provision
 - Policy TRA 10 – Public Rights of Way

Supplementary Planning Guidance Notes:

- SPG 2 - Landscaping
- SPG 6 – Trees and Development
- SPG 18- Nature Conservation and Species Protection
- SPG 21 - Parking Requirements in new developments

GOVERNMENT GUIDANCE

Planning Policy Wales – March 2002
Ministerial Interim Planning Policy Statement 01/2006

TAN 5 – Nature Conservation and Planning
TAN 12 – Design
TAN 18 – Transport (March 2007)

MAIN PLANNING CONSIDERATIONS:

10.

- i) Principle
- ii) Impact on residential amenities
- iii) Design
- iv) Highways- access, parking and public footpath
- v) Drainage
- vi) Trees and landscaping

11. With regard to the main considerations:

i) Principle

The grant of outline planning permission has previously established the principle for residential development for this site.

ii) Impact on residential amenities

Given the orientation of the existing and proposed dwellings, the fenestration details, and the revisions to the rear elevation of plot 3, the new dwellings would not result in any direct overlooking onto the adjacent residential properties.

The site is relatively flat, with no significant difference in levels relative to the majority of immediate/ surrounding properties. The submitted plans indicate the slab level to be set at the existing site level, with the ridge height of plots 1 and 2 similar to that of the adjacent 2 storey, semi detached 'Syreste', to the north. The ridge height of the Plot 3 unit would be approximately 0.5 metres higher than the ridge of the dormer bungalow, Llys Deri to the south.

Garden areas and ridge levels of Wern Uchaf properties (separated from the application site by the public footpath) are lower than those on the application site.

Sufficient amenity areas are provided for each plot, and are comparable with those of other similar sized properties in the immediate locality.

iii) Design

The proposal is to use facing brickwork and slate as external materials, which are common to a number of properties in this area. The basic form of the units would be acceptable in an area of mixed designs and ages.

It is not considered that the scheme represents an overdevelopment of the site, particularly having regard to the nature of development in the vicinity. The proposal satisfies the relevant design criteria as outlined in Policy GEN 6.

iv) Highways– access, parking and public footpath

The revised plan has clarified the following highway issues;

- Relationship with the public footpath
- Width of proposed vehicular access point from Wern Uchaf
- Relationship with the existing Wern Uchaf turning head, adjacent to the site access point
- Extent of turning space within the application site

The principle of a development of 3 dwellings is acceptable, given the character, width and existence of limited number of properties served off Wern Uchaf, The agent is aware of the Highway Officers request for parking

detail amendments, and at the time of writing the report a revised parking plan awaited. An update will be provided at Planning Committee.

v) Drainage

The agent is aware of the conditions suggested by Welsh Water and there are other related controls under Building Regulations, on the separation of foul and surface water systems.

vi) Trees & Landscaping

The boundary oak tree is retained as part of the proposal. Plan A with this report highlights the position of this tree.

The Council's Arboricultural Officer has advised that

- The tree is particularly large, with a number of spreading branches, with possible indications of early infection /some stress; the crown appearing a little thin in places
- He does not recommend a TPO.
- A condition survey should be carried out by an approved arboriculturist .

The development should not threaten the future of the tree. However, should the details be approved, a condition survey can be included by a planning condition.

In relation to the easterly hedge, the proposal is now to retain and enhance this feature.

Additional landscaping and planting can be required by inclusion of a planning condition.

SUMMARY AND CONCLUSIONS:

12. The proposal is not considered likely to adversely affect the current level of amenities enjoyed by occupiers of neighbouring properties, and the development is supported subject to conditions.

RECOMMENDATION: - APPROVE subject to the following conditions:-

1. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority: report providing a methodology and mitigation works to avoid and minimise any adverse affects on the existing oak tree on the site. The report should include reference to foundation design, drainage, ground surface material, grading levels, finish and utility service provision, together with work implementation practices and responsible parties, and the development carried out in strict accordance with the approved details.
2. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
3. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees

or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

4. No external wall 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 of the development hereby permitted and no materials other than those approved shall be used.
5. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
6. 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 dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
7. The car parking spaces on the approved plan shall be completed prior to the commencement of use of any of the houses hereby approved.
8. All planting, seeding, turving, 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 final dwelling 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 safeguard the existing tree on the site, in the interests of the visual amenities of the locality.
2. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
3. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
7. In the interests of highway safety and the amenities of the locality.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Ruthin

APPLICATION NO: 02/2006/1305/ PF

PROPOSAL: Creation of outdoor seating/smoking areas on existing flat roof sections

LOCATION: Corporation Arms Stryd Y Castell Ruthin

APPLICANT: P Hughes & C Crawley

CONSTRAINTS: Listed Building
Conservation Area

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

CONSULTATION RESPONSES:

1. RUTHIN TOWN COUNCIL:
"No objections"
2. SENIOR CONSERVATION OFFICER:
No objections provided the character and fabric of the listed building is not adversely affected
3. PUBLIC PROTECTION
Awaiting response

RESPONSE TO PUBLICITY:

Representations received from:

1. Mrs. J. Jones, Sir John Trevor House, Castle Street, Ruthin
2. Margaret Reain, 8a, Castle Street, Ruthin
3. Mr David McGeough, The Wine Vaults, 2 Castle Street, Ruthin

Summary of planning based representations:

- i) Affect of noise on residential amenity
- ii) Concerns about objects being thrown into the adjoining car park

EXPIRY DATE OF APPLICATION: 28/03/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal relates to a flat section of roof located to the rear of The Corporation Arms public house, a Grade II listed building. The proposal involves the laying of timber decking above the flat roof using wooden bearers bolted to the wall. Black painted cast iron railings would be erected to protect the windows which face onto the proposed seating area. These windows serve the managers living accommodation and so to retain an element of privacy they are proposed to be

fitted internally with a self adhesive obscure sheet. For security purposes it is proposed to cover the seating area with CCTV.

2. The site is flanked on either side by the public house's first floor accommodation. Immediately to the west of the site is a large car park belonging to the neighbouring public house, The Wine Vaults. The car park is separated from the application site by a brick wall. Access to the site is therefore through the public house only.
3. The site is located within the Ruthin Conservation Area, and is also within the designated town centre area of Ruthin. As such the surrounding area is characterised by commercial and retail uses, although further along Castle Street some residential use is evident.
4. A listed building application for the proposed works has been submitted to the Local Planning Authority but as no concerns have been raised on the issues pertaining to the Listed Building it will be dealt with under delegated powers in liaison with CADW.

RELEVANT PLANNING HISTORY:

5. 02/2006/0173/PF & 02/2006/0174/LB
Pictorial Hanging sign, amenity signs, and 4 uplights to front roof – PENDING

02/2006/0648/LB
Replacement of ground floor windows and internal alterations - PENDING

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy CON 2 – Extension or Alteration to Listed Buildings
Policy CON 5 – Development Within Conservation Areas

SUPPLEMENTARY PLANNING GUIDANCE

SPG 13 – Conservation Areas
SPG 14 – Listed Buildings

GOVERNMENT GUIDANCE

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

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:
 - i) Principle of Development
 - ii) Impact upon visual amenity / Listed Building
 - iii) Impact upon residential amenity
8. With regard to the considerations in paragraph 7:
 - i) Principle of Development
The principle of the development is acceptable and would fall within the broad objectives of Policy GEN 6.
 - ii) Impact upon visual amenity
The application site is largely hidden from public sight given its location to the rear of the building and the high rear boundary wall. The impact upon the visual amenity of the area is therefore considered to be acceptable and the character of the conservation area would not be harmed. The proposed works could easily be undone and the fabric of the listed building be returned to its original state. It is not considered

therefore that the character of the listed building would be harmed as a result of this application.

iii) Impact upon residential amenity

Neighbours have raised concerns about the increase in noise and disturbance that would result from this application. These comments are duly noted. However, it is considered that given the town centre location of the site, the proposal would result in activities in keeping with the area. Further, it is considered that the rear yard could be used by smokers without planning permission and so any increase in outdoor activity could occur regardless. This proposal therefore affords the Council a degree of control on the use of the area, which other wise does not exist. The issue of damage being caused to vehicles in the car park is addressed through the installation of CCTV.

SUMMARY AND CONCLUSIONS:

9. 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 use of the seating/smoking area shall not commence until the CCTV camera has been installed and is in operation.
3. No sound amplification or loudspeakers shall be operated externally from the public house without prior written agreement with 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 order to maintain control over the proposed users, and to reduce crime and disorder.
3. To protect the amenities of occupiers of nearby properties.

NOTES TO APPLICANT:

You are hereby reminded that the works to which this permission relates also require Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence for demolition works or other operations affecting the character of a listed building (including internal alterations) to be carried out without Listed Building Consent; no such works should therefore be carried out until Listed Building Consent has also been granted.

ITEM NO: 4

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2007/0233/ PF

PROPOSAL: Erection of sun-room and terrace over existing flat-roofed area at rear of dwelling

LOCATION: 18 Tan Y Bryn Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr Roger Bennion

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

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

CONSULTATION RESPONSES:

1. LLANBEDR DYFFRYN CLWYD COMMUNITY COUNCIL
Awaiting response

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 22/04/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. 18 Tan-y-Bryn is a detached, 2 storey dwelling sited in a relatively large curtilage. The rear garden slopes downwards towards the A494.
2. The proposal is to erect a first-floor sun room over the existing flat-roof bedroom to the rear of the dwelling with a terrace area. This would involve the removal of the existing conservatory structure. The proposed sun room measures 3.8m in length, 3.8m in height to the ridge and 6m in width. The additional terrace would project a further 1.2m. Both would be covered by a pitched-roof constructed from concrete tiles to match the existing dwelling.
3. The application is presented to Planning Committee as the applicant is currently working on planning issues on behalf of the Council.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within Development Boundaries.
Policy GEN 6 – Development Control Requirements
Policy ENV 2 – Development affecting the AONB
Policy HSG 12 – Extensions to dwellings

Supplementary Planning Guidance Note no. 1 – Extensions to dwellings

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of Development
 - ii) Visual Impact/Impact on AONB
 - iii) Residential Amenity Impact

7. In relation to the main planning considerations as noted in paragraph 6
 - i) Principle of Development

The site is located within the development boundary for Llanbedr D.C and in accordance with Policy GEN 1 of the Unitary Development Plan, it is reasonable to allow a householder development on this site. There is an existing lean-to conservatory structure which is located (in part) in the position of the proposed sun room extension and which has been in existence for many years. As such, the principle of enlarging the dwelling in this location is acceptable.

 - ii) Visual amenity impact/Impact upon AONB

The site is located amongst similar dwellings in a relatively well developed part of the designated AONB. The proposed sun room and terrace are to be constructed in sympathetic materials and would be of an acceptable scale and form not projecting beyond existing ridge lines or projections. It is not considered, given the modest size of the extension and its location, there would be any significant impact on visual amenity or the designated AONB in compliance with Policy ENV 2.

 - iii) Impact on residential amenity

Given the presence of the existing first floor conservatory structure, it is not considered that the existing and subsequent levels of neighbour amenity would be significantly affected. The orientation of the dwelling, the modest size of the extension and distances to neighbouring properties mean the proposal is generally compliant with criteria given in policies and guidance of the Unitary Development Plan for such household extensions.

SUMMARY AND CONCLUSIONS:

8. The proposal is compliant with planning policy and the application is recommended for approval.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the roof of the development hereby permitted shall be of the same texture, type and colour as those on the roof of the existing buildings.

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: 5

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2006/0800/ PO

PROPOSAL: Development of 0.83 hectares of land for residential purposes and construction of new vehicular/pedestrian access (outline application)

LOCATION: Land Adjacent To Pen Y Stryt Farm Llandegla Wrexham

APPLICANT: Mrs S Williams Blythen

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDEGLA COMMUNITY COUNCIL
"No objection to the proposals but would make the following comment: that the hedgerow along the roadside be replaced following the new outline proposed".
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to the inclusion of conditions.
3. DWR CYMRU/WELSH WATER
Concern expressed that the proposed development would overload the public sewer system.
4. ENVIRONMENT AGENCY
No objection subject to a condition

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. D. & P. Roberts, Pant y Fedwen, Pen Llan, Llandegla
2. Steve Swygart, Ceiriog, Allt yr Efail, Llandegla
3. awen_williams@hotmail.co.uk (petition)
4. L Hiles - 2 Pen Llan, Llandegla
5. D. H. Rhodes, Bodidris Shoot, 1, Bodidris Cottages, Bodidris Estate
6. N J & S Hughes, Llys Eithin, Llandegla sjhddd@btinternet.com

Summary of planning based representations:

- i) Loss of hedgerow/wildlife
- ii) Impact on character of the village
- iii) Highway Safety Issues

EXPIRY DATE OF APPLICATION: 14/5/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises 0.83 ha of agricultural land located within the development boundary of the village of Llandegla. The application site is part of a large field, which in total measures 1.8ha. The site is bounded on its north eastern, south east and western boundaries by mature hedgerows and is open to its north western boundary to the remaining part of the field. The site slopes down to the east, but at the road frontage, is located at a higher level than the adjoining

highway.

2. There is an existing access to the site adjoining a playing field, which is located adjacent to the north eastern boundary of the site. There is also a bus stop located along the frontage opposite the entrance road to the Pen Llan development. There are currently no footways along the frontage of the site. Dwellings in the vicinity comprise a mix of single and 2 storey units, some front on to the main highway with others forming part of small culs de sac. To the south western boundary is a small field which is part of Pen y Stryt farm.
3. This application seeks outline permission for the development of the land for residential purposes. The application includes approval of the means of access, however all other matters are reserved for further approval.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 Development within development boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy HSG 4 Housing Development in Villages
 - Policy HSG 10 Affordable Housing within development boundaries
 - Policy REC 2 Amenity & Recreational open space requirements in new developments
 - Policy TRA 6 Impact of new development on traffic flows

GOVERNMENT GUIDANCE

Planning Policy Wales – March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Highway Issues
 - v) Affordable Housing & Open Space
7. In relation to the main planning considerations above:
 - i) Principle of development

The application site is located within the development boundary of Llandegla. The principle of residential development is considered acceptable provided the proposal complies with all other relevant planning policies. The plan submitted with the application showing 19 dwellings is for indicative purposes only, siting has not been included for approval in this outline application.
 - ii) Impact on residential amenity

The site is located opposite an established residential area. Subject to the appropriate siting, design and external appearance of properties it is not considered that there would be any adverse impact on the amenities of existing residents in the area.
 - iii) Impact on visual amenity

Subject to appropriate siting, design, external appearance and landscaping of the site it is not considered that there would be any adverse impact on the visual amenities of the area. The site's location within a small village and its proximity to open countryside requires the use of sympathetic materials and landscaping which would be considered as part of a reserved matters

application.

iv) Highway Issues

The application proposes the widening of the village road and the provision of footways along the site frontage, along with the formation of a new access to the site and re-location of the existing bus stop along the frontage. The proposed access would be located to the north eastern end of the site frontage, with visibility splays of 4.5m by 70m in both directions. In the northerly direction, this crosses land on the playing field owned by the Council, in respect of which no objections have been raised by the Valuation & Property Manager. The bus stop is to be located closer to the junction with the A5104. Highways have raised no objection to the proposal subject to conditions, ensuring acceptable construction details and that the visibility splays are kept free of obstruction in excess of 1.05m high.

v) Affordable Housing & Open Space

The applicant is aware of and has agreed to the provision of 30% affordable housing and open space in accord with the Council's policies. A planning condition should be included in any permission to ensure these requirements are met in any future detailed planning applications.

SUMMARY AND CONCLUSIONS:

8. The principle of residential development is considered acceptable and subject to appropriate siting, scale, external appearance and landscaping of the site, which would be dealt with at reserved matters stage. It is not considered that there would be any adverse impact on visual or residential amenity. There are no objections on highway safety grounds. Affordable Housing and Open space requirements would need to be resolved at detailed plan stage.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall not begin until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision of affordable housing as part of the development. Such details shall include:
 - (i) 30% affordable housing units and the type and location to be determined;
 - (ii) timing of the construction of the affordable housing;
 - (iii) the arrangement to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.
5. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision and maintenance of open space in accordance with the policies of the Local Planning Authority.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces drainage to the system unless otherwise agreed in writing by the Local Planning Authority. Surface water generated from new impermeable surfaces must be limited to equivalent Greenfield rate for the site, the level of which to be agreed with the Agency.
9. Prior to the commencement of the development, full details of the road widening, access, footway, relocation of the bus stop and associated highway works adjacent to the site as indicated on the approved plan including the detailed design, construction, drainage, street lighting, and any planting or fences adjacent to the footway shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed strictly in accordance with such agreed details before any dwelling is occupied.
10. The visibility splays shall be laid and in accordance with the approved plan and shall at all times be kept free of any planting, tree or shrub growth or any obstruction in excess of 1.05m above the level of the adjoining carriageway.
11. The bus stop, details to be agreed by Condition 9, shall be re-located and completed prior to the commencement of any construction works.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Unitary Development Plan.
5. In order to ensure an adequate provision of open space in accordance with planning policy REC 2 of the Unitary Development Plan.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To ensure satisfactory drainage of the site and to avoid flooding.
8. To prevent the increased risk of flooding on and off-site.
9. In the interest of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
10. To ensure that adequate visibility is provided at the proposed point of access to the highway.
11. In the interest of highway safety and residential amenity

NOTES TO APPLICANT:

Your attention is drawn to the responses attached from Dwr Cymru Welsh Water and the Environment Agency.

You are advised to contact the Local highway Authority to discuss the requirements of the footway and the highway improvements including details of the internal estate road and drainage at an early stage.

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: 6

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2007/0080/ PF

PROPOSAL: Conversion of and extension to shippon to form 2 No. two-storey dwellings, installation of private treatment plant and alterations to existing vehicular access. Formation of new vehicular access to Faenol Farmhouse and demolition of disused barn.

LOCATION: Faenol Pentre Celyn Ruthin

APPLICANT: Denbighshire County Council

CONSTRAINTS: Wildlife Site
Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

1. LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL
Concerns raised over the following issues:
'The desecration of our rural life in particular agriculture by Denbighshire County Council.
Housing in rural areas must be given priority.
Faenol to remain as a working farm.
More assistance to be given to younger members of our community to start and remain in agriculture. Property conversion now being proposed should be only for letting/ sale to the local community'.
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objections
3. PUBLIC PROTECTION
No objections
4. COUNTRYSIDE COUNCIL FOR WALES
No objections, recommend a bat and bird survey is undertaken

RESPONSE TO PUBLICITY:

None received

MEMBERS' COMMENTS:

None

EXPIRY DATE OF APPLICATION: 19/03/2007**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal is for the conversion of the outbuildings at Faenol Farm. The proposal is a County Council application and therefore has to be considered by Planning Committee.
2. Comprising of the shippon and attached brick and corrugated buildings to be demolished, the conversion proposes 2 no. 3 bedroom dwellings. Alterations

proposed are the raising of the ridge line to allow for first floor accommodation and the rebuilding of a section to the west of the building; efforts have been made to retain the existing openings and original character of the building.

The former farm-yard is proposed to be divided to provide separate amenity space and parking and turning for both units. A new vehicular access is proposed to gain access to the western unit on the south east utilising the existing agricultural access. Retaining walls are proposed on the east side of the building as the land will be excavated from the existing rear elevation.

3. The application is accompanied by a detailed structural report and justification statement which comments on the adequacy and suitability of the outbuilding for the scheme of conversion. A supporting statement has also been submitted which refers to the suitability of the buildings for employment use. The rural location and access track render the site unsuitable for regular use by large vehicles and may only take vehicles of two axles and a maximum of 16 tonne. As Denbighshire County Council is not within ownership of the lane leading to the property, any widening or improvements would require consultation with the adjoining owner and removal of hedgerows resulting in loss of habitat if upgrade was deemed necessary for business use. Additionally the services to the site are for domestic use only and not suitable for commercial premises. There could be amenity issues with the close proximity of the existing dwelling to the barn if a commercial use was proposed. The statement also makes reference to the absence of any grant funding and the economic viability of the site for conversion to business use which would not be commercially viable.
4. Located 500m to the west of the A525 in Pentrecelyn, Faenol Farm is accessed off a single track road serving Faenol, Faenol Bach and a disused quarry. A public right of way also bounds the south of the application site. The complex comprises the existing farmhouse which is a large two storey dwelling. Divided by a courtyard to the south east is the shippon and outbuildings.

RELEVANT PLANNING HISTORY:

5. No relevant planning history.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development outside development boundaries.
Policy GEN 6 – Development Control Requirements
Policy HSG 9 – Residential conversion of rural buildings to dwellings

SPG 16 – Conversion of Rural Buildings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Visual Appearance
 - iii) Residential Amenity
 - iv) Highways
 - v) Ecological impact
 - vi) Comments of Community Council
8. In relation to the considerations as noted in Paragraph 7 above:-
 - i) Principle
The principle of the proposal is considered acceptable. In terms of Policy

HSG 9 the applicants have submitted a statement which refers to the business use. It is considered that the letter is adequate and demonstrates that the proposal complies with the policy. The building is considered to be structurally sound and capable of conversion. The visual appearance is considered acceptable as discussed below. The conversion will not have an unacceptable impact on the character of the building and the character and appearance of the countryside; it is located in close proximity to the existing farmhouse and has an adequate curtilage with suitable boundary treatments.

- ii) Visual Amenity
In terms of the impact on the building, the alterations have been designed to have minimal impact on the form of the existing building. Although some alterations are proposed, these are in keeping with the outbuilding and the extension replaces elements that will be demolished and remains subsidiary in appearance to the existing building. It is considered that the sympathetic conversion would preserve the building from further degradation which complies with Policy HSG 9. .
- iii) Residential Amenity
The proposal will not impact on the privacy and amenity of nearby occupiers. The proposal will not overlook the adjoining property or cause a loss of amenity. There is a substantial amount of amenity space proposed for both dwellings on alternative sides of the building.
- iv) Highways
The proposal will not impact on highway safety. There is an adequate access and parking and turning for the proposed dwellings and the existing farmhouse. Two access points serve the conversions, an access is proposed to the farmyard as existing and as existing to land to the south east of the proposal. The public right of way will not be affected and a note will be attached to ensure it is not obstructed when works commence.
- v) Ecological impact
Approval of the proposal is subject to a bat and bird survey. This will provide details of any species using the barns and mitigation measures for their protection.
- vi) Comments of Community Council
The comments of the Community Council have been addressed in the planning considerations. It has been demonstrated that the building is in need of repair, is not presently used and is not viable for commercial purposes; therefore the scheme of conversion is acceptable. The relevant policies of the Unitary Development Plan do not require provision for affordable housing to be made in this type of application and as such the comments of the Community Council in relation to affordability and local need are not matters that can be pursued with the applicant.

SUMMARY AND CONCLUSIONS:

- 9. The proposal is acceptable and subject to condition is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.

3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Notwithstanding the provisions of Class(es) A, B, D, 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 approval in writing by the Local Planning Authority.
6. No dwelling shall be occupied until parking spaces and access thereto have been laid out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority.
7. The proposed septic tank and ancillary soakaway system shall conform to BS6297:1983 and no part of the system shall be sited within 10 metres of any watercourse.
8. No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats and birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of {bats/birds.....} shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.
9. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of residential and/or visual amenity.
6. In order that adequate parking facilities are available within the curtilage of the site.
7. To ensure the proper drainage of the site and to minimise the risk of pollution.
8. In the interests of any protected species on the site.
9. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.

NOTES TO APPLICANT:

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

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

If evidence of storage/spillage of agro-chemicals are found in or around the farm buildings/outbuildings/area, then it would be prudent to investigate the potential for residual contamination. Should you require any advice on this issue please contact Denbighshire County Council's Public Protection Department on 01824 706137.

ITEM NO: 7

WARD NO: Tremeirchion

APPLICATION NO: 41/2007/0130/ PF

PROPOSAL: Demolition of existing single-storey dwelling and erection of two-storey dwelling and detached garage with store over

LOCATION: Yew Tree Bodfari Denbigh

APPLICANT: Mr D McKenzie

CONSTRAINTS: Previous Mining Area
Conservation Area
AONB

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

CONSULTATION RESPONSES:

1. **BODFARI COMMUNITY COUNCIL**
'The building would not be in keeping with the area and any replacement should be a one storey dwelling. The building would impose on the adjoining bungalow, Bryn Orme and restrict the view of Fairholme.

The development is adjacent to a conservation area and there should be more sensitivity to the visual impact. It should be sympathetically replaced by a building of similar height'.
2. **COUNTY ARCHITECT**
No objection, generally speaking the design is reasonable and an improvement on the existing building.
3. **HEAD OF TRANSPORT AND INFRASTRUCTURE**
No objection, subject to condition regarding parking and turning.
4. **AREA OF OUTSTANDING NATURAL BEAUTY, JOINT ADVISORY COMMITTEE**
The JAC has no objection to the demolition and replacement of this property in the Conservation Area but there is a need to carefully consider the detailing of the proposed new dwelling to ensure that it is sympathetic to the character of the Conservation Area and AONB. In particular, the brick and render finishes will be critical, and the brick soldier courses above openings should be deleted.

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr Richard Roberts, No. 1 Railway View, Bodfari
2. Shaun Badby, Fairholme, Bodfari

Summary of representations:

- i) Concerns over the height of the boundary fencing
- ii) Concerns over height of garage
- iii) Potential for subsidence

EXPIRY DATE OF APPLICATION: 16/05/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is for the demolition of Yew Tree House adjacent to Railway View in Bodfari. Sited on a similar footprint to the existing building, although angled slightly from the road, the proposed two-storey dwelling comprises of 4 bedrooms. A single storey garage is proposed on the north west, in front of the dwelling, with a parking and turning area to the front and private amenity space to the rear.
2. Yew Tree Cottage is a single storey timber clad chalet style dwelling located on the southern side of the main approach road to the centre of Bodfari, which is also a Conservation Area. The dwelling occupies a roughly triangular shaped site between the dwellings of Fairholme to the west and Bryn Orme to the east. Fairholme is a large two storey dwelling with the front elevation orientated west and Bryn Orme is of similar style to Yew Tree House, with the front elevation orientated north. To the south of the site the land level falls and is abutted by open agricultural land.

RELEVANT PLANNING HISTORY:

3. None.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 - Development Control Criteria
 - Policy ENV 2 - Development affecting the AONB
 - Policy CON 5 - Development within Conservation Areas
 - Policy GEN 1 – Development within Development Boundaries

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle
 - ii) Visual appearance/impact on Conservation Area
 - iii) Amenity
 - iv) Highways
 - v) Comments of the objectors
6. With regards to the considerations in paragraph 5 above:-
 - i) Principle

The principle of the redevelopment of the site within the development boundary is acceptable and complies with the criteria of GEN 6. CON 5 states that proposals will be acceptable in the Conservation Area where they preserve or enhance its character, similarly Policy ENV 2 permits development in the AONB which would not detract from its character and appearance. It is considered that the proposal will make a positive contribution to the Conservation Area and will not detract from the character and appearance of the AONB.
 - ii) Impact on the visual amenity

Visually the proposal will blend well into the surrounding area and will preserve and enhance the character of the Conservation Area. The proposal reflects traditional characteristics of the surrounding area and represents a significant improvement on the existing structure which makes no contribution to the Conservation Area or the context of the surrounding village. The levels combined with the siting will allow the dwelling and garage to fit in with the streetscene. Although the rear elevation is more modern in design, it is not visible from any public vantage point in the Conservation Area and the extensive glazing utilises the south facing aspect and views onto the open countryside.

- iii) Impact on Residential Amenity
 In relation to the height of the proposal, the ridge height of the proposal is 2.65m higher than the existing dwelling. However owing to the levels this increase can be accommodated and the proposed dwelling will provide a more gradual break between the two storey Fairholme and single storey Bryn Orme. The new dwelling will be some 3.6m further away from the neighbouring boundary to the west than the existing and only 1.6m closer to the boundary to the east where a traditional stone wall and hedge will be provided for increased screening. The precise detail of the materials such as the render will be subject to condition. There are no habitable room windows on either side elevation. Owing to the levels, the siting, and the distance between the adjacent dwellings, the proposal will not appear overbearing or impact on the amenity of the adjacent occupiers. The boundary wall will be a maximum of 1m in height from the neighbouring property therefore not impacting on amenity; the 1.8m boundary fence will replace the existing patched fence on this elevation. The issue of subsidence and structural stability would be considered by Building Control.
- iv) Highway Issues
 There is an existing access to the site off the road which will be retained. Facilities are provided within the site for the parking and turning of vehicles as well as double garage. The height of the garage which is set back 1m from the road frontage, has been dropped and will not impact on the access from the adjacent property.
- v) The comments of the objectors have been noted and addressed in the planning considerations above.

SUMMARY AND CONCLUSIONS:

- 7. The proposal is acceptable and is recommended for permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.
3. Prior to the commencement of the application of any render, a sample panel 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. 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 east and west elevations of the dwelling hereby permitted at ground/first, floor level, unless otherwise agreed in writing by the Local Planning Authority.
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.

7. The garage, parking and turning facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plans. The works shall be completed prior to the proposed development being brought into use.

8. Notwithstanding the provisions of Classes A, B, D, 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 approval in writing of the Local Planning Authority.

9. Prior to its erection a sample panel of the stone wall to be erected to the east of the site shall be constructed on site and only those details subsequently agreed shall be used thereafter.

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 maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
8. In the interests of residential and/or visual amenity.
9. In the interests of the visual amenity of the Conservation Area.

NOTES TO APPLICANT:

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

ITEM NO: 8

WARD NO: Dyserth

APPLICATION NO: 42/2007/0106/ PR

PROPOSAL: Details of siting, design and external appearance of 3 dwellings, landscaping and means of access submitted in accordance with Condition No. 1 of Outline Planning Permission Ref. No. 42/2003/1494/PO (Revision of Application Ref. No. 42/2004/1068/PR)

LOCATION: Land adjoining No. 19 Rhodfa Gofer Dyserth Rhyl

APPLICANT: Mr David Kett

CONSTRAINTS: Previous Mining Area

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

CONSULTATION RESPONSES:

1. **DYSERTH COMMUNITY COUNCIL**
"Object, the Council has always indicated that there should be no development of this land and considered the building of 3 no. dwellings to be over intensification of development".
2. **LANDSCAPE ARCHITECT**
No objection.
3. **HEAD OF TRANSPORT & INFRASTRUCTURE**
Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representations received from:-

1. A. & J. F. Tobin, 4, Rhodfa Gofer, Dyserth
2. Dr. F. Campbell & Mrs J Campbell, 23, Parc Gwelfor, Dyserth (Petition) (2)
3. P. & N. Burton, 25, Parc Gwelfor, Dyserth
4. Mrs. A. Daley, 5, Rhodfa Gofer, Dyserth (2)
5. K. J & D.C Adams, 19, Rhodfa Gofer, Dyserth
6. P & G Wilkinson, 6 Rhodfer Gofer, Gwelfor Park, Dyserth
7. Mr & Mrs Yates, 18 Rhodfa Gofer, Gwelfor Park, Dyserth

Summary of planning based representations:

- i) Concern over access and safety issues
- ii) Land has been incorporated within the site from the adjoining land protected by Policy GEN 5
- iii) Scale of the development
- iv) Impact on character and appearance of the area

EXPIRY DATE OF APPLICATION: 26/03/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises 0.17ha of vacant land which fronts onto Rhodfa Gofer on the edge of an established residential estate. It slopes downwards from east to west, and from south to north and there are several trees present. The site lies within the defined settlement boundary of Dyserth and has no specific designation in the Unitary Development Plan. Outline planning permission for residential development was granted in February 2004 with all matters reserved for further approval.
2. This application is a 'revised' reserved matters submission dealing with the siting, design and external appearance of 3 no. dwellings, means of access and landscaping, submitted in accordance with Condition 1 of the outline planning permission Code No. 42/2002/1494/PO, granted in February 2004. A previous reserved matters application for 3 dwellings was approved in June 2005.
3. The scheme involves split level units with rooms on 2 floors fronting the estate road and 3 storeys at the rear, facing north.

RELEVANT PLANNING HISTORY:

4. 42/2003/1494/PO Development of 0.17ha of land for residential purposes (outline application) GRANTED 26th February, 2004.

42/2004/1068/PR Details of siting, design and external appearance of 3 dwellings submitted in accordance with condition no 1 of outline planning permission ref 42/2003/1494/PO APPROVED 22nd June, 2005.

42/2005/0884/PF Erection of 2 detached dwellings and construction of new vehicular access at plots 4 & 5, REFUSED September 2005 and DISMISSED on appeal February 2006.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy HSG 3 – Housing development in main villages
Policy GEN 6 – Development control requirements

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
7. In relation to the main planning considerations above:
 - i) Principle of development
The principle of the development has been established by the grant of outline planning permission in February 2004. The subsequent reserved matters application accepted that 3 no. dwellings with detached garages can be accommodated on the site with off street parking and sufficient amenity areas. In relation to concerns that the rear boundary of the site has been moved, further to the north and is encroaching into open countryside, it would appear the deviation is marginal from that shown on the original plans. As

the extent of incursion is extremely limited (in the order of 1 metre) this is not considered to be significant, and it is to be noted that the red line defining the application site boundary has not altered since the approval of the reserved matters submission in 2005.

ii) Impact on visual amenity

The size, scale and design of the 3 no. detached dwellings has altered from the scheme previously approved, which involved 2 storey dwellings. Due to the sloping ground levels of the site, constructing the previously approved scheme with slab levels higher than the natural ground level, would have required the construction of high retaining walls along the rear boundary of the site. The proposal for dwellings with a 3 storey section at the rear would not be out of keeping with the area and neighbouring properties, as there would be very little difference in ridge heights, given the use of lower pitches, and with improved landscaping it is not considered that there would be an adverse impact on the character and appearance of the area. It is proposed to plant a traditional high hedge along the rear boundary which would be more in keeping with the character of the open countryside beyond. Provided appropriate external materials to match the locality are used, it is not considered that there would be any adverse impact on the visual amenities of the area.

iii) Impact on residential amenity

The siting and design of the properties would be acceptable in relation to impact on nearby properties. Windows have been located sympathetically to minimise impact on the privacy of adjoining residents, and therefore it is not considered that there would be any unacceptable impact on existing residents or future occupiers of the proposed dwellings.

iv) Highway considerations

The proposed driveways would have a gradient of 1 in 6, which would be similar to that of other properties in the locality due to the topography.

SUMMARY AND CONCLUSIONS:

8. The principle of the development is considered acceptable with no adverse impact on visual amenity, residential amenity or highway safety.

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

1. 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.
2. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied. The drainage details shall include an assessment of the capacity of the existing ditch/culvert at the foot of the site to accommodate any increased surface water flows.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

1. In the interests of visual amenity.
2. To ensure satisfactory drainage of the site and to avoid flooding.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

You are reminded of the requirement to comply with condition 6 of outline planning permission ref 43/2003/1494/PO as follows:

"No dwelling shall be occupied until a 1.8m wide footway has been completed adjacent to the existing highway across the total site frontage in accordance with details to be submitted to and approved in writing by the Local Planning Authority"

You are advised to ensure that the drainage ditch and culvert are properly maintained to ensure that future flooding problems do not occur at the site or further downstream.

ITEM NO: 9

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2007/0054/ PR

PROPOSAL: Details of design and external appearance of building and landscaping submitted in accordance with condition no. 1 of outline planning permission code no. 43/2006/0462/PO

LOCATION: Land at (part garden of) 110 Ffordd Talargoch Prestatyn

APPLICANT: Mr N Heckman

CONSTRAINTS: Previous Mining Area
Groundwater Vulnerability
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection"

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. C Evans, 139 Ffordd Talargoch, Meliden
2. Richard Jones Abbas, 4 Llys Celyn, Meliden

Summary of representations:

- i) Impact on view
- ii) Impact on established landscaping
- iii) Conflict of land ownership

EXPIRY DATE OF APPLICATION: 26/04/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Reserved matters approval of design, landscaping and external appearance of the outline permission granted under 43/2006/462/PO for 110 Ffordd Talargoch, Prestatyn is sought.
2. The proposed 4 bedroom dwelling is an identical design to the existing dwelling at 110. To the rear a double garage to 110 is included in the proposal and a single garage for the new dwelling.
3. No. 110 is a large 3 storey detached dwelling located off Ffordd Talargoch which is bounded by the development boundary of Meliden. There are side windows facing the site. There are a number of mature trees bounding the site and within the application site.

RELEVANT PLANNING HISTORY:

4. 43/2006/462/PO Original outline application. Granted 06 September 2006

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Considerations
Policy HSG 3 – Housing Development in Main Villages

Planning Policy Wales – March 2002

MAIN PLANNING CONSIDERATIONS:

- 6.
- i) Principle
 - ii) Visual Appearance
 - iii) Residential Amenity
 - iv) Comments of the Objectors
7. In relation to the main considerations in paragraph 5:-
- i) Principle
The principle of the proposal accords with Policy GEN 6 and has been established in the outline application.
 - ii) Visual appearance
The visual appearance of the proposal is acceptable. The proposed dwelling will reflect the existing dwelling and will not appear out of keeping with the area. Although works have been carried out on site, no alterations are proposed to the remaining landscaping. All materials will match the existing dwelling.
 - iii) Amenity
The proposal will not impact on the privacy and amenity of nearby occupiers. It is considered that there is adequate spacing between the rear of the properties on Llys Celyn and the application site so as not impact on amenity.
 - iv) Comments of the objectors
The comments of the objectors have been addressed in the above planning considerations. The issue of land ownership and the impact on the view are not considered material to this planning application for reserved matters.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: APPROVE RESERVED MATTERS

No conditions imposed.

NOTES TO APPLICANT:

None

ITEM NO: 10

WARD NO: Prestatyn Central

APPLICATION NO: 43/2007/0174/ PF

PROPOSAL: Replacement of flat roof to dining-room with pitched roof and erection of extension to dining-room and existing balcony at rear of dwelling

LOCATION: Walden Bishopswood Road Prestatyn

APPLICANT: Mr J Horton

CONSTRAINTS: Previous Mining Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
No objection to original plans, reply pending for amendments.

RESPONSE TO PUBLICITY:

Letters of representations received to original plans from:-

1. Mrs and Mr Taylor, Firbank, 9 Orme View Drive
2. Mr and Mrs Hannen, 7 Orme View Drive

Summary of representations:

- (i) Overbearing impact on properties to the west.
- (ii) Impact on the character of the original dwelling
- (iii) Concerns over the stability of the surrounding land

EXPIRY DATE OF APPLICATION: 10/05/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for alterations and an extension to the rear of Walden. An extension of 0.915 m in length is proposed from the rear elevation taking the existing flat-roof to a pitched roof. The pitched roof is set down from the existing roof by 0.35m, with similar eaves level. Full level glazing is proposed on the extension and French doors to the balcony. The balcony projects a further 0.585m from the rear extension with a glazed balustrade. In total the extension projects 1.5m from the rear elevation.
2. Walden is a large detached dwelling located off Bishopswood Road in Prestatyn. Accessed from Orme View Drive via a narrow driveway, the dwelling is located on an elevated site overlooking Orme View Drive. Walden has recently been extended to the north with the addition of a 4.6m two-storey extension.

RELEVANT PLANNING HISTORY:

3. 43/2004/982/PF Erection of pitched roof extension at side of dwelling. Grated
26/08/04

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 6 Development Control Considerations
Policy HSG12 Extensions to Dwellings

SPG 1 Extension to Dwellings

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle
 - ii) Visual Appearance
 - iii) Residential Amenity
 - iv) Comments of the objectors
6. In relation to the main considerations in paragraph 5:-
 - i) Principle

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.
Considering the cumulative impact of the 2004 permission which has been implemented and owing to the small scale of this proposal it is considered that the proposals do not represent an overdevelopment of the site.
 - ii) Visual appearance

The visual appearance of the extension is acceptable and is keeping with the dwelling. The pitched roof represents an improvement on the existing flat-roof arrangement; the reduced ridge complies with SPG 1. The materials will match the existing dwelling.
With regard to the character of the area, it is noted that dwelling design in the area is mixed with varied fenestration patterns and features.
 - iii) Residential amenity

Existing rear bay windows and the balcony of Walden look towards adjacent properties. As the proposal projects no further than the existing balcony it will not increase the overlooking potential. No. 7 and no. 9 Orme View Drive have rear garden depths of 21m at a lower level and there is a further 5m to the extension. Therefore considering the existing arrangements, the distance and levels, the proposal will not impact on the privacy or amenity of the dwellings below.

The proposal will not have an overbearing impact on the properties to the west. The projection of less than 1m with a pitched roof over which is set down from the existing ridge level would not appear overbearing when viewed from the dwellings below.
It is considered that the glazed balcony proposed to replace the existing timber framed balcony will reduce the overall visual impact of the balcony and actually blend the balcony better into its glazed setting. The stability of the land would be assessed under Building Control.

SUMMARY AND CONCLUSIONS:

7. The proposal is acceptable and is recommended for grant.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The 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:**WARD NO:** Prestatyn North**APPLICATION NO:** 43/2007/0210/ PF**PROPOSAL:** Removal of existing play area and construction of new multi use games area and play area**LOCATION:** Festival Gardens Ffrith Beach Victoria Road West Prestatyn**APPLICANT:** Mr M P Hall Denbighshire County Council**CONSTRAINTS:** C1 Flood Zone
Article 4 Direction**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - No Neighbour letters - Yes**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL
"No objection"
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection
3. DWR CYMRU WELSH WATER
No objection
4. ACCESS OFFICER
No objection

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. Ffrith Beach Action Group

Summary of planning based representations:

- i) Location of small children's play area and 5 a side pitch too close together
- ii) Not enough benches for parents to sit and supervise their children
- iii) Proximity to lake – danger to children
- iv) Proximity to Ferguson Avenue, noise pollution
- v) No provision for lighting

EXPIRY DATE OF APPLICATION: 21/03/2007**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

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 were developed in the mid 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 0.07ha of land which is located to the north of the lake on a vacant, level area currently used as informal open space.

2. This application is for the removal of the existing play area and construction of a new multi use games area (MUGA) and new play area. It is proposed to develop a Multi Use Games Area (MUGA), measuring 26m (length) & 15m (wide) with a 3.0m high mesh fencing surrounding it. The fenced games area would contain 2 No. basketball/netball hoops with associated support frames and five a side goals. The surface of the MUGA would be a porous tarmac.
3. The existing play area is to be removed and re-sited adjacent to the proposed MUGA. The equipment is suitable for children of different ages and consists of a range of swings and see-saws, slide, activity centre, stepping stones with colour graphics and a roundabout.

RELEVANT PLANNING HISTORY:

4. **PRE/371/93**

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

43/2007/0036/PF

Development of part of go-kart track as adventure minigolf and associated works GRANTED at Planning Committee on 21st March, 2007.

43/2007/0159/PF

Removal of existing features and remodel existing pedestrian entrance area GRANTED at Planning Committee on 21st March, 2007.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd 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 REC 4 Recreation Facilities within Development Boundaries
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 residential amenity
 - iii) Impact on visual amenity
 - iv) Highway issues
 - v) Safety Issues
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 a children's play area, which was implemented but as part of this application is to be relocated adjacent to the proposed MUGA. Policy REC 4 in the UDP

permits new and improved recreation facilities within development boundaries, subject to traffic, parking, amenity and environmental impacts being acceptable. The improvement of sport and recreation facilities is therefore supported as it can benefit both residents and visitors. The Ffrith is designed for tourism and recreational uses, and is considered an acceptable site for the development of a MUGA. It is understood that part of the funding for the MUGA is to be obtained from commuted sums for off-site recreation provision linked to the Tower Beach residential development. The MUGA would be close to this development and linked by footpaths.

- ii) Impact on residential amenity
The area proposed for the MUGA and play area is located approx 60m to the west of the boundary with the nearest residential property on Ferguson Avenue. With regard to lighting, low level lighting is proposed to allow the facility to be used over the winter. It is not proposed to install floodlights.
- iii) Impact on visual amenity
From the A548 Coast Road/Victoria Road West, the facility will be relatively hidden as it is located well within the site which has some established screen planting. The residential properties are located some distance away. It has to be accepted that the site is currently an informal area of open space and the proposal is to create a large hard surfaced area with play equipment. It is considered there would be limited visual impact from the low level lighting proposed as part of the scheme.
- iv) Highway issues
There is a large car park adjacent to the nearby entertainment building, which is accessed off Victoria Road West. The access has been constructed to an acceptable standard and can accommodate the traffic likely to be generated by the proposal and the use of the site as a whole, as a tourist attraction and recreation facilities. No objections have been raised by the Head of Transport & Infrastructure.
- v) Safety Issues
The Ffrith Beach Action Group have expressed concerns over the proximity of the children's play area to the MUGA and its proximity to the lake. Unlike the current facility on the site, it is proposed to fence off the play equipment and its location is no nearer the lake than the existing site. With regard to the proximity of the play equipment to the MUGA, there are many similar examples of this arrangement. With regard to the comments relating to maintenance, the Council would be responsible for this as the site is on land retained by the Council.

SUMMARY AND CONCLUSIONS:

- 8. The proposal within a Tourist Development Area would also benefit local residents and is considered acceptable with no adverse impact likely on the amenity of local residents or on the visual amenities of the area. There are no concerns relating to highway issues.

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

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. Prior to the commencement of the development, details of the location, height and type of lighting proposed shall be submitted to and approved in writing by the Local Planning Authority and the development shall only proceed 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. In the interest of visual and residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Rhyl West

APPLICATION NO: 45/2005/0862/ PF

PROPOSAL: Change of use from Class A1 shop to 1 No. self-contained flat

LOCATION: 169 Wellington Road Rhyl

APPLICANT: Mrs F M Marsden

CONSTRAINTS: C2 Flood Zone
CLA-Class A Road
C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No Objection"
2. ENVIRONMENT AGENCY
No objection subject to conditions and compliance with FCA.
3. HEAD OF TRANSPORT AND INFRASTRUCTURE
No Objection.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 19/11/2006

REASON WHY DELAY IN DECISION:

- Additional information required by applicant
- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is located within a local shopping parade to the west of Rhyl. The property is 3 storey located on the corner of Wellington Road and Bridge Street.
2. The application property contains self contained flats (3 no.) on the upper floors with a vacant retail unit at ground floor.
3. Permission is sought to convert the vacant ground floor shop unit into a self contained flat. The application is reported to Committee due to the proposal representing a departure from the adopted Unitary Development Plan.

RELEVANT PLANNING HISTORY:

4. **45/2001/209/PF**

Retention of shop use on ground floor and conversion of upper floors to 3 no. self contained flats and external alterations to front and side elevations - GRANTED
21/5/01

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy RET 10 - Local and Neighbourhood Shopping Centres
SPG 7 – Self Contained Flats

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of use
- ii) Impact on neighbour amenity
- iii) Impact on highway safety
- iv) Flood Risk

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

i) Principle

The application site is located within a designated local shopping centre (Policy RET 10) where changes of use of Class A1 shops to residential will not generally be permitted. As such, the proposal represents a departure from the Unitary Development Plan. However, when looking at the intentions of the relevant policy more closely one should also have regard to issues such as the length of time a unit may have been vacant, whether there is a general convenience store in existence in the parade and the general character/quality of the existing shopping centre.

In this instance, the ground floor unit in question has been vacant now for some 7 years at least. It has been boarded up and is not adding any vitality and viability to the parade. A convenience store does exist within this block, amongst 2 no. public houses, 2 hot food takeaways, an off-licence and another 2 no. vacant units. It is considered, therefore, that having regard to all of the above the proposed change of use would not significantly harm the intention of the policy and would result in an improvement to the visual appearance of the parade after some 7 years of non-use.

ii) Residential Amenity

The unit is on the corner of Wellington Road and Bridge Street. Bridge Street contains terraces of some 16 no. dwellings and it is not considered that this 1 no. additional flat within the building containing 3 no. already would have any significant impact on neighbour amenity. The size of the flat proposed would comply with adopted standards and provide a satisfactory living environment for future occupants.

iii) Highway Safety

Whilst there is no specific off-street parking available for the proposed self-contained flat there is parking available on street nearby and our highway engineers have accepted this arrangement as acceptable.

iv) Flood Risk

There has been a considerable delay with the application as the site lies within a recognised flood zone. The applicant has revised the internal layout of the building and furnished the Environment Agency with a Flood

Consequences Assessment. The Agency are now content to allow this ground floor unit subject to compliance with details in the submitted Assessment.

SUMMARY AND CONCLUSIONS:

8. Whilst the proposed use of this ground floor unit for residential purposes is contrary to the relevant Unitary Development Plan policy, the proposal is deemed acceptable having regard to the period of vacancy. The use is in compliance with the general development control criteria and other material planning considerations.

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. All measures in Section 9 of the FCA shall be incorporated into the design and redevelopment of the building.
3. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

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 minimise flood risk and maximise mitigation.
3. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.

NOTES TO APPLICANT:

Please note that there is newly modelled off-shore still water level data for the North Wales coast that should be referred to in all future Flood Consequence Assessment work.

Flood Consequence Assessment work should consider all possible sources of flooding (however remote) and it is for that reason that we asked for clarification of what the consequences would be for a promenade breach.

It is not the responsibility of the Environment Agency to suggest mitigation measures for a particular site. There are a number of obvious measures that can be included in a redevelopment (e.g. raised electrics, solid floors, secured manhole covers) that can minimise damage in the event of a flood. Please detail specific mitigation measures in future work as the ODPM publication 'Preparing for Floods' suggests a range of options, many of which are not necessarily applicable to every site.

Where a condition has been imposed which has been suggested by the Agency or which meets the Agency's objective, the Local Planning Authority should consult with the Agency to secure compliance with the condition prior to its discharge.

ITEM NO: 13

WARD NO: Rhyl West

APPLICATION NO: 45/2006/0236/ PF

PROPOSAL: Conversion and alterations including ground floor extension of existing hotel to form 8 no. self-contained apartments

LOCATION: 39/41 Aquarium Street Rhyl

APPLICANT: Mohammed Ishfaq

CONSTRAINTS: Tidal Floodplain
C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"Object on the grounds that the application represents an over intensification of site"
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection
3. HEAD OF HOUSING SERVICES
No formal response
4. DWR CYMRU/WELSH WATER
No response received

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 22/01/2007**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site comprises a traditional pair of 3 storey mid terrace properties located within the development boundary of Rhyl. The use of the properties as a hotel facility ceased some time ago. It has been indicated that in recent years the properties have been operating as bed sit accommodation. However there is no record of this in terms of planning history. Other properties in the area are predominantly in residential use with limited off street parking facilities. On street parking on Aquarium Street is unrestricted.
2. This application is for the conversion and alteration of the properties to provide 8 no. self contained flats. It is proposed to erect extensions at ground and first floor level to the rear of the property. The conversion scheme would provide 6 no. 2 bed

flats and 2 no. 1 bed flats with floor areas ranging from 45 to 55 square metres. Covered bin stores would be provided for each flat to the front and rear.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd 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 development boundaries
Policy HSG 13 Subdivision of existing premises to self contained flats
Policy HSG 15 Residential conversions in East and West Rhyl

Supplementary Planning Guidance 7: Self Contained Flats and Houses in Multiple Occupations

Supplementary Planning Guidance 22: Affordable Housing

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Affordable Housing
6. In relation to the main planning considerations in paragraph 5:
 - i) Principle
The application site is located within the defined settlement limits where residential uses are considered acceptable provided the proposal conforms with other relevant planning policies.
 - ii) Impact on residential amenity
The proposed self contained flats would be predominantly 2 bedroomed accommodation with 2 smaller 1 bed flats, which would meet the floorspace guidelines set out in SPG 7. Whilst the proposal does not provide off street parking facilities, the Head of Transport has raised no objection due to the location of the site in close proximity to Rhyl Town Centre, which is accessible by public transport. The site has an area to the front and rear where bin stores would be provided, which can be secured by a planning condition. It is not considered that the extensions would result in an unacceptable impact on any nearby residential properties, and an acceptable level of amenity would be afforded to future occupiers of the flats.
 - iii) Impact on visual amenity
The external alterations proposed comprise the erection of 2 no. lean-to extensions at first floor level and a pitched roof extension at ground floor level to the rear. The appearance of the building would not be altered on the front elevation. The scale and design of the proposed extensions are in keeping with the property and would not adversely impact on the visual amenities of the street scene or locality.
 - iv) Affordable Housing
The site is located in West Rhyl where the Authority's regeneration strategy seeks to encourage the use of self contained flats, rather than Houses in Multiple Occupation/unlawful use of premises. It is considered in this case

that the proposal meets an identified, acknowledged and over riding approved regeneration aim in accordance with the emerging Council Regeneration Strategy. Taking into account the circumstances and locality of the application it is not considered appropriate to rigidly adopt the Council's affordable housing policy, a stance taken previously by the committee in this area. Other factors to consider are the existing concentration of RSL rented self contained flats in this location and the need to encourage private sector housing in West Rhyl.

v) Flooding

The site is located within a Zone C1 floodplain as identified by TAN 15. In this instance, due to the existing use of the property as a hotel, which like residential development, is a highly vulnerable use/development, there would be no greater risk to life than currently exists, and therefore a Flood Consequence Assessment has not been requested.

SUMMARY AND CONCLUSIONS:

7. The principle of development of a property in West Rhyl into self contained residential accommodation is considered acceptable. There would be no unacceptable impact on residential or visual amenity.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The 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. The bin stores shown on the approved plans shall be provided prior to the occupation of the flats to which they relate and shall thereafter be kept available for this purpose at all times.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interest of residential amenity.

NOTES TO APPLICANT:

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

ITEM NO: 14

WARD NO: Rhyl West

APPLICATION NO: 45/2006/1200/ PF

PROPOSAL: Demolition and redevelopment of 7.625 hectares of land to provide a mixed use development comprising 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations

LOCATION: Ocean Beach Site Wellington Road Rhyl

APPLICANT: Modus Properties Ltd.

CONSTRAINTS: Article 4 Direction
Areas Benefiting From Defences
Groundwater Vulnerability
Historic Contaminative Use
C1 Flood Zone
Wildlife Site

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"While supporting the overall development proposal concerns expressed as to the impact on traffic flows travelling over the Foryd Bridge and caused by the traffic control signals at the junction of Foryd Road and Chester Avenue. Whilst relocation of the Asda store might reduce traffic numbers the problem is known to increase significantly during the summer season suggesting the closing of the Kinmel Bay Asda store will not resolve the problem. Further consideration on this element of the application is requested."
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
Awaiting response to additional information.
3. ENVIRONMENT AGENCY
Site lies entirely within Zone C1 as defined by TAN 15. Section 6 of TAN 15 requires authority to determine whether the development at this location is justified. Awaiting further report on condition of existing sea and tidal defences. Detailed flood risk comments will be produced on submission of the FCA.

Attenuation will be required within the surface water drainage systems.

Recommend conditions relating to contamination and drainage.
4. WELSH WATER
Request hydraulic modelling assessment of the public sewerage system. No problems are envisaged with the capacity of waste water treatment works.
5. COUNTRYSIDE COUNCIL FOR WALES
Satisfied that the measures outlined in the Environmental Assessment are suitable to offset or mitigate any effects on the adjacent wildlife site and protected species.

6. DEPARTMENT OF ENTERPRISE INNOVATION AND NETWORKS (DEIN) – WELSH ASSEMBLY GOVERNMENT
In regeneration terms the scheme will be beneficial. Concerns about job outputs being fully realised; implementation of residential elements to ensure high quality principles are turned into reality; maximising obligations so that significant contributions can be made towards the Foryd Harbour development Question viability of the office development. The siting of office element vis-à-vis hotel will impede views from the hotel of the harbour.

Concerns about amount of retail that will be located on the site and impact on the deliverability of the town centre scheme currently being progressed by WAG and DCC.
7. CIVIL AVIATION AUTHORITY
No objection.
8. CLWYD POWYS ARCHAEOLOGICAL TRUST
Recommend watching brief during excavation and photographic record of amusement park.
9. COUNTY ARCHAEOLOGIST
Recommends archaeological watching brief and photographic survey of funfair. Would also like to see geotechnical work which is to be carried out.
10. ACCESS OFFICER
Awaiting response to additional Access Statement information.
11. CONTAMINATED LAND OFFICER
Recommends conditions to deal with contamination of soil and ground water caused by previous presence of ship building yard and petrol filling station on the site.

Consumer Safety Officer has been involved with contractors working on the removal of underground tanks from a former petrol filling station.
12. SENIOR SCIENTIFIC SERVICES OFFICER
Drainage to the estuary should not affect quality of water in the Foryd, at Rhyl Beach and Marine Lake.
13. CONWY COUNTY BOROUGH COUNCIL
Concerns about retail aspect and loss of convenience and food retailing from Kinmel Bay. Would wish to see smaller convenience store on Kinmel Bay site. Also concerns about impact of traffic flows, tourism market, and offices being contrary to NE Wales Spatial Strategy.
14. HOUSING STRATEGY OFFICER
Awaiting response on additional information.
15. HEAD OF COUNTRYSIDE AND LEISURE
Draws attention to potential Section 106 contributions and possibility of contribution to water sports centre at Marine Lake.
16. HEAD OF DEVELOPMENT SERVICES
Supports proposal.
17. COASTAL DEFENCE UNIT
Access required to sea wall and promenade. Discussions on going with developer as to works required to harbour wall on West Parade side.

18. COUNTY ECOLOGIST
Environmental Assessment addresses concerns. Need for conditions to deal with potential impacts on birds and bats. Landscaping to provide environment for protected species and wildlife corridor.
19. SECTION MANAGER CCTV
Discussions ongoing with developer about linking the development with the existing CCTV system.
20. VALUATION AND ESTATES
Council car park will need to be acquired by the developer. Consent will be required for any works to the Marine Lake embankment.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. West Rhyl Community Company Ltd
2. Rhyl Environmental Association
3. Rhyl Steam Preservation Trust
4. Mr. G. Sheehan, Weighbridge House, Southport Road, Scarisbrick, Lancashire (operator of the Hungry Tum, 2 Sydenham Avenue, Rhyl)
5. Judith Samuel, 6, Seabank Road, Rhyl
6. Gary Web, The Barn, Carroway Head, Canwell, Staffordshire
7. Mr Bradshaw (no address given)

Summary of planning based representations:

- i) Affordable housing - would wish to see developer working with local community to redevelop existing properties rather than provision of a few units of affordable housing or commuted sums to be transferred to DCC or RSL.
- ii) New housing should not be an exclusive gated community and needs to be integrated into West Rhyl community.
- iii) Impact of additional traffic on Kinmel Bay, lights, H Bridge, Blue Bridge, Wellington Road, Vale Road and surrounding residential streets.
- iv) Question whether there is sufficient parking provision for the Asda store as this may result in on street parking in surrounding residential streets.
- v) Food store and other elements need to contribute to reducing unemployment in Rhyl area.
- vi) Leisure uses should not include casino or bingo.
- vii) Scale and height of apartments will have significant visual impact.
- viii) Impact of apartments and wind turbines on bird flight paths.
- ix) Development should be sustainable in design and take into account climate change including recent WAG consultation paper.
- x) Asda may draw away shoppers from Rhyl Town Centre.
- xi) Flood risk measures should not increase flood risk to surrounding areas.
- xii) Question sewerage capacity of systems and treatment works.
- xiii) Noise from development should be mitigated so that it does not have an impact on nearby residential properties.
- xiv) Construction should be monitored to ensure properly carried out.
- xv) Plant species should encourage biodiversity.
- xvi) Public toilets should be provided on the site for visitors to the area and Marine Lake.
- xvii) Nuisance and staining caused by gulls and pigeons needs to be taken into account.
- xviii) Impact of light pollution on natural light over the harbour.
- xix) Replacement of historic theme park with an Asda is a backward step for Rhyl as a tourism resort.
- xx) Closure of Sydenham Avenue at the West Parade end will have an impact on café business.

- xxi) Need for pedestrian access between the development and Sydenham Avenue.
- xxii) Need for pedestrian access and links between the development and the new station to the miniature steam railway and Marine Lake.

EXPIRY DATE OF APPLICATION: 04/02/2007

REASONS FOR DELAY IN DECISION:

- additional information and revised plans required from applicant
- consultation and publicity on revised plans and additional information
- on-going assessment of the application

PLANNING ASSESSMENT:

THE PROPOSAL:

THE PLANNING APPLICATION

1. Full planning permission is sought for a mixed use development on a 7.6 hectare triangular site known collectively as Ocean Beach. A proposal involves the following main elements:
 - i) A retail food store of 9,384 sq.m (101,000 sq.ft). This involves a relocation of the existing Asda at Kinmel Bay to the site. The existing Asda has a floor space of 5,364 sq.m (57,700 sq.ft)
 - ii) 230 dwellings comprising one and two bedroomed flats.
 - iii) A 89 bed hotel.
 - iv) A leisure building of 3,716 sq.m (40,000 sq.ft)
 - v) Office floor space (B1 business) of 3,810 sq.m (41,000 sq.ft)
 - vi) Commercial floor space comprising a mix of A1, A2 and A3 uses with a floor space of 2,149 sq.m (23,100 sq.ft).
 - vii) Car parking facilities to serve the various uses comprising a total of 932 spaces.
 - viii) New access routes and service access to serve the development.
 - ix) Provision of an urban park and promenade.

2. The proposed site layout is indicated on the plans accompanying this report but in summary is proposed as follows:
 - i) The food store to be sited on the south east part of the site with a service area between the store and Sydenham Avenue with service access to be gained from West Parade to the north. The building would be predominantly on a single floor with a mezzanine area to the rear providing a customer restaurant and staff areas. The main entrance of the store would face west fronting the car parks. It would be constructed externally using glazing and metal and timber cladding on a Welsh slate base with a aluminium standing seam roof.

 - ii) 196 one and two bed apartments would be sited on the northern part of the site fronting West Parade. These would be above ground floor commercial uses on 5 floors of accommodation in 4 blocks. The blocks would be approximately rectangular in shape and aligned along a north east – south west access. The external appearance would comprise a mix of white and coloured render panels with coloured balconies and timber infills and aluminium standing seam cladding to the roof. Access would be via entrances off the promenade or from parking area to the rear. Raised garden areas would serve the flats above the rear parking.

 - iii) A total of 34 no. residential units are proposed on the south east corner of the site in a 4 storey L-shaped block. The building would be constructed using a mixture of timber cladding and render with zinc roofs and aluminium clad windows. Parking would be provided at ground floor level.

- iv) The hotel will be situated at the west end of the site and would comprise a six storey building with restaurant, reception and ancillary facilities on the ground floor and bedrooms on the upper five floors. The elevations would comprise a brick ground floor with render panels above punched through with curtain walling and aluminium framed windows. The hotel would have a separate service access and provision for 61 car parking spaces.
 - v) The leisure building would be two storeys in height (maximum height of some 13m) and would be sited towards the western end of the site close to Wellington Road. It would have a mix of aluminium cladding and render and glazing to the elevations. Access would be from an internal service road leading to a parking area for 68 spaces. A servicing access would be located to the north of the building.
 - vi) Ground floor commercial uses (A1, A2 and A3) would front onto West Parade below the apartments and offices (see 7 below). These would comprise glazing and shop fronts at ground floor level. Offices would be provided above an L-shaped block between the apartments and the hotel with 3 floors of office space above the western half and two floors above the eastern half. The elevations will be formed using predominantly brick and glazing with some timber cladding. Vehicular access to the office blocks would be via the new internal road layout from Wellington Road with 28 parking spaces provided.
 - vii) Vehicular access to the development would be primarily from a new highway running through the site linking Wellington Road with West Parade with separate service accesses to the hotel and foodstore. The new highway would serve parking areas for the apartments, offices, foodstore and leisure building with internal access roads serving the parking areas. A new roundabout will be provided at the junction of the new highway and Wellington Road to replace an existing roundabout at the junction of Wellington Road and West Parade. The provision of the new highway would facilitate the closing off of West Parade to vehicular traffic to form a promenade. Quay Street would also be subsumed into the development. Sydenham Avenue would be closed off to through traffic at its northern end. Pedestrian crossing points will be provided across the new highway and across Wellington Road between the site and Marine Lake to the south.
 - viii) Open space will be provided on the site in the form of the newly formed promenade and an urban park linking West Parade with the foodstore and its parking area.
 - ix) Due to the fall in levels across the site from north to south the site would be developed on 2 distinct levels, particularly towards the eastern end of the site. Thus, the apartments would be at promenade level as would be the urban park and the new highway through the site whereas the foodstore and its parking areas, (including some located beneath the urban park) would be some 3.5m lower.
 - x) The proposals also include 10 wind turbines to the promenade area. These would be designed to provide a promenade feature. The scheme overall seeks to achieve a high level of sustainability. In addition to its brownfield and mixed use development credentials, the following elements are sought – high EcoHomes assessment, waste management and energy strategy for the buildings, and green travel plans.
3. The application was received in December 2006. It has been accompanied by the following documents:

- i) Environmental Impact Assessment (together with an addendum)
- ii) Planning Statement
- iii) Regeneration Statement
- iv) Design and Access Statement
- v) Retail Assessment
- vi) Transport Assessment
- vii) Flood Consequence Assessment, and detailed reports on the River Clwyd Embankment, Tidal Inundation and Breach Scenario, and Wave Overtopping
- viii) Geoenvironmental Appraisal

SITE AND SURROUNDINGS

4. The triangular site is bordered by West Parade to the north, Wellington Road to the south, and Sydenham Avenue to the east. Quay Street, an adopted highway, currently runs north to south through the site. The site is currently occupied by the Ocean Beach Funfair, a car park, several residential properties, the site of a former petrol filling station, and hard surfaced areas used for markets and car boot sales and coach and car parking. To the north of the site, beyond the West Parade, lies the River Clwyd Estuary and Foryd Harbour area. To the south of the site, across Wellington Road, lies Marine Lake which is used for water sports and informal recreation and has the miniature steam railway running around it's perimeter. To the east of the site beyond Sydenham Avenue are predominantly residential streets containing terraced housing. At the head of Sydenham Avenue, fronting onto West Parade, there are some leisure and amusement uses located in modern buildings.

PUBLICITY AND CONSULTATION

5. The developer undertook consultation with local residents and local stakeholders in the Autumn of 2006 with the holding of a public exhibition at Rhyl Town Hall, including a customer response form and a public meeting at the Sun Inn, Wellington Road. Meetings have also taken place with the local MP and AM, Local Members and the Design Commission for Wales.
6. The application itself has been subject to statutory publicity through press and site notices and letters to nearby properties. Consultation has taken place with consultees, including on the Environmental Statement, to fulfil statutory requirements. The Environmental Statement has been sent to the National Assembly for Wales in accordance with environmental assessment regulations.
7. A member site inspection and briefing took place on 8th March 2007 with all County Councillors and the Town Council invited at the Rhyl Town Council offices at the Wellington Community Centre, Wellington Road, Rhyl. The following were in attendance:

County Councillors:- Selwyn Thomas, David Thomas, Diana Hannam, Brian Blakeley, Hugh Jones and Tom Hodgson.

Rhyl Town Councillors: I Armstrong and D Campbell

Officers present were Mark Dakeyne and Medwyn Williams from the County Council and Gareth Nickels from Rhyl Town Council.

Apologies were received from County Councillors Joan Butterfield and Meirick Lloyd Davies.

The following issues were raised at the site visit and briefing:

- i) Traffic Issues, particularly impact on the Foryd Bridge and Kinmel Bay traffic light controlled cross roads.
- ii) Need to introduce traffic management measures to reduce the risk of rat running through nearby residential streets.

- iii) Need for provision of coach parking on the site.
- iv) Impact of the servicing bay for the food store on nearby residential properties.
- v) Impact during construction of activities such as pile driving.
- vi) Links to the town centre via improved bus services and/or land drain.
- vii) Retention of historic vent pipe at the head of Quay Street.

RELEVANT PLANNING HISTORY:

- 8. None on the site directly relevant to the current application. Many applications relating to the existing and historic uses on the site including the funfair, market and car boot sales, and parking areas.

PLANNING POLICIES AND GUIDANCE:

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

- Strategic Policies 1, 2, 5, 6, 8 10 & 11
- Policy GEN 1 – Development Within Development Boundaries
- Policy GEN 6 – Development Control Requirements
- Policy GEN 8 – Planning Obligations
- Policy GEN 9 – Environmental Assessment/Statement
- Policy GEN 10 – Supplementary Planning Guidance
- Policy GEN 13 – Public Art
- Policy ENV 1 – Protection of the Natural Environment
- Policy ENP 1 – Pollution
- Policy ENP 4 – Foul and Surface Water Drainage
- Policy ENP 6 – Flooding
- Policy ENP 8 – Contaminated Land
- Policy CPZ 1 – Development Within the Coastal Planning Zone
- Policy CPZ 2 – Design and Coastal Planning Zone Development
- Policy CPZ 3 – Rhyl/Prestatyn Sea Front
- Policy CPZ 4 – Coastal Defence and Flooding
- Policy CPZ 6 – Public Access
- Policy CPZ 8 – Foryd Harbour, Rhyl
- Policy HSG 2 – Housing Development in Main Centres
- Policy HSG 10 – Affordable Housing Within Development Boundaries
- Policy EMP 4 – Employment Development Within Development Boundaries
- Policy EMP 6 – Office Development
- Policy EMP 10 – Protection of Employment Land/Buildings
- Policy RET 1 – Town and District Centres
- Policy RET 3 – Food Supermarkets
- Policy RET 4 – Non Food Retail Stores or Warehouses
- Policy RET 8 – Town Centre Redevelopment: Rhyl
- Policy RET 16 – Food and Drink – Hot Food Takeaways
- Policy TSM 1 – Tourism Development
- Policy TSM 14 – Foryd Harbour/Ocean Beach Rhyl
- Policy RET 2 – Amenity and Recreational Open Space Requirements in New Developments
- Policy REC 4 – Recreation facilities within Development Boundaries
- Policy TRA 6 – Impact of New Development on Traffic Flows
- Policy TRA 7 – Road Design
- Policy TRA 8 – Transport Requirements in Major Developments
- Policy TRA 10 – Public Rights of Way
- Policy TRA 11 – Walking and Cycling Routes
- Policy MEW 8 – Renewable Energy
- Policy MEW 10 – Windpower

Supplementary Planning Guidance

- Draft SPG Note – Design (Residential Guide)
- SPG 2 – Landscaping in New Developments
- SPG 4 – Open Space Requirements

SPG 7 – Self Contained Flats and Houses in Multiple Occupation
SPG 8 – Access for All
SPG 11 – Hot Food Take Aways
SPG 12 – Shop Fronts
SPG 15 – Archaeology
SPG 18 – Nature Conservation and Species Protection
SPG 21 – Parking
SPG 22 – Affordable Housing

Other Council Documents

Denbighshire Economic Growth Strategy (Consultation Draft July 2006)
Rhyl Going Forward April 2004
West Rhyl Regeneration Area Strategy March 2006
Denbighshire Retail and Leisure Study February 2003 together with quantitative retail capacity update September 2006

GOVERNMENT GUIDANCE

Wales Spatial Plan November 2002
Planning Policy Wales March 2002
TAN 2 – Planning and Affordable Housing 2006
TAN 4 – Retailing and Town Centres 1996
TAN 5 – Nature Conservation and Planning 1996
TAN 11 – Noise 1997
TAN 12 – Design 2002
TAN 13 – Tourist 1997
TAN 14 – Coastal Planning 1998
TAN 15 – Development and Flood Risk 2004
TAN 16 – Sport and Recreation 1998
TAN 18 – Transport March 2007

MAIN PLANNING CONSIDERATIONS:

10. This assessment seeks to deal with the main issues arising from the planning application, taking into account the significant amount of background material in terms of the various reports submitted with the application, including the Environmental Impact Assessment, and the planning policy context. The report should therefore be read in conjunction with these background papers.
11. The main considerations to be considered in this report are as follows:
 - i) The principle of the development taking into account national and local planning policies, particularly in relation to site specific designations, retail policy, the residential and commercial elements, flood risk and the regeneration aspects of the development.
 - ii) The capacity of highway network and impact on highway safety.
 - iii) Accessibility of site to different modes of travel.
 - iv) Car and cycle parking provision and access for servicing.
 - v) Impact on environment including ecology, air quality, wind, contamination and sustainability.
 - vi) Landscape and visual impact taking into account design and layout of the scheme.
 - vii) Impact on residential amenity.
 - viii) Housing proposals including affordable housing provision.
 - ix) Open space and recreation provision.
 - x) Flood risk and drainage issues.
 - xi) Impact on archaeology and built heritage.
 - xii) Planning obligations.
- 12.

- i) Principle
The site lies within the development boundary of Rhyl and is a brown field site occupied by existing tourism, commercial, leisure and residential uses. Although the site lies within the coastal planning zone, its existing location and use point towards the principle of redevelopment being acceptable. Policy CPZ 1 states that development will only be permitted provided it is essential for development to have a coastal location and there is no unacceptable harm in relation environmental impact. Policy TSM 14 allows attractions, accommodation and infrastructure in the Foryd Harbour/Ocean Beach area provided that it brings about an overall improvement in the tourism appeal and attraction of the area and that assessment and mitigation ensures no unacceptable impacts on the area. The particular impacts of the development are dealt with in detail below. In general terms it cannot be said that it is essential for all elements of the development to have a coastal location and certain elements of the proposal do not fit within the uses referred to in Policy TSM 14. However, as a starting point these policies needs to be considered in the context of the use of a brown field underused site in an area subject to deprivation but striving for private sector investment to go alongside public initiatives to regenerate the area. It is in this context that further discussion on the principle is considered below.

Principle of retail development

The main retail element of the scheme is the relocated Asda from Kinmel Bay. The store has food and convenience and comparison goods floor space elements equating to some 2700 sq.m of convenience floor space and 2,500 sq.m of comparison floor space leading to a total sales area of 5,200 sq.m (55,500 sq.ft). This equates to the existing Kinmel Bay Asda store which has the following: convenience floor space 2,230 sq.m, comparison floor space 929 sq.m, total sales area 3,159 sq.m (34,000 sq.ft). There is thus an increase of some 2,000 sq.m in retail floor space.

The site is out of centre and therefore the issues of need, the sequential test and compliance with policy need to be considered. In this respect the applicants have submitted a retail assessment and this in turn has been subject to a critique by Roger Tym and Partners on behalf of the Council. The conclusions of Roger Tym are that whilst there is no quantitative need for the floor space, the scheme meets the sequential test, should not be resisted on trade impact grounds, and is of an appropriate scale for Rhyl. In considering the need issue, the overall scheme would deliver qualitative benefits, including the comprehensive regeneration of a largely derelict site in an area of high multiple deprivation. Thus, on retail grounds, it is concluded that the application should be approved subject to the imposition of conditions limiting the amount of floor space, including convenience and comparison sales areas, and the extinguishment of the Kinmel Bay Asda.

Principle of residential development

Rhyl is a main centre as defined by Policy HSG 2 of the UDP. Whilst Policy TSM 14 does not indicate residential as being a preferred use of the site it seems unlikely, given the change in emphasis of Rhyl as a tourist destination, that the entire site would be developed for tourism and leisure uses. Residential developments have been forthcoming in West Rhyl generally and on West Parade particularly, increasing the confidence in the area for private sector housing investment. As part of a component of a larger mixed development, the principle of residential development is considered acceptable. The affordable housing issue is dealt with later in the report.

Principle of commercial development

The hotel and leisure buildings are considered to fall within the scope of Policy TSM 14 and therefore there are no concerns in relation to the principle of these developments. The ground floor commercial uses (A1, A2 and A3)

would relate well to the overall development, fronting onto the promenade and potential marina development at the Foryd Harbour. Suitable restaurant, retail and other commercial uses would be seen as ancillary to the overall development and would be acceptable in the context of Policies RET 1, RET 16 and TSM 14.

The proposal for upper floor offices above commercial again does not fall within the uses referred to in Policy TSM 14. However, as part of the overall mixed development it is considered an acceptable component, particularly in the context of Policies EMP 4 and EMP 6 of the UDP. There is limited scope for new build offices within the built up area of Rhyl and the development provides an opportunity to locate offices and employment generating development on a brown field site within an area of high unemployment in a generally sustainable location.

Principle taking into account flood risk issue

Paragraph 6 of TAN 15 requires that development located in a flood risk Zone C1 needs to be justified in this location. In the context of the discussion within this report on the principle of the development, particularly taking into account regeneration initiatives, the proposal is adjudged to satisfy the requirements of paragraph 6 in that:

- a) it assists in a Local Authority regeneration initiative,
- b) it contributes to key employment objectives,
- c) it concurs with the definition of previously developed land.

The issue of potential consequences of a flooding event is dealt with later in this report.

Regeneration benefits of the scheme

In considering the principle of the development consideration needs to be given to the regeneration benefits of the scheme. In this respect the proposal would generate over 500 jobs in total in an area subject to relatively low levels of economic activity, qualifications and income. The proposals are seen to fall within the aims of the Rhyl Going Forward Strategy which seeks “a town supporting a balanced, permanent, stable and self assured community within a prosperous and sustainable local economy”. The Regeneration Statement submitted with the application indicates economic, and regeneration benefits which would change the economic and social environment in West Rhyl. The proposal is supported in general terms by DEIN at Welsh Assembly Government and the Head of Development Services.

ii) The capacity of highway network and impact on highway safety

The application has been accompanied by a Transport Assessment which concludes that the levels of traffic to be attracted to the development can be safely accommodated within the local highway network. This overall conclusion has not been disputed by the Councils Highway Officers. The realignment of West Parade through the development site will allow a safer environment for pedestrians and cyclists along the promenade. The highway proposals to serve the site, including new roundabouts in Wellington Road and within the site, are adjudged to be acceptable, subject to details. The proposal would be acceptable against TRA 6 of the UDP.

The impact of the development on particular parts of the highway network such as the Kinnel Bay junction, the Foryd Bridge, the H Bridge, and Vale Road have been considered by traffic consultants for the applicant and the Council's Highway Engineers and it is concluded that there will be no unacceptable impact on this wider network. In any event, it would be difficult to implement changes to this well established road network.

iii) Access by other means of transport

The site is well served by public transport in the form of a regular bus service and is reasonably close to the railway station and bus station in the town centre of Rhyl. The site lies adjacent to established cycleways along West Parade and Marine Lake. The pedestrianisation of the promenade would provide an improved pedestrian and cycle environment. The development provides the opportunity to ensure linkages between West Parade and Marine Lake through the development site. The development also sites comfortably in relation to the proposals to provide a pedestrian/cycle bridge across the Foryd. The site would be well served by public transport, and pedestrian and cycling groups and would thus meet the requirements of Policy TRA 8 and the wider sustainability agenda promoted by Planning Policy Wales. Conditions would be required to ensure detailed provision for cycle/pedestrian routes within the site, green travel plans, and appropriate provision for bus stops within the site.

iv) Car and cycle parking provision and servicing access

932 parking spaces would be provided on the overall site. This is below the maximum requirement which would be generated by the distinct uses derived from SPG 21 (maximum of 1400 spaces). The overall level of parking provision is considered acceptable given the following factors – the likelihood that peak periods for different uses would be unlikely to coincide e.g. the food store and leisure block, the accessibility of the site by public transport, pedestrians and cyclists, and the proximity of the site to existing and proposed residential areas. Taking into account these factors and the need to suppress car travel by limiting on site parking provision, the amount of parking spaces is considered to strike the correct balance between ensuring adequate provision and being well within the maximum requirements. The scheme also meets the requirement for 10% of spaces to be to mobility standards.

In addition to the car parking areas, 132 cycle spaces and 44 motor cycle spaces are also provided, complying with the requirements of SPG 21.

The servicing areas are sufficient for the different uses with separate areas for the food store, hotel and leisure building. The promenade residential, office and commercial uses would be served by the main road through the site, off parking areas. These proposals are considered acceptable.

v) Environmental Issues

Ecology

The site is covered predominantly by buildings and hard surfaced areas and therefore the ecological interests of the site itself is very limited. Consideration would need to be given to the presence of nesting birds on the site and bats within the building as highlighted in the Environmental Impact Assessment. Adjacent sites, the Marine Lake and the Clwyd Estuary are non-statutory sites of nature conservation interest. No significant impacts are demonstrated by the Environmental Impact Assessment although mitigation during construction and in relation to drainage and surface water runoff are recommended. Consultees on ecological matters raised no objections to the development. It thus complies with Policies ENV 5 and ENV 6 of the UDP and advice within SPG 18.

Air Quality

The Environmental Impact Assessment indicates potential nuisance during construction and impacts on air quality with the completed development due to increase in traffic flow around the site. However, mitigation of construction impacts would be dealt with by good site practice and the implementation of a Construction Environmental Management Plan. The predicted impact on air

quality would be well below the air quality strategy promoted by the Government and would be reduced by encouraging alternative and sustainable modes of transport.

Wind Environment

The Environmental Impact Assessment concludes that the proposed development is unlikely to have a long term adverse impact on the local wind environment, both in terms of pedestrian safety and comfort.

Contamination and Ground Conditions

The geotechnical appraisal and Environmental Impact Assessment indicate, based on historical land uses and data sources, potential for some contamination e.g. linked to the former petrol filling station and ship building activities. The mitigation of contamination sources would be necessary, as recommended by the Council's Contaminated Land Officer and would be safeguarded through conditions. Subject to mitigation, the development would be moderately beneficial in terms of ground conditions. The proposal is considered acceptable in the context of Policy ENP 8 of the UDP.

The applicants have indicated an intention to use sustainability principles to guide the development. This can be achieved through planning conditions and the S.106 obligation.

vi) Landscape and Visual Impact Taking into account Design and Layout of the Scheme

The scheme has a number of distinct elements separated to an extent by the changing levels on the site, the different characteristics of the surrounding areas, and the division of the site by the new highway running from West Parade to Wellington Road. The location of uses on the site has also been dictated by flood risk issues meaning that the higher sea frontage area was more suitable for the bulk of the residential development with the lower area more suitable for retail and associated car parking. The change in levels across the site has also provided a mechanism to create an urban landscaped park over part of the car parking for the retail store.

Two main approaches to the design of the promenade development were considered, namely a "wave" form of blocks and a "ocean liner" form of block. The proposals provide a striking large scale development to the promenade in predominantly six storey buildings with stepping down to the office development at three and four storeys. The gateway building of the hotel at the western end of the site would be of substantial scale at six storeys. The size of the site and the sea front location allow a development of this scale to be accommodated, reflecting the scale of other sea front properties to the east. Use of a modern approach to design and materials provide a suitable visual enhancement at the western gateway into Rhyl and provide confidence for the area generally.

The retail store and leisure buildings are again of modern design reflecting their function but introduce the use of local materials such as slate and Welsh sourced timber. The retail store would be of significant scale but would be separated from nearby smaller scale residential developments on Sydenham Avenue and beyond by a minimum distance of some 30 m with the opportunity to provide substantial landscaping along the Sydenham Avenue boundary.

The low cost housing would wrap around the south east corner of the site, providing a 4 storey feature as the site is approached along Wellington Road from the east. The modern design would also act as an architectural buffer to the food store.

There is scope within the development to provide distinct landscaped areas

within the context of a landscaped strategy submitted as part of the application. Significant opportunities for soft landscaping would be available in the urban park along the perimeters of Sydenham Avenue and Wellington Road, around the hotel development, and along the access provided by the new highway. Hard landscaping would again be derived from the strategy and would be used to provide attractive public realm and defined pedestrian routes through the site. The creation of the promenade area and a piazza by the offices would form a significant area of high quality hard landscaping.

The scheme was presented to the Design Commission for Wales (DCFW) in October 2006 and as a result of the panel recommendations a number of amendments were made to the scheme. The most notable changes have been the strengthening of the Sydenham Avenue housing, increase in height of the hotel, and resiting of the urban park. The panel "recognised and supported the ambition underlying this large and complex scheme."

The development overall is considered to provide a significant visual enhancement to the site which currently provides a predominantly unsightly appearance and image for this part of Rhyl. A proposal is considered to comply with design objectives in Planning Policy Wales, TAN 12, and the requirements of UDP policies GEN 6, CPZ 1, CPZ 2, and TSM 14. The acceptability of the overall approach to design is recognised by the DCFW.

vii) Impact on residential amenity

The development would have noise and disturbance impacts during construction and following completion. These impacts need to be considered in the context of the existing use of the site as a funfair, market and car boot sale site, and other commercial uses.

The impact of the development during construction would be mitigated by the relatively limited duration of any nuisance and the operation of good practice by contractors. The Control of Pollution Act is controlled by the authority during construction works but in addition to this it is recommended that a condition be imposed to require a methodology for construction.

For the completed development, the Environmental Impact Assessment considers 4 areas of potential noise, namely vehicle movements within this site, the vehicle movements not within the site but associated with the facilities, fixed plant within the site, and wind turbines. Uses such as the leisure building may generate activity late into the evening, depending on the use. The Environmental Impact Assessment suggests there is unlikely to be a significant change in the existing noise climate, subject to mitigation through setting of target noise levels, screening of the service yard to the retail store, and control on hours of delivery to the service area. Subject to these safeguards the proposal is considered acceptable in terms of its impact on residential amenity and would comply with advice within TAN 11 and UDP Policy GEN 6.

viii) Housing Proposals Including Affordable Housing

The report has already considered the principle of housing on the site, which as part of a mixed development is to be supported. The application proposes a total of 230 dwellings of which 34 units on the corner of Sydenham Avenue and Wellington Road are indicated for low cost housing. The amount of provision does not accord with the 30% requirement within SPG 22.

The SPG does consider cases where there will be no affordable housing provision (para 5.7) and as a corollary of that where a lesser provision would be acceptable. One of the key areas where a relaxation may be considered is where a proposal meets an identified, acknowledged and overriding regeneration aim in accordance with the Councils regeneration strategy and

where full private housing is required to meet regeneration aims. In terms of West Rhyl and the site itself the following factors need to be considered:

1. The need for private sector investment in West Rhyl with the provision of market housing to provide a more balanced community and higher economic base.
2. Significant levels of provision of affordable housing in the West Rhyl area already exists in the form of public and private rented sector.
3. The need for a high quality development on the site to meet regeneration aims set out in documents such as Rhyl Going Forward and the West Rhyl Regeneration Strategy.
4. The viability of the scheme and the need to consider creative ways of meeting obligations arising from the affordable housing policy e.g. removal of substandard housing within West Rhyl.

Taking into account the above factors it is considered that the principle of an approach where a smaller percentage of affordable housing is provided on the site is acceptable, subject to planning obligations reflecting other priorities in West Rhyl.

ix) (Open Space and Recreation Provision)

The site does not currently provide any public open space. The proposals will provide two main elements of open space namely the new promenade and the urban park. These areas amount to around 1 hectare.

Policy REC 2 of the UDP requires recreational open space with new residential development. 230 dwellings would generate a requirement for 2.2 hectares of open space although this is based on an average occupancy of 3 people per dwelling. Given that the development is for one and two bed flats applying an occupancy of two people per dwelling the requirement would be for 1.4 hectares of open space.

The principle of providing high quality open space in the form of the hard landscaped promenade and the urban park is considered acceptable with obligations to be framed to require a contribution to recreation and open space provision in West Rhyl generally.

x) Flood Risk and Drainage

The tests required by TAN 15 have been considered earlier in this report. Given that the principle of development within a Zone C1 flood risk area it is considered acceptable there is also a need to consider the detailed mitigation as proposed by the Flood Consequence Assessment (FCA) to ensure that the potential consequences of a flooding event have been considered in accordance with sections 5 and 7 of TAN 15.

The FCA submitted with the application indicates the need to mitigate against wave over topping of the sea defences and the raising of the eastern embankment to the River Clwyd between the Foryd Bridge and the railway to reduce overtopping from the River Clwyd to less than a 1 in 1000 year event probability. The specific details of the flood risk mitigation measures can be covered by a planning condition. The proposals would thus satisfy the requirements of TAN 15 and Policy ENP 6, subject to this mitigation. In addition, the flood risk mitigation works would provide improved flood protection for this part of Rhyl generally.

In terms of drainage the public sewerage system is considered capable of taking foul drainage from the development subject to the requirements of Welsh Water in relation to localised works to the combined system in Wellington Road.

With regard to surface water, certain parts of the site will provide landscaping

which will be permeable. However, the majority of the site will be hard surfaced or developed with buildings. There is an intention to discharge surface water to the River Clwyd but subject to on site attenuation to regulate flows. The principle of these proposals is considered acceptable, subject to details being covered by a condition and thus the proposals comply with Policy ENP 4 of the UDP and advice on drainage within TAN 15.

xi) Archaeology and built heritage

The site is not subject to any heritage designations (conservation area, ancient monument, listed building) although the Foryd Bridge to the west of the site is a Grade II listed building. The Ocean Beach fun fair has historic and nostalgic interest as a reflection of Rhyl's tourism function and it is recommended that a photographic survey be conducted of the fun fair prior to its demolition.

In terms of archaeology, whilst the potential for significant archaeological remains within the site area is low, archeologically consultees recommend a watching brief within the site and this would be covered by a condition. The proposal would not conflict with any heritage advice or policies.

xii) Obligations

A development of this scale, including housing, would normally provide planning obligations, particularly arising out of affordable housing and open space policies. In addition there are specific requirements arising out of the development that would need to be covered by a planning obligation.

In relation to planning gain generally, whilst specific requirements arise out of affordable housing and public open space policies, priorities within West Rhyl differ from other parts of the County and obligations arising out of the development would be best dealt with by commuted sums paid into a "regeneration pot". These monies would be used on projects seeking to implement the objectives of the West Rhyl Regeneration Strategy e.g. demolition of properties and creation of public open space.

The extent of payments would be dependent on a robust development appraisal of the proposals which is currently being undertaken. Members will be updated on these discussions at the Planning Committee and Full Council.

Other obligations which would be required as part of the development are as follows:

1. "Revocation" of the existing Asda store at Kinmel Bay and replacement with suitable local centre, employment and open space uses.
2. Management and maintenance of public open space on the site, particularly the new promenade and the urban park.
3. Provision of CCTV on the site to link to the Rhyl Town Centre system.
4. Recruitment strategy for businesses on the site to target long term unemployed in the area.
5. Sustainable approach to buildings and site infrastructure.

It is considered that this overall approach would satisfy the requirements of Policy GEN 8 of the UDP and the more specific Policies REC 2 (open space) and HSG 10 (affordable housing).

SUMMARY AND CONCLUSIONS:

13. The proposal represents a major mixed development scheme for West Rhyl and is considered acceptable in principle taking into account planning policies and guidance and the overall regeneration benefits of the scheme. Retail policy and flood risk issues have been considered as have a range of impacts including

highways. The application has been accompanied by a range of supporting information, including an Environmental Impact Assessment, and the impacts are adjudged to be acceptable and have raised no objections from statutory consultees.

14. The recommendation is to grant planning permission but subject to the applicants first entering into a **Section 106 obligation** to cover the issues set out at paragraph 12 (xii) above.
15. The recommendation is also subject to referral to **Full Council** as the application represents a significant departure from the development plan.
16. It is also subject to a **referral of the application to the National Assembly for Wales** as a departure application partly on Council owned land and with retail floor space exceeding 10,000 sq.m (Welsh Office Circulars 39/92 and 61/93).

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the a phasing plan to be submitted and approved in writing with the Local Planning Authority.
3. No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.
4. Development shall not begin until an appropriate photographic survey of the existing fun fair on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).
5. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use
6. No work shall be permitted to commence until there has been a phased investigation carried out over the entire site to ascertain whether the development is contaminated land, and whether the development may impact on controlled surface waters or groundwater, such investigation should consist of a desk study and if deemed necessary within said study a comprehensive site investigation should be carried out in accordance with CLR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of each survey and its conclusion have been submitted to the Local Planning Authority for assessment in liaison with the Environment Agency Wales.
7. In the event that the site survey required by condition no 6 of this permission reveals the presence of hazard from any contamination, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials, future users of the site, and any other person; and written approval of the Local Planning Authority has been obtained to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. The development should not be occupied/used until a Validation report prepared by an independent and

suitably experienced third party to show that the works have been satisfactorily carried out and has been submitted to and approved in writing by the Local Planning Authority.

8. No buildings shall be occupied until mitigation measures referred to in the Flood Consequences Assessment dated March 2007 have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

9. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

10. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.

12. 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.

13. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the phase of the development to which it relates 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.

14. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned, domestic gardens, shall be submitted for the consideration of the Local Planning Authority prior to the occupation of any dwellings and the landscape management plan shall be carried out as approved in accordance with such time scale to be agreed in writing by the Local Planning Authority.

15. 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.

16. Prior to the commencement of the erection of any external brickwork, a sample panel of the type of brickwork, mortar, and pointing it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the brickwork, mortar and pointing to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.

17. Prior to the commencement of the [erection / application] of any [external stonework / render] a sample panel of the type of [stonework, mortar, and pointing/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 [stonework, mortar and pointing/render] to be

used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.

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

19. A method statement to minimise noise, dust, and vibration disturbance during demolition and construction shall be submitted to and approved in writing prior to the commencement of any works on the site, including demolition, and the approved method statement shall be complied with at all times during demolition and construction works.

20. Noise limits recommended in Chapter 14 of the Environmental Impact Assessment shall not be exceeded.

21. Details of delivery times, and a noise assessment of refrigeration units, air conditioning works and extractor fans for the retail food store shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of trading at the retail food store.

22. Cycle parking shall be provided prior to the occupation of any of the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

23. Prior to the occupation of each phase of the development, parking, (including mobility standard and motor cycle parking) servicing areas and access shall thereto be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

24. The phasing plan, required by condition 2, shall include the phasing of highway works.

25. Details of the proposed highway works and programme for implementation shall be submitted to and approved in writing prior to the commencement of the development, details to include:

(i) the new highway through the site linking West Parade with Wellington Road (known as "the link road")

(ii) new roundabouts, within the site and on Wellington Road,

(iii) the closing off of Sydenham Avenue,

(iv) bus stop provision

(v) pedestrian/cycle crossing points on Wellington Road and "the link road".

(w) (vi) a new access to the Marine Lake car park.

26. The development shall include pedestrian/cycle routes linking the following:

(i) The Marina Court on West Parade with the western end of Marine Lake,

(ii) Sydenham Avenue with West Parade at the north east corner of the site,

(iii) West Parade at the north east corner of the site with the eastern end of Marine Lake (via the frontage to the food store).

27. No building hereby permitted shall be occupied until the written approval of the Local Planning Authority has been obtained for the Green Travel Plan for the occupiers, their employees, and any customers of that building to encourage use of means of transport other than the private car. The Travel Plan shall include means of implementation and monitoring of the plan.

28. The foodstore hereby permitted shall not exceed the following floorspace:

i) Gross retail floorspace not to exceed 9384 sq.m (100,000 sq.ft)

ii) Nett retail sales are not to exceed 5156 sq.m (55,500 sq.ft)

iv) Nett retail food and convenience sales area not to exceed 2694 sq.m (29,000 sq.ft)

v) Nett retail comparison sales are not to exceed 2,462 sq.m (26500 sq.ft)

29. Details of the mix of A1/A2 and A3 uses to occupy the ground floor units fronting the Promenade shall be submitted to and approved in writing the Local Planning Authority.

30. Prior to the commencement of any demolition works on site, the following details shall be submitted for the further approval of the Local Planning Authority:

i) an audit of all existing building materials,

ii) the potential re-use and recycling of those materials for incorporating into the approved site development, and

iii) where relevant, the recipient of remaining building materials, The approved audit shall form part of the building contract agreed for new building development for the site, a copy of which shall be submitted for record purposes for the Local Planning Authority.

31. Details of a waste/recycling and energy plan shall be submitted for the further approval of the Local Planning Authority prior to the commencement of the development. The approved plan shall be fully implemented prior to the occupation of any parts of the development to which they relate and retained thereafter.

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 an appropriate phasing of the development.
3. In the interests of archaeological investigation and recording.
4. In the interests of investigation and recording of historic/listed buildings.
5. To ensure suitable access for the disabled to the building.
6. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
7. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
8. In the interests of flood risk mitigation.
9. To ensure satisfactory drainage of the site and to avoid flooding.
10. To prevent pollution of the water environment.
11. To prevent pollution of the water environment.
12. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
13. To ensure a satisfactory standard of development, in the interests of visual amenity.
14. To ensure a satisfactory standard of development, in the interests of visual amenity.
15. In the interests of visual amenity.
16. In the interests of visual amenity.
17. In the interests of visual amenity.
18. In the interests of any protected species on the site.
19. In the interests of residential amenity.
20. In the interests of residential amenity.
21. In the interests of residential amenity.
22. To ensure suitable parking provision.
23. To ensure suitable parking provision.
24. In the interests of highway safety.
25. In the interests of highway safety.
26. In the interests of highway safety.
27. To protect the use of a range of travel modes.
28. To control the amount of retail floorspace to protect town centres.
29. To control the amount of retail floorspace to protect town centres.
30. To ensure that the development involves a sustainable approach.
31. To ensure that the development involves a sustainable approach.

NOTES TO APPLICANT:

Further advice on compliance with planning conditions 6 & 7 may be obtained by contacting Denbighshire County Council's Public Protection Department on 01824 706137. Should it be identified within the investigation that contamination may affect other receptors other than site users then it is recommended that these issues are addressed in consultation with the Public Protection Department prior to the commencement of works so as to avoid enforcement under Part 11A of the Environmental Protection Act 1990. Dwr Cymru Welsh Water's, Network Development Consultants, advise that a water main crosses the site.

Please contact Dwr Cymru Welsh Water for more information before you proceed with the development. Dwr Cymru Welsh Water can be contacted on 01443 331155 or e-mail www.dwrcymru.com

ITEM NO: 15

WARD NO: Rhyl South East

APPLICATION NO: 45/2007/0136/ PO

PROPOSAL: Development of 0.036 hectares of land by erection of block of 2 self-contained flats (Outline application to include siting and means of access)

LOCATION: Land at rear of Larkmount House Larkmount Road Rhyl

APPLICANT: Mr Hugh Jones

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
'No decision made due to the applicant being a Member of the Council'.
2. HEAD OF TRANSPORT & INFRASTRUCTURE
The site is approached from the County Road by means of a narrow, unmade track, which is considered substandard in width to serve as a means of access to further residential development.
3. WELSH WATER/ DWR CYMRU
No objection subject to conditions

RESPONSE TO PUBLICITY:

Letters of representations received from:-

1. Petition received No's 1,4,5,6,7,8,9,12,13 Larkmount Rd, Gwynthorpe, Northcott, 90 Pendyffryn Rd.
2. Jane Edwards, 2 Tynewydd Terrace, Larkmount Road
3. Mrs V Lloyd, 35 Pendyffryn Terrace
4. H Roberts, Larkmount Road
5. C Downes, 5 Tynewydd Terrace
6. Mrs Gail Rice, 6 Larkmount Road
7. Mr M Sells, 9 Larkmount Road

Summary of representations:

- i) Highway safety
- ii) Inappropriate use of land
- iii) Loss of parking
- iv) Encroachment onto common land
- v) Visual appearance
- vi) Impact on sewerage systems

EXPIRY DATE OF APPLICATION: 12/04/2007

REASON FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is for outline permission for the development of 0.036ha of land for a block of 2 no. self contained flats at the rear of Larkmount Road in Rhyl. The proposal includes siting and access with all other matters reserved for subsequent approval.
2. The application is being considered by Planning Committee as the applicant is an elected member of the Council.
3. The application site is a rectangular piece of land 27.5m in width by 17m in depth. The proposed block of 2 flats is located on the western side of the site with the parking for 4 cars and turning to the east. Measuring 9m by 7m, the block of 2 flats is sited 1m off the western boundary, 3m from the northern boundary with what appears to be a landscaped area immediately to the south and east.
4. Accessed off a narrow track serving the rear of the properties on Larkmount Road, the application site is a piece of waste land bounded by dilapidated corrugated fencing. To the north and east of the site are playing fields and an established all-weather pitch bounded by palisade fencing and flood lighting.

RELEVANT PLANNING HISTORY:

5. No planning history on this site.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 6 Development

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Amenity
 - iii) Character of the area
 - iv) Highways
8. In relation to the main points in paragraph 8 above:-
 - i) Principle
The application site is located within the defined settlement limit of Rhyl where the principle of residential development is considered acceptable provided it complies with all relevant policies in the UDP. Policy GEN 6 is the policy relates to this application and therefore must be assessed against general development control policy criteria. Criterion i) v) vii) and relate specifically to this proposal, these criteria refer to amenity, the relationship of the site to its surroundings and highway safety.
 - ii) Residential amenity
In terms of amenity it is not considered that the site could accommodate the block of 2 no. self contained flats without significant impact on residential amenity. There is limited space around the proposal, only 35sq m provided to the east of the block, a further 27sq m is provided to the north of the block. However the quality of this amenity space would be severely compromised by the proximity to the access track and parking and tuning area and the adjacent land uses to the rear. In relation to the adjacent land uses, as the proposed block is located 1m off the eastern boundary and 3m from the northern boundary it is considered that the development in close proximity to the playing fields and all-weather pitch would lead to unacceptable levels of amenity for future occupiers.

- iii) Visual amenity
In considering the site and surroundings it is noted that to the north of Larkmount Road there is a clear pattern of linear development in Ty Newydd Terrace. There is no development to the rear of Ty Newydd Terrace or immediately further north. Therefore the development of the site to the rear of the terrace would appear out of character with the area. Furthermore if permitted a precedent would be set for this type of inappropriate development to the rear of the dwellings in the terrace which the Local Planning Authority would find difficult to resist. This is in direct conflict with the relevant criteria of Policy GEN 6.
- iv) Access
The access arrangements are not acceptable. As advised by the Highways Department the site is approached by means of a narrow, unmade track, which is considered substandard in width to serve as a means of access to further residential development.

SUMMARY AND CONCLUSIONS:

9. The proposal is not acceptable and recommended for refusal.

RECOMMENDATION: REFUSE - for the following reasons:-

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

1. It is considered that the residential development of the site would result in a cramped form of development which does not respect the site and surroundings in terms of siting, layout, density, aspect and space around and between buildings contrary to criteria (i) of Policy GEN 6 of the Denbighshire Unitary Development Plan.
2. It is considered by reason of its siting and proximity to the nearby playing fields and all-weather pitch the residential development as shown would not provide an acceptable level of amenity for future occupiers contrary to criteria (v) of Policy GEN 6 of the Denbighshire Unitary Development Plan.
3. The site is approached from the County Road by means of a narrow unmade track, which is considered substandard in width to serve as a means of access to further residential development.

NOTES TO APPLICANT:

None

ITEM NO: 16

WARD NO: Rhyl South East

APPLICATION NO: 45/2007/0137/ PO

PROPOSAL: Development of 0.068 hectares of land by demolition of existing workshop and garages and erection and siting of 1 dwelling and means of access (outline application)

LOCATION: Land at Merllyn Farm 23 Dyserth Road Rhyl

APPLICANT: Mr Hugh Jones

CONSTRAINTS: CLB-Class B Road
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
'No decision due to applicant being a member of the council'.
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to condition
3. WELSH WATER/ DWR CYMRU
No objection recommend conditions.

RESPONSE TO PUBLICITY:

Letters of representations received from:-

1. Mrs F Evans, 71 Grosvenor Road, Rhyl
2. Robin Owen, 21 Dyserth Road, Rhyl

Summary of representations received:

- i) Concerns over the potential for overlooking from the proposal.

EXPIRY DATE OF APPLICATION: 12/04/2007

REASON FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for outline permission for the development of 0.068ha of land at 25 Dyserth Road in Rhyl. The proposal includes siting and access with all other matters reserved for subsequent approval.
2. The application is being considered by Planning Committee as the applicant is an elected member of the Council.
3. The proposal is facilitated by the demolition of the former Ace Taxi Office and workshop. Sited centrally on the site the dwelling occupying a footprint of 52m sq

would be 2.5m from the south boundary, 4m from the north and 8m from the west. 84m sq of private amenity space would be provided to the rear of the dwelling (west side). Parking for two vehicles is shown to the south of the dwelling; a garage is shown to the west side on to the existing garage of 25a. The area to the east accommodates the vehicular turning area.

4. The application site is accessed off a track from Dyserth Road which serves the dwellings at the former Merllyn Farm site. No 25 to the south is a relatively new dormer style dwelling and no. 25a is a former agricultural building which has recently been converted. No. 25a, to the south is set some 5m off the application site boundary with both ground and first floor windows facing the application site. The existing workshop store to the north of the application site is not within the application site and would be retained.

RELEVANT PLANNING HISTORY:

5. Various planning applications for Merllyn Farm, however none specifically related to this part of the site.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Criteria

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:

- i) Principle
- ii) Layout and impact on neighbours
- iii) Highways
- iv) Comments of the objectors.

8. In relation to the main considerations in paragraph 7 above:-

- i) Principle
The application site is located within the defined settlement limit of Rhyl where the principle of residential development is considered acceptable provided it complies with all relevant policies in the UDP. Policy GEN 6 allows for new development provided it respects the site and surroundings in terms of siting, layout, form and space around buildings. Criteria I, and v, of the policy apply here specifically.
- ii) Impact on residential and visual amenity
In terms of amenity it is not considered that the site could accommodate the dwelling without significant impact on the amenity of the existing occupiers at 25a. Although there would appear to be adequate spacing to the dwellings on Dyserth Road and Grosvenor Road, the side elevation of no. 25a with ground and first floor primary windows would be located only 7.5m from the proposed dwelling which would result in overlooking of the application site resulting in a significantly overbearing feeling to future occupiers.

As shown the application site would appear to be relatively comparable to the surrounding properties. However, it must be noted that as shown the red line land includes the access track and the turning area. In effect only the western portion of the site would be usable space which would appear cramped. The existing workshop store to the north of the application site is not within the ownership of the applicant and would remain; as such the perceived space around the dwelling for the occupiers of the proposal would be limited with the possible use of the nearby commercial building further impacting on levels of

amenity.

iii) Access

The access arrangements are considered to be acceptable.

iv) Comments

The comments of the objector have been noted, however, the design of the proposal is not for consideration at this stage.

SUMMARY AND CONCLUSIONS:

9. The proposal is not acceptable and recommended for refusal.

RECOMMENDATION: REFUSE - for the following reasons:-

1. It is considered that the residential development of the site in the manner proposed would result in a cramped form of development, harmful to the amenities of the existing occupiers at 25a and the proposed future occupiers. As such proposal is contrary to criteria (i) and (v) of Policy Gen 6 of the adopted Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO: 17

WARD NO: Tremeirchion

APPLICATION NO: 47/2006/1252/ PF

PROPOSAL: Erection of 1no. polytunnel and installation of new septic tank

LOCATION: Pant y Wacco Part OS Field No. 6044 Caerwys Road Rhualt St. Asaph

APPLICANT: Mr G A Davies

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

CONSULTATION RESPONSES:

1. TREMEIRCHION/CWM & WAEN COMMUNITY COUNCIL
Objection, "original decision was to refuse because the building is on the skyline and is quite obvious when on the site. For the same reason we REFUSE the poly tunnel because of the adverse visual impact on the surrounding area (AONB)."

RESPONSE TO PUBLICITY:

None received.

EXPIRY DATE OF APPLICATION: 15/01/2007

REASON FOR THE DELAY IN DECISION:**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application is for the erection of a polytunnel and installation of a septic tank at Pant Y Wacco. Measuring 3.66m in width by 10.675m in length the 2.36m high polytunnel would be sited to the north east of the existing agricultural building. The proposed septic tank to be sited within the field some 2m from the agricultural building, is considered necessary to accommodate a wc in the building.
2. The applicant has submitted a letter to justify the need for both the septic tank/ wc facilities. Confirmation of the personal use of the polytunnel is also provided.
3. Pant Y Wacco comprises a parcel of land on the eastern side of Caerwys Road, Rhualt. There is an existing agricultural building on the site which was granted planning permission in 2004, accessed off a track to the west. There is some screening around the site, with new planting and stock proof fencing to the south east of the building.

RELEVANT PLANNING HISTORY:

4. **47/2003/1481/PF**
Erection of agricultural building and formation of vehicular access. GRANTED
02/09/2004
- 47/2005/841/PF**
Change of use of part of agricultural land to caravan storage – REFUSED 08/09/05

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Criteria
Policy EMP13 - Agricultural Development
Policy ENV 2 - AONB

MAIN PLANNING CONSIDERATIONS:

- 6.
- i) Principle
 - ii) Impact on visual amenity/ AONB
- 7.
- i) Principle
The principle of the proposal is acceptable and in keeping with Policy EMP13. The proposal is required to meet the needs of the farm enterprise which was established with the approval of the original agricultural building in 2004. There are no existing units suitable for the proposed use, the proposal will not impact on the character and appearance of the open countryside and the proposal is well related to the existing built development. The proposed polytunnel and septic tank satisfy the criteria of Gen 6.
 - ii) Impact on Visual Amentiy/AONB
The visual appearance of the proposal is acceptable and in keeping with Policies EMP13 and ENV 2. Clearly the septic tank will have no visual impact and the standard style polytunnel will not be visually intrusive. The AONB is some distance to the west. The overall height is 2.36m, compared to the 4.5m height of the agricultural building. The proposed polytunnel is tucked behind the end elevation of the building therefore it will not appear overdominant when viewed on the approach from the A55 to the south and will not be visible when the site is viewed from the west. Furthermore the new landscaping serves to screen the polytunnel to the south east.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use of the development hereby approved shall be solely for the farm enterprise on the site and not in connection with any other trade or business.
3. The proposed septic tank and ancillary soakaway system shall conform to the current BS standard and no part of the system shall be sited within 10 metres of any watercourse.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To allow the Local Planning Authority to monitor the use of the site in the interests of the character of the area.
3. To ensure the proper drainage of the site and to minimise the risk of pollution.

NOTES TO APPLICANT:

None

ITEM NO: 18

WARD NO: Tremeirchion

APPLICATION NO: 47/2006/1342/ PF

PROPOSAL: Demolition of redundant outbuilding and erection of two dwellings

LOCATION: Outbuildings at Llwyn Derw Holywell Road Rhualt St. Asaph

APPLICANT: Mr A Parry-Jones

CONSTRAINTS: CLB-Class B Road

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

CONSULTATION RESPONSES:

1. TREMEIRCHION/CWM & WAEN COMMUNITY COUNCIL
"Objection, on the following grounds:-
 - i) Planning for the conversion has already been given at the property;
 - ii) No adequate reason has been submitted for not pursuing the original plan;
 - iii) In addition the footprints of these proposed new dwellings are different from the existing buildings."
2. HEAD OF TRANSPORT & INFRASTRUCTURE
Awaiting response following consultation on amended drawings

RESPONSE TO PUBLICITY:

None received

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application is for the demolition of a redundant agricultural building and erection of 2 no. dwellings at Llwyn Derw, Rhualt. Located on the footprint of the existing barn, the proposal is similar to the barn conversion approved in 2004 with some alterations, namely the omission of dormer windows and porches. A one and half storey block comprising of 2 no. 3 bedroom units is proposed. Amenity space is provided to the front and rear, the access is from the driveway, serving the adjacent dwelling to the east.
2. Works commenced on the conversion approved in 2004. The roof including the majority of trusses, and all internal walls have been removed. The justification put forward by the agent for the new build is that the proposal would allow for 'a more sustainable form of development to be achieved', which would conform to 'modern day standards and increase their longevity'. Reference is also made to drainage and internal levels which have caused problems that could not be overcome in the conversion, although more recent correspondence submitted refers to the 'fabric of the barn' and says this has not deteriorated to the point that the conversion is not possible. The agents have attempted to justify the proposal under the infill Policy HSG 5.

3. To the west of the centre of the village of Rhualt, the Llwyn Derw complex comprises a number of buildings of a commercial nature and a dwelling which front onto Holywell Road. The outbuilding would have been originally attached to the farmhouse at Llwyn Derw. This farmhouse has since been replaced with a new detached dwelling. The outbuilding is attached to a modern shed on the western side which is occupied by the Fifth Wheel Company which operates from the site.

Opposite Llwyn Derw is the cluster of development forming Pant Ifan Newydd and Pant Ifan Goch, one of which was a former conversion. Further west is a unit with the permitted use as a holiday let.

4. The application is reported to Planning Committee due to a request for Committee determination by Councillor R Lloyd Williams.

RELEVANT PLANNING HISTORY:

5. **47/2002/988/PF**
Conversion of Barn to from 2 no. Dwellings. Granted 22/01/03

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 - Development outside development boundaries
Policy HSG 5 - Groups of houses in the open countryside

SPG 10 Infill Housing in the Open Countryside

GOVERNMENT GUIDANCE
Planning Policy Wales

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Highways Safety
8. In considering the main points of paragraph 7 above:
 - i) Principle
Policy GEN 3 allows for certain categories of development outside of development boundaries. In accordance with Policy HSG 5 infill development of one or two housing units may be permitted within a clearly identifiable group of dwellings in the open countryside. Infill plots are permitted provided that it is a small gap between buildings in a continuously developed frontage; it does not result in ribbon development, and is of a comparable scale and size and is sited so as to respect adjacent properties in the locality. This policy is augmented by Supplementary Planning Guidance Note No. 11 Infill Housing in the Open Countryside.

The first test of the infill policy (criterion (i)) relates to a small gap between buildings within a continuously developed residential frontage, SPG 10 refers specifically to a clearly identifiable group being of 6 or more units. In this case there are 3 dwellings in the group on the south side of the road and only Llwyn Derw on the north. It is not considered that a permitted holiday let can be considered as a dwelling as para 5.2 of the SPG is clear on converted buildings and their exclusion from this assessment. Notwithstanding that point there is clearly only 1 dwelling on the north side of the road which cannot form a continuous line of residential frontage.

The second test of the policy (criterion (ii)) refers to ribbon development. It is not considered that the proposal would in itself result in ribbon development.

The third test (criterion (iii)) refers to a small gap of comparable scale,

character and size to the surrounding properties. The group of dwellings which are interspersed with agricultural buildings and bounded by the commercial buildings Llwyn Derw could be argued to be loosely related as opposed to a clear recognisable group of dwellings and does therefore do not comply with policy. It is not considered to respect adjacent properties and the locality.

Forming part of the argument for the proposal was that a previous permission has been approved on Pant Ifan Newydd opposite the application site. This site benefited from a long history for conversion which was well underway when it became apparent that the condition of the outbuilding rendered it unable to convert. This application was not justified under Policy HSG 5 or 6 but as a departure which the Planning Committee approved owing to the history. It is considered that this decision carry's little weight in considering the current application.

ii) Highway Safety

The proposal is considered acceptable in terms of highway safety.

SUMMARY AND CONCLUSIONS:

9. The proposal is not acceptable and is recommended for refusal.

RECOMMENDATION: REFUSE - for the following reasons:-

1. The site is located outside any defined development boundary of Rhuallt. The proposal is not considered to constitute infill development under Policies GEN 3 and HSG 5 of the Denbighshire Unitary Development Plan. The number of residential units and the mixed nature of the uses in the group do not satisfy the relevant tests of HSG 5 and SPG 10. As such the proposal for infill dwellings is unacceptable and contrary to Gen 6 and HSG 5 and Supplementary Planning Guidance Note No. 10 Infill Housing in the Open Countryside.

NOTES TO APPLICANT:

None

