

PWYLLGOR CYNLLUNIO
CYFARFOD: 12fed Rhagfyr 2007
Eitem: 2

PLANNING COMMITTEE
MEETING - 12th December 2007
Agenda Item: 2

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

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

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

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

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

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

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

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

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

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ITEM NO: 1

WARD NO: Prestatyn Central

APPLICATION NO: 43/2007/1329/ PF

PROPOSAL: Erection of single-storey pitched-roof sun-lounge extension to rear of dwelling

LOCATION: 22 Calthorpe Drive Prestatyn

APPLICANT: Mr & Mrs A Knapp

CONSTRAINTS: PD Removed
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:

None

EXPIRY DATE OF APPLICATION: 31/12/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks permission to remove the existing conservatory at the rear of the dwelling and to replace it with a larger sun-lounge and decking area. The proposed sun lounge would have a projection depth of 5.3m, measure 4.2m in width and have a pitched roof, measuring 4.4m to the ridge. The decking area measures 3m in width, 4m in depth and would be raised approximately 70mm.
2. The dwelling is two-storey in height at the rear and has the appearance of a dormer bungalow at the front and is white rendered with a red brick plinth. There is a parking and turning area to the front of property and a large garden at the rear. A garage granted permission in 2001 has been erected to the side of the rear garden, approximately 7m from the original dwelling.
3. The application is presented to the Planning Committee in accordance with part 2, A (v) of the Scheme of Delegation because the applicants are close relations of Cllrs M & I German.

RELEVANT PLANNING HISTORY:

4. 43/2000/1175/PF – Erection of pitched-roof extension to single storey unit to form 2 storey dwelling and erection of replacement garage – GRANT – 5th February 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 HSG 12 – Extensions to dwellings

SUPPLEMENTARY PLANNING GUIDANCE

- SPG 1 – Extensions to dwellings
SPG 24 – Householder design guide

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
- i) Principle of Development
 - ii) Visual Amenity Impact
 - iii) Residential Amenity Impact
7. In relation to the main issues outlined in paragraph 6 above:
- i) The site is located within the Development Boundary and it is therefore reasonable to allow a small scale development in this location subject to compliance with HSG 12 of the Unitary Development Plan.
 - ii) In terms of scale and form, the proposed sun lounge is subordinate to the original dwelling, and would not lead to an overdevelopment of the site. The materials it is proposed to use are to match the existing dwelling and are considered to be sympathetic to the character of the dwelling and surrounding area. As such, the proposal complies with Planning Policy HSG 12 and guidance contained in Supplementary Planning Guidance notes nos. 1 and 24.
 - iii) Given the proposed siting of the sunroom, centrally to the rear of the dwelling, and having considered the boundary treatments, it is not considered the proposed development would have a detrimental residential amenity impact on either of the neighbouring properties. The proposal, therefore, complies with adopted policies and guidance for such extensions.

SUMMARY AND CONCLUSIONS:

8. The proposal complies 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.

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.

NOTES TO APPLICANT:

None

ITEM NO: 2

WARD NO: Rhyl West

APPLICATION NO: 45/2006/0236/ PF

PROPOSAL: Conversion and alterations including ground floor extensions to existing 12 no. flatlets and 2 owners flats 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. This application was referred to the planning committee on the 20th June when it was resolved to grant planning permission, subject to an approach to the applicants regarding a commuted sum contribution to the 'regeneration pot' for West Rhyl, as the Council's affordable housing policy would normally apply to this type of development.
2. Following on from this request, the applicant has submitted a development appraisal which evaluates the viability of the development. This has been reviewed

by the Council's Valuation & Property Manager, who concludes that the financial assessment provided is realistic and the payment of a commuted sum would make the scheme unviable as the development cannot sustain any increase in costs.

3. 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, but there is no record of this use 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.
4. This application is for the conversion and alteration of the properties to provide 8 no. self contained flats in place of the 12 flats present. It is proposed to erect extensions at ground and first floor level to the rear of the property, which replace existing structures. 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, with some small amenity areas to the rear.

RELEVANT PLANNING HISTORY:

5. 2/RYL/1/92/E – Use as 12 flatlets. Certified 18th August 1992

PLANNING POLICIES AND GUIDANCE:

6. 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

SPG 7: Self Contained Flats and Houses in Multiple Occupations
SPG 22: Affordable Housing

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Issue of overintensification
 - iii) Impact on residential amenity
 - iv) Impact on visual amenity
 - v) Affordable Housing
8. In relation to the main planning considerations in paragraph 5:
 - i) Principle
The application site is located within the defined settlement limits of Rhyl, where residential uses are considered acceptable provided the proposal conforms with other relevant planning policies. In relation to the lawful use of the building, investigations confirm an application for a Certificate of Lawfulness of Existing use was granted in 1992 for 12 flatlets for holiday purposes, and 2 owners' flats. Housing Enforcement officers advise this is consistent with their records relating to the property. The property is not a

registered House in Multiple Occupation. There are no enforcement issues relating to the use of the property. The flatlets within the property each have a kitchenette, but share bathroom facilities and have provided temporary accommodation throughout the year.

The application is to provide 8 no. fully self contained flats (a reduced number of units) and a higher, improved standard of accommodation, which is acceptable in principle.

ii) Issue of overintensification

In relation to the concerns raised relating to overintensification, the proposed self contained flats meet within floor space standards set out in SPG 7. They are fully self contained units, and amenities such as bin stores for all units and small external private amenity areas would be provided for some units on the ground floor.

The concerns raised by Rhyl Town Council are noted, but whilst ground floor extensions are proposed, these are to replace existing extensions, and it is not considered that the proposal would result in an over intensive use of the building or site.

iii) Impact on residential amenity

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.

iv) 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.

v) 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 basis of the proposal, (which would effectively reduce the number of units from 12 no. non-self contained flatlets to 8 no. self contained flats) and the conclusions of the viability assessment, it is not considered reasonable to insist on a commuted sum payment or the provision of affordable units as this would threaten what is in other respects a meritorious scheme leading to the improvement of the quality of accommodation. This is a stance taken previously by the committee in this area and is consistent with SPG 22 on affordable housing. 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.

vi) 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 Consequences Assessment has not been requested.

SUMMARY AND CONCLUSIONS:

9. The principle of a modest re-development of a flatlet property in West Rhyl into self contained residential accommodation is considered acceptable. There would be no adverse impact on residential or visual amenity. In circumstances where the insistence on the provision of affordable units or a commuted sum payment would make the scheme financially unviable, it is not considered reasonable to require such provision.

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: 3

WARD NO: Rhyl South West

APPLICATION NO: 45/2007/0432/ PF

PROPOSAL: Alterations and extensions to Nos 14A & 14B; alterations and extension to existing dwelling at rear (no. 16); demolition of part of former stables and erection of replacement building to form a single dwelling (no. 18); erection of new two-storey dwelling within grounds and alterations to existing vehicular access

LOCATION: Pendyffryn House 14/16/18 Pendyffryn Road Rhyl

APPLICANT: Joseph Cross

CONSTRAINTS: C1 Flood Zone
Listed Building
Article 4 Direction

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

CONSULTATION RESPONSES:

2. RHYL TOWN COUNCIL
"No objection"
3. PRINCIPAL COUNTRYSIDE OFFICER
No objection, subject to the protection of existing trees on the site.
4. CONSERVATION OFFICER
No objection
5. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to the inclusion of conditions.
6. ENVIRONMENT AGENCY
No objection
7. DWR CYMRU WELSH WATER
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr. G. Owen, 7, Madryn Avenue, Rhyl
2. Marie Bradshaw, 8 Pendyffryn Road, Rhyl
3. Mr & Mrs S. G Roberts, 17 Madryn Avenue, Rhyl
4. Mr G Bainbridge, 21 Madryn Avenue, Rhyl

Summary of planning based representations received:

- i) Overlooking & Loss of privacy

EXPIRY DATE OF APPLICATION: 11/06/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application is a full planning application and proposes the following:
No.s 14a/14b (Listed Building)
 - External alterations to the side elevation
 - Removal of small lean to extension to the rear (later addition) and erection of replacement of a smaller porch/lobby area
 - Internal alterations.

No. 16 (Former Coach House)

- Internal and external alterations to existing dwelling
- Erection of a small timber framed conservatory to the rear elevation.

No. 18 (Former stables, attached to Coach House)

- Demolition of the stables (Listed Building Consent previously approved) and erection of a replacement building to form a new dwelling.

No. 20

- Erection of a 2 storey dwelling.

Access

Alterations to the existing access arrangements including demolition and reduction in height of the existing boundary wall along the frontage.

2. The application site comprises a Grade II Listed Building, a former coach house and stables with surrounding gardens, located within the defined settlement boundary of Rhyl. Within the main building, there are 2 self contained flats known as 14a and 14b, which are currently vacant. To the rear of the main building, is a detached 2 storey coach house and stables, within part of which is a single dwelling, known as no. 16, and the remaining part is vacant. Adjacent to no. 16, in the corner of the site is an open area of land which abuts properties on Pendyffryn Road and Madryn Avenue.
3. The site has two access points which are located to the front of the site on the bend on Pendyffryn Road and there is a 1.9m high stone boundary wall along the majority of the frontage of the site, with a small section adjacent to the entrance and egress points at 1.5m high. There are a number of trees to the side of the building, located on a small piece of land in between the entrance and egress driveways, which are linked within the site.

RELEVANT PLANNING HISTORY:

4. 45/2003/1215/PF & 45/2003/1216/LB Alterations to existing vehicular access
GRANTED January 2004

45/2004/0817/LB Demolition of stables within curtilage of Grade II Listed Building
GRANTED January 2005

45/2004/0465/PO Development of 0.238ha of land by demolition of stables and erection of 3 no. detached houses and 1 no. semi detached house attached to existing building (outline) REFUSED September 2004 for reasons relating to the density of development, impact on the setting of the listed building and highway issues.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy CON 1 The setting of Listed Buildings
Policy CON 2 Extension or alteration to Listed Buildings
Policy TRA 9 Parking & Servicing provision

SPG 21: Parking Standards in New Developments
SPG 25: Residential Development Design Guide

GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)
TAN 18: Transport (2007)

MAIN PLANNING CONSIDERATIONS:

- 6.
- i) Principle of the development
 - ii) Impact on residential amenity
 - iii) Impact on the visual amenity/character, appearance and setting of the listed building
 - iv) Highway considerations
7. In relation to the main planning considerations noted in paragraph 6 above:
- i) Principle of the development
The principle of residential development within the development boundary of the town would be acceptable in principle provided the proposal complies with other relevant policies in the UDP.
 - ii) Impact on residential amenity

No. 14a & b (Listed Building)

In relation to the existing self contained flats at 14a and 14b, in the main, the alterations are internal with the exception of some alterations to the openings on the side elevation, which does not overlook any neighbouring properties and the erection of a small porch/lobby to the rear. This small extension to the rear replaces an existing structure, and would be erected off an existing wall with the glazing to the rear and side elevations. There would be no adverse impact on the amenities of no. 12 Pendyffryn Road or on existing standards of amenity for occupiers of the units themselves.

No. 16 (Former Coach House)

In relation to the existing dwelling at no 16, there are alterations to the external elevations involving the relocation and addition of windows, along with a small conservatory to the rear. The alterations proposed relate to an existing building and use and there would not be any adverse impact on the amenities of residents on Madryn Avenue or on existing standards of amenity for occupiers of the dwelling itself.

No. 18 (Former stables, attached to Coach House)

It is proposed to demolish the existing structure (as it is structurally unsound) and to replace it with a larger structure to provide a single dwelling. The principle of demolition has been established through a previous application for listed building consent, with conditions attached requiring a photographic survey and a scheme for re-salvaging materials. This application includes the details of the replacement building. The proposal is to replace the building as it exists with an 'extension' to the side elevation measuring 3.3m. The features and characteristics of the existing building would be replicated in the replacement property, with external materials to match those on the coach house (no. 16).

The residents at 8, Pendyffryn Road and 7, Madryn Avenue have expressed concerns in relation to a bedroom window it is proposed to insert within the gable of the extended part of the building. This part of the building would be located 13m away from the boundary of the application site with these properties; in respect of 8, Pendyffryn Road, this property is orientated at an angle and the proposed window would not be positioned so that it overlooks the rear garden of this property. The main front elevation of the outbuilding is and its replacement would be in line with the rear boundary of no 8 Pendyffryn Road with 7, Madryn Avenue so the window would be set away from this property. In respect of 7, Madryn Avenue, in addition to there being a mature tree in the corner of the application site screening it off from this property, it is the rear part of the garden of 7 Madryn Avenue that abuts the application site and a detached garage is located there. In addition there is a distance of 13m located in between the 2 boundaries of the site. In respect to the properties to the rear, there are 3 windows proposed at first floor level to the rear of the dwelling, these would serve a bathroom, en suite and a landing, the first 2 having obscure glazing and the later window not serving a habitable room. There would be no overlooking or loss of privacy for the adjacent dwellings.

The property would be provided with a large amenity area to the rear and side with 3 car parking spaces and it is considered that an acceptable level of amenity would be afforded for future occupiers of the dwelling.

No. 20 (Proposed dwelling)

It is proposed to erect a new 2 storey dwelling to the rear corner of the site, adjacent to the boundary with properties on Madryn Avenue. The area is grassed with some trees located towards the front side of the coach house, but is not used as formal amenity space associated with the existing units at 14a, 14b or 16. The proposed dwelling would be constructed to the same height and design as the coach house, and the property has been positioned and orientated at an angle within the site to avoid loss of trees within the site, and to avoid direct overlooking of the properties at 22 Pendyffryn Road and properties to the rear on Madryn Avenue.

In respect of 22, Pendyffryn Road, the property would be set at angle to avoid directly facing this property, the front corner of the proposed property would be located approx 19m from the main rear elevation, and 17m away from the single storey extension added to the rear. By virtue of to its orientation away from no 22, it is not considered that there would be any adverse impact on the amenities of this property.

In respect to the properties to the rear of Madryn Avenue, the proposed dwelling would be orientated at an angle to avoid direct overlooking of the

amenity areas to the rear and the rear elevation of the property would be approx 17m away from the corner of the site where it abuts the gardens of neighbouring properties. The rear elevation has also been designed to avoid overlooking, with only 1 first floor window to the rear elevation which would serve a landing, which is a non-habitable room. It is not considered that there would be any adverse impact on the amenities of the properties to the rear.

With regard to the amenities provided for the proposed dwelling, a large amenity space would be provided with dedicated off street parking spaces. The property would also be well screened from within the site by the existing trees.

iii) Impact on the visual amenity/character and setting of the listed building

No. 14a & b (Listed Building)

The alterations proposed to the flats within the listed building are considered acceptable. Full details, including joinery details have been submitted with the Listed Building application and no objections have been raised from the Conservation Architect. There would be no adverse impact on visual amenity or on the character of the listed building.

No. 16 (Former Coach House)

The alterations proposed to the existing dwelling within the coach house are considered acceptable, with minimal alterations proposed to the main front elevation facing the listed building and into the courtyard. Additional windows will match the existing, details of which have been submitted with the Listed Building Application. No objections have been raised in respect of the small conservatory to the rear, which would not be located on a main elevation, and with a very simple design and use of appropriate materials, there are no objections on conservation grounds. The extent of alterations and the size, scale and design of the proposed conservatory are considered acceptable with no adverse impact on visual amenity or on the character and setting of the listed building.

No. 18 (Former stables, attached to Coach House)

The proposed dwelling at no. 18 would replicate the design and features of the existing stables, although the length of the building would be increased by 3.3m. All details of the replacement dwelling have been submitted and would match those on the coach house. The size, scale and design of the replacement dwelling are considered acceptable with no adverse impact on visual amenity or on the character and setting of the listed building.

No. 20 (Proposed dwelling)

The proposed dwelling has been designed to reflect the size, scale and design of the coach house, with the use of traditional materials such as slate, render and timber windows. No objections have been raised by the conservation officer in respect of the impact of the proposed dwelling on the setting of the listed building. It is not considered that there would be any adverse impact on visual amenity or on the character and setting of the listed building.

iv) Highway considerations

The proposal includes alterations to the existing access arrangement to provide one access point to the site. The alterations are considered to be a significant improvement to the existing situation of 2 separate access points, one of which is very close to a tight bend in Pendyffryn Road. The Head of Highways has raised no objection to the proposal subject to standard

conditions to ensure satisfactory standards are met, including the completion of the access works prior to the commencement of any other works within the site.

SUMMARY AND CONCLUSIONS:

8. The principle of the development is considered acceptable in this location. There would be no adverse impact on residential or visual amenity or on the character and setting of the listed building. There would be no adverse impact on highway safety, subject to conditions.
9. The density of the development has been reduced and it is considered that the previous reasons for refusal have been addressed and overcome.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons [following the occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. 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.
5. 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.
6. 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.
7. 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.

8. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and which shall be completed prior to the development being brought into use.
9. Prior to the commencement of the development, the access to the site shall be laid out, constructed and completed in accordance with the approved plan.
10. Prior to the commencement of the development, full details of the vehicular footway crossing shall be submitted to an approved in writing by the Local Planning Authority and the foot way crossing shall be completed in accordance with the approved plans before the access is brought into use.
11. The wall along the whole frontage of the site adjoining the highway shall be no higher than 1.05m above the adjacent foot way and nothing shall be planted or erected above this height within 2m of the wall.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. 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 on the interest of traffic safety.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access
11. To ensure that adequate visibility is provided at the proposed point of access to the highway.

NOTES TO APPLICANT:

You are reminded of the requirement to comply with the conditions of the Listed Building Consent ref: 45/2004/0817/LB.

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

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

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

ITEM NO: 4

WARD NO: Rhyl South West

APPLICATION NO: 45/2007/0433/ LB

PROPOSAL: Alterations and extensions to no's 14A & 14B; alterations and extension to existing dwelling at rear (no. 16); demolition of part of former stables and erection of replacement building to form a single dwelling (no. 18) and alterations to existing vehicular access (Listed Building application)

LOCATION: Pendyffryn House 14/16/18 Pendyffryn Road Rhyl

APPLICANT: Joseph Cross

CONSTRAINTS: C1 Flood Zone
Listed Building
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No objection"
2. CONSERVATION OFFICER
No objection
3. ROYAL COMMISSION ON THE ANCIENT AND HISTORICAL MONUMENTS OF WALES
No comments
4. ANCIENT MONUMENTS SOCIETY
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:
1. Mr. G. Owen, 7, Madryn Avenue, Rhyl

Summary of planning based representations received:

- i) The development is at the rear of a Grade II Listed Building and compromises its existence in a town that does not possess many listed buildings
- ii) No reference is made to the conditions attached to the previous listed building consent granted in 2004 to re salvage materials from the stables

EXPIRY DATE OF APPLICATION: 11/06/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

4. This application is for Listed Building consent and proposes the following:
No.'s 14a/14b (Listed Building)
- External alterations to the side elevation
 - Removal of small lean to extension to the rear (later addition) and erection of replacement of a smaller porch/lobby area
 - Internal alterations

No. 16 (Former Coach House)

- Internal and external alterations to existing dwelling
- Erection of a small timber framed conservatory to the rear elevation

No. 18 (Former stables, attached to Coach House)

- Demolition of the stables (Listed Building Consent previously approved) and erection of a replacement building to form a new dwelling

Access

Alterations to the existing access arrangements including demolition and reduction in height of the existing boundary wall along the frontage

5. The application site comprises a Grade II Listed Building, a former coach house and stables with surrounding gardens, located within the defined settlement boundary of Rhyl. Within the main building, there are 2 self contained flats known as 14a and 14b, which are currently vacant. To the rear of the main building, is a detached 2 storey coach house and stables, within part which is a single dwelling, known as no. 16, and the remaining part is vacant. Adjacent to no 16, in the corner of the site is an open area of land which abuts properties on Pendyffryn Road and Madryn Avenue.
6. The site has two access points which are located to the front of the site on the bend on Pendyffryn Road and there is a 1.9m high stone boundary wall along the majority of the frontage of the site, with a small section adjacent to the entrance and egress points at 1.5m high. There are a number of trees to the side of the building, located on a small piece of land in between the entrance and egress driveways, which are linked within the site.

RELEVANT PLANNING HISTORY:

8. 45/2003/1215/PF & 45/2003/1216/LB Alterations to existing vehicular access
GRANTED January 2004

45/2004/0817/LB Demolition of stables within curtilage of Grade II Listed Building
GRANTED January 2005

PLANNING POLICIES AND GUIDANCE:

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy CON 1 The setting of Listed Buildings
Policy CON 2 Extension or alteration to Listed Buildings

GOVERNMENT GUIDANCE

Welsh Office Circular 61/96: Planning & the Historic Environment: Historic

Buildings & Conservation Areas

MAIN PLANNING CONSIDERATIONS:

10.

- i) Impact on visual amenity/Character and appearance of Listed Building

11. In relation to the main consideration noted above:

- i) Visual amenity / Character and appearance of Listed Building

The detailed alterations proposed to Pendyffryn House (14a/14b) are considered acceptable. The porch/lobby proposed to the rear elevation would be constructed using appropriate materials, a combination of timber, glazing and natural slate. The plans contain all the appropriate detailing which is considered acceptable for the building. It is not considered that there would be any adverse impact on the character and appearance of the Listed Building.

The alterations proposed to the dwelling at the coach house are considered acceptable with all details considered appropriate. The size, scale and design of the proposed conservatory to the rear elevation is considered in character with the building. It is not considered that there would be any adverse impact on the character and appearance of this building, which is within the curtilage of a Listed Building.

The redundant stable which is attached to the coach house is to be demolished and was the subject of a previous listed building consent. There are conditions on this consent which require formal approval. The details of the replacement structure are considered acceptable in conservation terms with the new building replicating the features and characteristics of the existing stable. The plans contain appropriate detailing, which is considered acceptable for the building. It is not considered that there would be any adverse impact on the character and appearance of this building within the curtilage of a Listed Building.

SUMMARY AND CONCLUSIONS:

12. There would be no adverse impact on visual amenity and the character, appearance, or setting of the Listed Building. This recommendation is subject to referral to CADW and authorisation for the Authority to grant consent.

RECOMMENDATION: GRANT LISTED BUILDING CONSENT - subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. Demolition shall not begin until an appropriate photographic survey of the existing building 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 shall be deposited with the Local Planning Authority within one month of completion.
3. No demolition shall take place before a contract for carrying out the works to erect a replacement building on the site has been made and full planning permission has been granted.

4. A scheme for re-use of salvaged materials on the site shall be submitted to and approved in writing prior to demolition.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of investigation and recording of historic/listed buildings.
3. In the interests of the character and appearance of the Conservation Area.
4. In the interests of the character of the listed building and its setting.

NOTES TO APPLICANT: None

ITEM NO:	5
WARD NO:	Rhyl East
APPLICATION NO:	45/2007/0470/ PO
PROPOSAL:	Demolition of existing dwelling and development of land by the erection of 12 no. 1-bed flats and 3 no. 2-bed lodges for assisted living for St. David's Care Home and formation of new vehicular and pedestrian access (outline application seeking approval of siting and means of access)
LOCATION:	Land at Tarleton Street Rhyl
APPLICANT:	Mr & Mrs M England
CONSTRAINTS:	Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

8. RHYL TOWN COUNCIL
"Object on the grounds that:
 1. The development would represent over development of the site
 2. Tarleton Street is of insufficient dimensions to cope with further traffic and particularly the heavy plant required for the construction of the proposed development
 3. Loss of amenities to adjoining properties"
9. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to the inclusion of conditions
10. PRINCIPAL COUNTRYSIDE OFFICER
This proposal is better than the previous scheme in so far as the loss of mature trees is concerned however would prefer to see an alternative to the loss of three of the four trees now proposed
11. HEAD OF HOUSING SERVICES
No objection
12. DWR CYMRU WELSH WATER
No objection
13. CHIEF FIRE OFFICER
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr. J. E. Evans, Coed Mor, 15 Fairfield Avenue, Rhyl
2. Mr. & Mrs. T.E. Sharp, 7, Fairfield Avenue, Rhyl
3. Mr J S & Mrs J Large, Coach House, Tarleton Street, Rhyl LL18 3EH.
4. Mr P E Jones & Mrs C M Lockwood-Jones (via e-mail)
5. Mr. M. Earnshaw, 6, Russell Gardens, Rhyl

6. K C Johnson, 7 Russell Gardens, Rhyl. LL18 3EL.
7. Mr. & Mrs. E. Moseley, 11, Fairfield Avenue, Rhyl
8. Mrs B Williams, 3 Fairfield Avenue, Rhyl. LL18 3EE
9. Mrs C M Angell, 35 East Parade, Rhyl

Summary of planning based representations:

- i) The application does not overcome the comments of the Planning Inspector on the previous appeal.
- ii) Impact on highway safety
- iii) Impact on public safety
- iv) Inadequate highway network to cope with additional traffic
- v) Over development

EXPIRY DATE OF APPLICATION: 17/06/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This is an outline application but with siting and means of access to be considered as part of the application.
2. A total of 12 no. 1 bed apartments would be provided along the frontage of the site, with 3 no. 2 bed lodges to the rear side of the site, all proposed for assisted living units in connection with St David's Care Home. The 12 apartments would be split into 2 main blocks, 8 units in one block and 4 in the other, with a unit provided at ground and first floor level. The assisted living units would be occupied by individuals or couples who are in need of some additional care, but are not yet in a position or in need, to be in institutional care. A family member or spouse of a person residing at St David's Care Home could occupy the units, to be close to hand and visit the family member.
3. The application site comprises a former bowling green located adjacent to a single storey detached dwelling located off Tarleton Street, within the defined settlement limits of Rhyl. The site as a whole comprises 0.19 hectares bounded to the front and rear by traditional stone walls with some trees located as part of the front boundary and young trees and shrubs to the rear boundary. Tarleton Street is a narrow road with unrestricted parking, and on-street parking, resulting in only single lane traffic being able to pass.
4. Apart from the bungalow which forms part of the site, Tarleton Street itself only has 1 no. dwelling, The Coach House, which actually fronts directly onto the highway, all other properties which are located on Fairfield Avenue and Russell Gardens, having backs or sides onto the street. However, many of these properties have detached garages and vehicular access points off Tarleton Street. St David's Residential Home fronts onto East Parade but backs onto the north west side boundary of the site, with properties on Russell Gardens located to the south east side boundary and properties on The Lawn and Olinda Street to the rear boundary. The properties comprise a mixture of two storey and three storey buildings, many

of Victorian and Edwardian style, with further accommodation either at basement level or within the roof space.

5. A new vehicular access is proposed off Tarleton Street, with only a pedestrian access retained at the rear of St David's. It is also proposed to provide a pedestrian footpath along the frontage of the site on Tarleton Street. This proposed access would serve the proposed development and St David's. To the rear of the apartments and St David would be off street parking, providing a total of 23 no. spaces, 5 of which are shown as disabled parking spaces, along with a landscaped amenity area, drying area and bin store. The 3 lodges would be provided with private amenity areas.

RELEVANT PLANNING HISTORY:

6. 45/2005/0445/PO Demolition of existing dwelling and development of land by the erection of 17 no. apartments with associated vehicular access (outline application) REFUSED 23rd November, 2005 for the following reasons:

"1. The proposed development would be served by Tarleton Street, which the Local Planning Authority considers to offer an inadequate highway approach, characterised by on street parking, limited carriageway width, and with narrow pavement on one side only. The proposal would lead to additional vehicular and pedestrian movements along this street, which due to its character, would be likely to lead to increased dangers and inconvenience for all highway users. The proposal would conflict with criteria (vi) and (vii) of Policy GEN 6 and Policy TRA 6 of the Denbighshire Unitary Development Plan.

2. The proposal for the erection of 17 no. apartments on the site would be likely to lead to an unacceptable overdevelopment of the site, and the 3 storey height of the development, relationship of the development to the street scene, and the impact on existing amenity space provision for the adjacent residential home, would conflict with criteria (i) and (ii) of Policy GEN 6 of the Denbighshire Unitary Development Plan."

An appeal was lodged against the refusal and was DISMISSED in July 2006. The Planning Inspector considered the highway and amenity issues set out in the reasons for refusal, but dismissed the appeal on highway related grounds only.

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (Adopted 3rd July, 2002)

Policy GEN 6 Development Control Requirements
Policy HSG 2 Housing Development in Main Centres
Policy HSG 10 Affordable Housing within Development Boundaries
Policy REC 2 Amenity and recreational open space requirements in new developments
Policy TRA 6 Impact of new development on traffic flows
Policy TRA 9 Parking and Servicing provision

SPG 4 – Open Space Requirements in New Developments
SPG 21: Parking Requirements in New Developments
SPG 22: Affordable Housing

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

TAN 12: Design
TAN 18: Transport

MAIN PLANNING CONSIDERATIONS:

- 8.
- i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity/street scene
 - iv) Highways/Parking
 - v) Affordable Housing
 - vi) Open Space
9. In relation to the main considerations noted in paragraph 8 above:
- i) Principle of development
The principle of residential development within the development boundary of the town would be acceptable in principle provided the proposal complies with other relevant policies in the UDP. The bowling green has no specific protection under UDP policies and is not currently in use. It appears to have been formerly connected with St David's.
 - ii) Impact on residential amenity
The site directly abuts residential properties on Russell Gardens which would be located to the side elevation of the apartments and rear elevation of the lodges, with properties on The Lawn and Olinda Street to the rear boundary. From the rear elevation of the apartments to the rear boundary would be a distance of some 26m (exceeding the 21m back to back distance normally sought as a minimum) and therefore there would be no unacceptable impact on the properties to the rear. The properties adjacent on Russell Gardens are located in the corner of the cul de sac with rear elevations facing the site. However, due to the position of the dwellings (no.'s 6 and 7) all main habitable room windows are located fronting Russell Gardens or in the case of no. 7, onto Tarleton Street itself. No. 7 has some ground floor windows along its elevation adjoining the application site. However, with a distance of 7.5m achieved from the siting of the apartment block and with careful design and consideration to location of windows there would be no unacceptable impact on this property or its neighbour at no 7 Russell Gardens. The lodges are proposed as single storey properties, with rear garden areas there would be a distance of 12m to the rear boundary of no. 6 Russell Gardens. All other properties on Fairfield Avenue are located on the other side of the road with acceptable distances from the site. The apartments and lodges would be provided with off street car parking facilities, bin storage and drying area along with a landscaped amenity area to the rear and therefore it is considered that an acceptable level of amenity would be afforded to future occupiers.
 - iii) Impact on visual amenity/street scene
Within the locality there is a wide mix of house types and a suitably designed development would not have a significant impact on the character of the area. There would be no adverse impact on the visual amenities of the street scene. The proposal would not result in over development of the site. There would be a loss of some of the existing trees along Tarleton Street to enable the relocation and construction of the proposed access. Whilst this is unfortunate, a detailed landscaping scheme would be required including replacement of suitable species of trees along the frontage. Significantly, the appeal Inspector raised no objections in relation to the siting and scale of

development or in terms of impact on the character of the area, for the previous scheme for 17 units.

iv) Highways/Parking

The Head of Transport and Infrastructure is satisfied with the access arrangements and car parking facilities subject to the inclusion of relevant conditions. This repeats highway officer comments on the previous application, subsequently refused on access grounds and dismissed on appeal. This is an instance where detailed consideration has to be given to the conclusions of the Planning Inspector on dismissing the appeal on the previous scheme in 2006.

In summary, it was considered that the traffic generated by a proposal for 17 apartments would further aggravate conditions in Tarleton Street, and that this harm would occur even if car ownership and traffic generation arising from the development due to the size and type of units were lower.

The appeal Inspector concluded that the existing access to the rear of St David's would give rise to hazards to other road users as visibility in a northwards direction is limited. It was considered that any further traffic generated at this point would add to conflict and congestion in the street.

In respect to on-street parking, the issue of police involvement and the Council having the ability to introduce parking restrictions on the street under traffic regulations was considered. It was concluded that *"the Council has no proposals to bring any such regulations into force. It would not be prudent in this case to rely on a possibility that this might be achieved at some date in the future. In my view, any such measures would not resolve the difficulties encountered by pedestrians in the street, and by vehicles existing from the development. Although it would be possible to provide a relatively short section of footway along the frontage of the site, this would not address the deficiency of footway provision. I do not consider that it is reasonable that pedestrians should be compelled to make longer detours along other footways on the highway network between Russell Road to the south and the seafront."*

This application proposes a new vehicular access and the closing up of the existing access to the rear of St David's, which is considered to address the comments made in respect of the suitability of this point of access in the previous application, and no objections are raised in respect of the proposed point of access.

However, having regard to the appeal decision and comments made by the Planning Inspector, the issues relating to the conditions on Tarleton Street itself remain. Whilst it is possible that this development would generate less traffic, and that this scheme proposes a new access to overcome part of the Inspector's concerns, it is not considered that the objections relating to the difficulties encountered by pedestrians in the street can be overcome.

Tarleton Street is a highway of approx 5m in width with only one footway on its western side, which is no more than 1m wide, and is interrupted in places by garage accesses. Owing to the relatively narrow width of the highway, some vehicles encroach onto the footway to park. This makes it inevitable that pedestrians walk along the road. Whilst the development provides sections of footway along the frontage of the site, this does not address the deficiencies of footway provision on Tarleton Street.

- v) Affordable Housing
The proposal is to provide assisted living accommodation run privately, not through a Registered Social Landlord or the Council, where sufficient controls exist to ensure that the scheme meets housing needs in the vicinity at an affordable level. Thus, further controls through a S106 agreement or planning condition would be considered necessary.

- vi) Open Space
The applicant is aware of the planning policy requirements for provision of open space in new development and there is limited amenity space provided within the site. The size and type of development and in a location close to the town centre would support the case for the payment of a commuted sum to allow provision/ enhancement of open space elsewhere in the town. This is also a matter which can be dealt with by a suitably worded condition on outline consent. This approach was considered acceptable by the Appeal Inspector.

SUMMARY AND CONCLUSIONS:

10. The principle of development within the development boundary is considered acceptable without causing a detrimental impact on residential or visual amenity. Affordable housing and open space requirements can be addressed at detailed stage and can be covered by conditions. However, it is still considered that there would be an unacceptable impact on highway safety, and key concerns raised on the previous application, and by the appeal Inspector can not be overcome.

RECOMMENDATION: - REFUSE for the following reasons:-

1. The proposed development would be served by Tarleton Street, which the Local Planning Authority considers to offer an inadequate highway approach, characterised by on street parking, limited carriageway width, and with narrow pavement on one side only. The proposal would lead to additional vehicular and pedestrian movements along this street, which due to its character, would be likely to lead to increased dangers and inconvenience for all highway users. The proposal would conflict with criteria (vi) and (vii) of Policy GEN 6 and Policy TRA 6 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Rhyl South West

APPLICATION NO: 45/2007/0641/ PR

PROPOSAL: Details of siting, design and external appearance of 9 no. apartments, means of access thereto and landscaping of site, and affordable housing arrangements, submitted in accordance with Condition No. 1 and 4 of outline application Ref. No. 45/2005/0551/PO

LOCATION: Builders Yard 13 Sisson Street Rhyl

APPLICANT: De Novo Group Holdings Ltd

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

14. RHYL TOWN COUNCIL
"No objection"
15. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to the inclusion of conditions
16. HEAD OF HOUSING SERVICES
No objection
17. DWR CYMRU WELSH WATER
No objection
18. ENVIRONMENT AGENCY
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Ivor Howatson & Son, 17, Sisson Street, Rhyl
2. Ms T A Prince, 18 Sisson Street, Rhyl

Summary of planning based representations:

- i) Impact on the character of the area
- ii) Inadequate parking provision

EXPIRY DATE OF APPLICATION: 29/08/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application is a reserved matters application dealing with the siting, design and external appearance of 9 no. apartments, means of access thereto and landscaping of the site, including affordable housing arrangements. It is submitted in accordance with conditions 1 and 4 of outline planning permission code no 45/2005/0551/PO, granted in September 2006.
2. The application site comprises a former builder's yard located within the development boundary of Rhyl. Sisson Street is a primarily residential area with a mixture of 2 storey terraces and semi's and a 3 storey block of flats in close proximity to the site. Adjoining the application site on both sides are 2 storey developments, a residential property to the one elevation and a funeral directors to the other. To the rear of the site are 3 storey residential properties on Williams Street and the former milk depot warehouses.
3. It is proposed to erect a 'T' shaped block, 3 storeys in height fronting onto Sisson Street. Access to the site would be off Sisson Street with car parking areas proposed to the rear of the property. It is proposed to provide 3 no. affordable housing units, which would be 2 bed apartments for low cost homeownership.

RELEVANT PLANNING HISTORY:

4. 45/2005/0551/PO Development of 0.08ha of land for residential purposed (outline application) GRANTED 5th September, 2006

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 ENP 6 Flooding
Policy HSG 2 Housing Development in Main Centres
Policy HSG 10 Affordable Housing within development boundaries
Policy TRA 6 Impact of new development on traffic flows
Policy TRA 9 Parking & Servicing Provision

SPG 21: Parking Requirements in New Developments

SPG 22: Affordable Housing in New Developments

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

TAN 15: Development and Flood Risk

TAN 18: Transport

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity/street scene
 - iv) Highway considerations
 - v) Affordable Housing
7. In relation to the main planning considerations noted above:
 - i) Principle of development
The principle of the development has been established by the grant of outline planning permission in September 2006. The matters for consideration are solely the detailing of the development.

- ii) Impact on residential amenity
 The site directly abuts residential development on Sisson Street with other residential properties located immediately opposite the site. The apartment block would be set back by approx 5.5m from the frontage of the site, and therefore a distance of approx 20m would be achieved between the proposed building and existing residential properties opposite. In relation to the properties abutting the site, no windows are proposed within the main gables of the proposed block, and to the rear where the building steps in, a living room is proposed : however a distance of approx 15m is achieved to the boundary with no 9, Sisson Street. The property at 17 Sisson Street is in use as a funeral directors, and is separated from the application site with a parking area provided to the rear. It is not considered that the proposal would result in any loss of privacy or amenity for adjoining properties. The apartments would be provided with off street parking facilities, a cycle storage area, and external bin storage area, and it is considered that an acceptable level of amenity would be afforded to future occupiers.
- iii) Impact on visual amenity/street scene
 Within the locality, there are a mix of house types including a 3 storey development almost opposite the site and to the rear, and therefore a 3 storey development fronting Sisson Street would not have a detrimental impact on the character of the area. There would be no adverse impact on the visual amenities of the street scene.
- iv) Highway considerations
 The proposal is to form an access off Sisson Street leading to a parking area to the rear, with 9 no. residents car parking spaces and 2 visitor spaces. It is also proposed to erect bollards along the frontage of the site to deter vehicles from parking on the pavement and to provide a safe route for pedestrians. The Head of Transport and Infrastructure is satisfied with the access arrangements and parking provision. Whilst 1 space per unit and 2 visitor spaces does not meet the Council's parking standards, which requires a maximum of 2 car parking spaces for a 2 bed property, the parking provision is considered acceptable taking into account the nature and location of the development, as the site is located within walking distance of the town centre and public transport links and therefore in this location, a reduced number of parking spaces is considered to be acceptable.
- v) Affordable Housing
 The applicant has confirmed the intention to make 3 units available for affordable purposes. This would be consistent with the SPG on affordable housing, and can be secured through a Section 106 obligation.

The submitted information confirms the following:

Number of units proposed	9
No. of affordable houses	3 no - On Site
Plot No's	7, 8 & 9
Tenure	Low Cost Homeownership
House type	3 no. apartments, all 2 bed
Floor area	62 sq m
Timing of AH availability in relation to market value units	To be agreed in the S106, possible 50% trigger

Floorspace area of units complies with the Design Quality Requirements.

Current available waiting list (Aug 2007) indicates the following details for the Community of Rhyl:

Type	General	Sheltered
1 bed flat	892	293
1 bed house	13	0
1 bed bungalow	76	248
2 bed bungalow	557	213
2 bed flat	731	0
2 bed house	100	209
3 bed house	659	0
3 bed bungalow	18	5
4 bed or above	223	0
Total	3269	968

SUMMARY AND CONCLUSIONS:

8. The application provides an acceptable development in terms of siting, design, external appearance and landscaping, without causing any detriment to residential or visual amenity. The access and parking arrangements are acceptable and would not cause any adverse impact on highway safety. The affordable housing arrangements are considered acceptable.

RECOMMENDATION: - APPROVE subject to the following conditions:-

In relation to Condition 1 (siting, design, external appearance, means of access and landscaping)

1. The car parking accommodation shall be laid out and constructed strictly in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority prior to the occupation of any of the units hereby permitted.
2. The bicycle storage area shown on the approved plan shall be provided in accordance with the approved plan prior to the occupation of any of the units hereby permitted and the facility thereafter retained.
3. The bollards shown on the approved plan shall be installed prior to the occupation of the units hereby permitted.
4. No development shall take place until a scheme of foul water, surface water and land 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 reason(s) for these condition(s) are:-

1. To provide for the loading, unloading and parking of vehicles clear of the highway and to ensure the reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
2. To provide for the parking/storage of bicycles and to encourage the use of sustainable means of transport.

3. To safeguard the interests of pedestrians.
4. To ensure satisfactory drainage of the site and to avoid flooding.

In relation to Condition 4 (affordable housing arrangements)

subject to the following condition

1. The arrangements relating to the affordable housing shall be secured through a Section 106 agreement, to provide 3 units and the retention of the units for affordable purposes in accordance with the Council's policies, and the development shall not commence until the completion of the Section 106 agreement.

The reason for this condition is:-

- 1 To comply with Policy HSE 10 & SPG 22 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

You are reminded of the requirement to comply with condition 6 and 8, and prior to the commencement of the development, the need to obtain formal written approval of the external materials as required by condition 7.

You should contact the Case Officer and Legal Officer to resolve issues over the Section 106 agreement, including the payment of the Council's expenses.

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

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

ITEM NO: 7

WARD NO: Rhyl South East

APPLICATION NO: 45/2007/0984/ PF

PROPOSAL: Demolition of existing workshop and garages and erection of detached dwelling

LOCATION: Land at Merllyn Farm 23 Dyserth Road Rhyl

APPLICANT: Mr Hugh Jones

CONSTRAINTS: CLB-Class B Road
PD Removed
Article 4 Direction

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

Mr Hugh Jones is a County Councillor and member of Planning Committee

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"In consideration of the applicant being a Member of the Town Council the application was not considered."
2. HIGHWAY AUTHORITY
No objection subject to a condition regarding parking and turning facilities

RESPONSE TO PUBLICITY:

None.

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 04/12/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site measures 21 metres by 14 metres and stands between the two-storey infill dwelling at 25A and the row of properties fronting Dyserth Road. The site previously contained some workshops/garages but these had been demolished at the time of the site visit. The site is abutted by walls of around 2 metres in height to the east side and to the rear (north), by a fence of around 1.8 metres in height to the west side and by an existing workshop/storage building to the front (south) which will remain and stands outside of the site edged in red.
2. The application follows the granting of outline consent for a dwelling at the site (ref 45/2007/0137/PO) in 2007 and shows the erection of a two-bedroom dormer bungalow with a footprint of 7.0 metres by 8.0 metres with a ridge height of 6.7 metres. The dwelling also has a detached garage set within the rear corner of the plot which it was noted had already been constructed at the time of the site visit. The proposed dwelling is sited 3.0 metres off the west boundary of the plot and has its west side elevation 7.5 metres from the front of 25A. The east side

elevation has a distance of 4.0 metres to the east boundary and a distance of 13.0 metres to the rear of the properties on Dyserth Road.

RELEVANT PLANNING HISTORY:

3. 45/2007/0137/PO – Outline application for the erection of one detached dwelling: Granted 18 April 2007 subject to conditions including it being limited to a single-storey dwelling only in order to protect the amenity of nearby residents and the character of the area.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 Development Control Requirements
Government Guidance – Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5. The main issues raised by the proposal are:
 - (i) Principle, visual appearance and impact on the amenity of nearby occupiers
 - (ii) Highways
6. In relation to the main issues above:
 - ii) The extant outline consent at the site has established the principle of residential development at the site, but only for a single-storey dwelling. As such, the erection of a dwelling containing two floors of accommodation with a ridge height of 6.7 metres is not considered acceptable in principle due to its impact on the amenity of adjacent residents. The siting of a two-storey dwelling within close proximity of the west and east boundaries would also make the development appear cramped and would have an adverse impact on the character of the area.
 - iii) No objection is raised to the proposal in terms of highways as the Highway Authority consider that a condition regarding parking and turning would result in a satisfactory form of development in this regard.

SUMMARY AND CONCLUSIONS:

7. The application is unacceptable and is recommended to be refused.

RECOMMENDATION: REFUSE - for the following reason:-

1. The erection of a dwelling containing two floors of accommodation with a ridge height of 6.7 metres is not considered acceptable due to its impact on the amenity of adjacent residents. The siting of such a two-storey dwelling within close proximity of the west and east boundaries would also make the development appear cramped and would have an adverse impact on the character of the area. As such, the proposal is unacceptable as it is contrary to criteria (i), (ii) and (v) of Policy GEN 6 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT: None.

ITEM NO: 8

WARD NO: Rhyl East

APPLICATION NO: 45/2007/1253/ PF

PROPOSAL: Retention of and extension to existing covered seating area

LOCATION: The Esplanade Club 86 Rhyl Coast Road Rhyl

APPLICANT: Mr Hugh Jones

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

Mr Hugh Jones is a County Councillor and member of Planning Committee

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"In consideration of the applicant being a Member of the Town Council the application was not considered."
2. PUBLIC PROTECTION
Awaiting response.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 24/12/07

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site consists of a long established licensed pub premises. The premises are two storey and set back from the road with a parking area to the front.
2. To the immediate east of the site is a Class A3 restaurant with residential properties beyond. To the west of the site is a former petrol filling station, currently vacant but with consent for the erection of building for tyre, battery and exhaust fitting to private cars and vans. To the south, on the opposite side of Rhyl Coast Road is an established parade of shops. The site and the retail area opposite form the RET 10 local shopping centre.
3. Permission is sought to retain and extend a covered seating area to the front of the premises. The existing seating area measures 2.9m in width across the frontage of the premises, has a depth of 2.2m and is 2.2m in height. The proposed extension to the seating area measures 4.1m in width and 2.2m in depth. There is an opening measuring approximately 1.25m which incorporates wheel chair access. The proposal will be closed on one side using timber trellis posts from floor

to roof height.

4. The application is presented to the Planning Committee in accordance with Part 2, A (v) of the scheme of Delegation because the applicant is Councillor H Jones.

RELEVANT PLANNING HISTORY:

5. 45/2005/0809/PF – Single storey flat roofed extension at rear to provide new toilet facilities – GRANTED 24/08/05

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6- Development Control Requirements
Policy RET 16- Food & Drink- Hot Food Take-Aways

GOVERNMENT GUIDANCE:

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact on Visual Amenity
 - ii) Impact on Residential Amenity
8. In relation to the main planning considerations in paragraph 5:
 - i) Impact on Visual Amenity
The size, scale and design of the proposed are considered acceptable. The proposed platform and covered area does not encroach onto the road side and respects the character and appearance of the property in terms of materials. The existing extension now in-situ, does not detract from the street scene. There are no concerns relating to the impact this proposal will have on the visual amenity of the property and the area and the seating area complies with Policy GEN 6.
 - ii) Impact on Residential Amenity
The closest residential dwellings to the site lie some 21m to the east with another existing Class A3 food and drink use between. Given the location of the seating area, neighbouring uses and it's limited size, it is not considered any significant impact upon residential amenity will be experienced. The proposal complies with Policy RET 16.

SUMMARY AND CONCLUSIONS:

8. The proposal complies with Policy and is recommended for approval.

RECOMMENDATION: - GRANT for the following reasons:-

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: 9

WARD NO: Llangollen

APPLICATION NO: 03/2007/0920/ PF

PROPOSAL: Erection of commercial smoke house unit

LOCATION: Highcroft Birch Hill Llangollen

APPLICANT: Mr T Woodbridge

CONSTRAINTS: Within 67m Of Trunk Road
Listed Building (from GIS)

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

CONSULTATION RESPONSES:

1. LLANGOLLEN TOWN COUNCIL
Awaiting response.
2. LANDSCAPE ARCHITECT
Awaiting response
3. PUBLIC PROTECTION
Have no concerns. The proposed emissions are likened to that of a small domestic log burner. It is not considered that there will be any adverse impact upon the neighbouring properties.
4. LLANGOLLEN CIVIC SOCIETY
"Oppose the application simply on the grounds that this is a business being created in a wholly residential location."

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mrs Stella Bond, Coedfryn, Birch Hill, Llangollen. LL20 8LN.
2. Edward P Jones, Tryfan, Birch Hill, Llangollen. LL20 8LN.
3. Mrs Joseph, 1 Quinta, Birch Hill, Llangollen. LL20 8LN.
4. Mr B Quinn, Llwyn Aeron, Birch Hill, Llangollen. LL20 8LN

Summary of planning based representations:

- i) Impact upon the residential character of the area through the introduction of a commercial unit
- ii) Impact upon residential amenity by virtue of smoke pollution, odour pollution
- iii) Increase in traffic

EXPIRY DATE OF APPLICATION: 08/10/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This is a full planning application for the erection of a building to be used as a commercial smoke house. The smoke house would be used to smoke fish which would then be sold in the applicant's fishmongery business. Delivery of fish to be smoked would be to the applicant's shop in Wrexham which would then be transported to the applicant's home and smoke house on his usual commute to and from work. Within the proposed building would be located a mini-kiln for the curing of the fish, refrigerators for the storage of fish waiting to be cured, and an office area for the applicant's benefit.
2. The site is located within the residential curtilage of the dwelling Highcroft which is a grade II listed building. Access to the site is via a series of steps as it is elevated high above the other dwellings in the area. This affords the site a large amount of privacy as it cannot be viewed from any public vantage point. The boundary of the site is mature trees/planting to the front and an embankment to the rear.
19. The proposed building would be 3.5 metres by 14 metres. To the ridge it would be 4 metres in height. Materials proposed are block and render walls and slate roof. It would be located 21 meters from the nearest dwelling.

RELEVANT PLANNING HISTORY:

4. 03/2004/1216/PF – Renovations and extension to rear of dwelling, erection of new double garage and associated landscaping. GRANTED 2/12/04

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 EMP 4 – Employment Development Within Development Boundaries
Policy EMP 9 – Working from Home
Policy ENV 2 – Development affecting the AOB

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact upon visual amenity
 - iii) Impact upon residential amenity
 - iv) Impact upon traffic volume
7. In relation to the main planning considerations noted in paragraph 6:
 - i) Principle of development:
Policy ENV 4 allows for employment uses within the development boundaries provided they are of a scale and type that is appropriate to the area. Policy EMP 9 allows for the use of a dwelling's curtilage for business uses provided that the main use and appearance of the site remains residential, and that there will be no impact upon the residential character of the area. The principle is therefore acceptable in principle.
 - ii) Impact upon visual amenity:
The proposed design and location of the building is considered acceptable. It would not be visible from any public vantage point and would not negatively impact upon the character of the listed building. Accordingly the

Councils Conservation Officer has responded that he has no concerns regarding the proposal. The residential character of the dwelling's curtilage would not be visually harmed by this proposal as the building in question is equivalent to an ancillary domestic building.

iii) Impact upon residential amenity:

Concerns have been raised regarding the proposals potential impact upon the character and amenity of what is primarily a residential area. However, details of the proposed kiln clearly indicate that the smoke produced by the kiln would not exceed that of a domestic log burner. The temperatures involved and the sealed nature of the kiln further ensure that no odours will be emitted during the smoking process. It is therefore concluded that the impact upon the residential character and amenity of the area and site will not be detrimentally affected.

iv) Impact upon traffic volume:

Regarding the proposals impact upon traffic levels, it has been clearly stated that there will be no increase in the volume of traffic. Vehicular movements will remain the same as the transportation of fish between the applicants shop and the smoke house will be done as part of the applicant's daily commute in his refrigerated van.

SUMMARY AND CONCLUSIONS:

8. The scale of the proposal is clearly ancillary to the residential use of the dwelling and would not impact upon the residential character of the area. There would be no alteration in the traffic flows to and from the site and the proposal would not result in pollution in the form of odour or smoke. The proposal therefore complies with policy

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 raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or storage areas that have been approved in writing by the Local Planning Authority for this purpose.
3. The permission inures for the benefit of the applicant only.

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 amenity and highway safety by ensuring that adequate on-site parking and turning space is available.

NOTES TO APPLICANT:

None

ITEM NO: 10

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 10/2007/0980/ PF

PROPOSAL: Erection of single-storey agricultural building for housing of livestock and general agricultural use

LOCATION: Land at Llan Isa Bryneglwys Corwen

APPLICANT: Mrs M Bellis

CONSTRAINTS: AOB

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

CONSULTATION RESPONSES:

20. BRYNEGLWYS COMMUNITY COUNCIL

"The Community Council would like to object to the above application as we feel that there is overdevelopment of the site. An application for a dwelling has recently been approved and there are numerous stables/sheds available on this site for storage and to house animals without the erection of another shed".

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 30/10/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Permission is sought for the erection of a steel portal framed agricultural building for general agricultural use and occasional livestock shelter. The building would measure 19.7 metres by 14.2 metres. It would be 5.6 metres in height. Materials proposed are block walls with sheet metal upper walls and roof.
2. The site is located just outside the development boundary of Bryneglwys and forms part of a 6ha registered small holding (number 56/053/004B). Access is via a narrow unmade path which runs past a group of stables in the ownership of the applicant. The site is secluded and 30 metres from the nearest dwelling. The site is screened from view by mature planting.

RELEVANT PLANNING HISTORY:

3. None.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy ENV 2 - Development Affecting AOB
Policy EMP 13 - Agricultural Development

MAIN PLANNING CONSIDERATIONS:

5.

- i) Principle of development.
- ii) Impact upon visual amenity.
- iii) Impact upon residential amenity.

6. With regard to the considerations noted in paragraph 5:

- i) Principle of development
Policy EMP 13 allows for agricultural development provided that it is needed for the farm enterprise, does not impact negatively upon the countryside, and are well related to the farm complex. It is noted that the site is a registered small holding which is used for the grazing of sheep and horses. Hay is produced on the site which would be stored in the new barn. The need for this barn has arisen from the existing barns being unsuitable in terms of size, siting and location. They are therefore to be demolished. The proposed building would be well related to the nearby existing stables which form part of the enterprise. It is considered that subject to the requirements of Policy GEN 6, the proposal is acceptable in principle.
- ii) Impact upon the visual amenity
The site is discreetly located and at a lower elevation to the surrounding area. The building is not considered to be prominent or conspicuous and would assimilate well into the landscape. There are no concerns regarding the proposals impact the visual amenity of the area.
- iii) Impact upon residential amenity
The site is separated from the site by the stables and mature trees. It is also at a lower elevation than the houses. It is considered that this location is preferable to that of the existing barns which are much closer (directly opposite) the dwellings. It is therefore considered that the proposed building represents an improvement to the present situation and will not negatively impact upon the residential amenity of the area.

SUMMARY AND CONCLUSIONS:

7. Complies with policy, and there are no material planning objections.

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.

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.

NOTES TO APPLICANT: None

ITEM NO: 11

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 10/2007/1161/ PO

PROPOSAL: Development of 0.27ha of land for residential purposes and alterations to an existing vehicular access (outline application) - all matters reserved for further approval

LOCATION: Land at Brooklyn Bryneglwys Corwen

APPLICANT: Mrs J Y Hudson Ferguson & Ms J D Garratt

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. BRYNEGLWYS COMMUNITY COUNCIL
No response received.
2. HOUSING
No response received.
3. PRINCIPAL COUNTRYSIDE OFFICER
No Objection
4. WELSH WATER
No response received.
5. HIGHWAYS
No objections

RESPONSE TO PUBLICITY:

Letters of representation received from the following:

1. Mr & Mrs Finch, Gwernant, Bryneglwys
2. Mr. P. J. Clarke, Glandwr, Bryneglwys

Summary of planning based representations:

- i) Concerns in relation to loss of privacy, proximity of dwellings to boundary, height of dwellings compared to those surrounding, loss of trees along the boundary highway and access issues and the lack of need for further residential development in the village which would not benefit the community.

EXPIRY DATE OF APPLICATION: 02/12/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is an outline application for residential development of land, with all matters to be reserved for future consideration.
2. The application site extends to 0.27ha (0.7 acres) in area and is located within the development boundary of Bryneglwys, which also falls within the AOB. The site is bordered to the north east, south and west by trees and hedges and there are also a number of trees on the site. The application site slopes downwards in an east to west direction.
3. The site forms part of a paddock area associated with the existing dwelling Brooklyn. Although this has been excluded from the application site, it is still within the same ownership. Brooklyn is a hipped roof bungalow with a conservatory on the west (front) elevation facing the application site and a detached double garage in the curtilage. Access to Brooklyn is off the highway to the west of the application site.

RELEVANT PLANNING HISTORY:

4. None on the application site but the adjoining field to the north east was the subject of a resolution from Planning Committee in January 2005 to grant planning permission for residential development, subject to the signing of a S106 agreement. (Code No. 10/2004/1279/PO).

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN1 – Development within development boundaries
 - Policy GEN6 – Development Control Requirements
 - Policy ENV2 – Development affecting the AOB
 - Policy ENP4 – Foul and surface water drainage
 - Policy HSG4 – Housing development in Villages
 - Policy HSG10 – Affordable Housing within development boundaries
 - Policy REC2 – Amenity and recreational open space requirements in new developments
 - Policy TRA6 – Impact of new development on traffic flows

 - SPG4 – Recreational Public Open Space
 - SPG22 – Affordable Housing

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Impact on residential amenity
 - iii) Impact on character of the area /AOB
 - iv) Highways
 - v) Affordable housing
 - vi) Drainage
 - vii) Open space
7. In relation to the main planning considerations as noted above:
 - i) Principle:

The principle of development is acceptable given the location of the application site within the development boundary. Members should be aware that the development boundary in this location extends slightly beyond the existing dwelling of Brooklyn to the east of the application site, therefore given

that Brooklyn is in the same ownership, it may be possible for further development beyond the boundary of the current application site in the future.

- ii) Residential amenity:
Concerns have been raised by neighbours in relation to the potential for overlooking, and adverse impacts on residential amenity. No details in relation to the siting of buildings have been provided at this stage, as the application is in outline only. However it is considered that with careful orientation and the retention of the trees on the boundaries of the site, that there would be no adverse impact on residential amenity.
- iii) Character of area/ AOB:
Concerns have been raised in relation to the height of the proposed dwellings, the impact the development will have on the AOB and the need for further residential development. The latter point is in light of the resolution to grant permission on the field next door and recent residential development next to the church. However, the land is allocated within the development boundary, where there is a presumption in favour of development. Information on the numbers and type of dwellings are not detailed as part of this application, but these issues will be considered at reserved matters stage. The site boundaries i.e. trees and hedges, should be retained, which will go far in protecting the character of the area and the AOB landscape as will the careful choice of materials. It is suggested therefore that the concerns in relation to the character of the area and the AOB can be addressed.
- iv) Highways:
No objections have been raised by the Head of Transportation in relation to the proposed development. There is an existing access to Brooklyn which it is indicated on the site plan as an access into the application site. The details are however reserved for a later stage and can be covered by condition should members decide to approve.
- v) Affordable housing:
The site extends to 0.27ha in area and as such there is a requirement for affordable housing in line with the policy and SPG22. This can be covered through the use of a planning condition at outline stage.
- vi) Drainage:
It is proposed to connect to the public sewer for the proposed development. The proposal would be in accordance with policy ENP4.
- vii) Open space:
There is a requirement to provide open space as part of any development of 10 houses or more. This can also be covered via a planning condition at this outline stage as no details of numbers are included in the proposal.

SUMMARY AND CONCLUSIONS:

7. The proposal is for the residential development of 0.27ha of land adjoining Brooklyn in the development boundary of Bryneglwys. The principle of development is acceptable and it is considered that all other detailed planning considerations as identified above can be addressed at reserved matters stage.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before

the commencement of any development.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. 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. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.

8. 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.

9. No trees or hedges shall be removed other than with the written consent of 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 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 provide for the parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the in the interest of traffic safety.

8. To ensure satisfactory drainage of the site.

9. In the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2007/1065/ PO

PROPOSAL: Development of 0.61ha of land for residential purposes, demolition of redundant farm buildings and formation of new vehicular access (outline application)

LOCATION: Land adjacent to Bryn Tirion Village Road Eryrys Mold

APPLICANT: Mrs Linda Jones

CONSTRAINTS:

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

CONSULTATION RESPONSES:

21. COMMUNITY COUNCIL
'The community council support this application'
22. HIGHWAYS
No objection subject to conditions
23. LLANARMON AND DISTRICT CONSERVATION SOCIETY
No objection to this application but would hope that any resultant dwellings would be built in a style and finish close to that of the Welsh vernacular i.e. the use of stone features in exterior walls (dwellings and boundary walls) along with a rendered finish if necessary, the use of slate for roofing, but no exposed brickwork red or otherwise.
24. CONTAMINATED LAND OFFICER
The historical maps show an old lead mining shaft and within 100m of the proposed development an old quarry adjacent to the site. There is the potential for elevated levels of heavy metals being present in the soil such as lead, zinc and cadmium. In addition the development involves the demolition of several agricultural outbuildings where there may have been spillages of agro chemicals. Suggest conditions to deal with contaminated land issues.
25. HOUSING
No objection
26. WELSH WATER
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from the following:

1. Ian H Gough, Hen Gynefin, Ffordd y Pentre, Eryrys
2. R G Spratley, Berthen Gron, Eryrys

Summary of planning based representations:

- i) Concerns over the number of units and their impact/location on this small site

- ii) Concerns over the location of the access and danger to road users given its location opposite the access into Bryn Awelon
- iii) Prominence of proposed dwelling numbers D15, 16 and 17 on the skyline
- iv) Demand for 17 additional dwellings in the area is questionable
- v) Concerns over the layout - not in context with surroundings, no sense of place and no consideration towards the character of the area in conflict with advice in TAN12 – Design.

EXPIRY DATE OF APPLICATION: 31/10/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is for the demolition of redundant farm buildings on the site and the development of land for residential purposes. The application is made in outline with access only to be approved as part of the proposal. This access is proposed off Village Road, opposite the existing access into the Bryn Awelon housing estate.
2. The site forms part of a former farm comprising disused farm buildings of modern steel framed construction, traditional stone and slate construction buildings, and a field that slopes down to the north, north east and west.
3. The application site is located within the development boundary of Eryrys, and within the Area of Outstanding Beauty. The site extends to 0.61ha in area and is bound by St David's Church to the north east and the dwelling of Bryn Tirion to the south west. The main road running through the village is located to the west of the application site.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN1 – Development within development boundaries

Policy GEN6 – Development control requirements

Policy ENV2 – Development affecting the AOB

Policy ENP4 – Foul and surface water drainage

Policy HSG4 – Housing development in villages

Policy HSG10 – Affordable housing within development boundaries

Policy REC2 – Amenity and recreational open space in new developments

Policy TRA6 – Impact of new development on traffic flows

Policy SPG4 – Recreational open space

Policy SPG21 – Parking requirements in new developments

Policy SPG22 – Affordable housing

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle:
The application site is within the development boundary, where the principle of development is acceptable subject to satisfying other development control requirements. The existing buildings on the site are of a former agricultural use which has now ceased therefore there is no issue with regards loss of agricultural buildings/ use.
- ii) Visual amenity / AOB:
The site is in the AOB where policy ENV2 is applicable. The main thrust of this policy is to avoid any harm to the character and appearance of the landscape and prejudice to any future designation as an AONB. Concerns have been raised by individuals in relation to the number of units proposed, the layout, the prominence of units D15- 17 on the skyline and the lack of regard towards advice in TAN12. Whilst these points are noted, the application is for outline approval only with no details of siting, design or external appearance to be approved at this stage.
- iii) Density/ layout:
Concerns have been raised in relation to the proposed number of units, and the layout. Again, these details do not form part of the application, and whilst a layout plan showing 17 dwellings has been submitted, this is for indicative purposes only. Members should be aware that officers have commented on this layout at pre application stage and have raised similar concerns; however these matters are not for consideration as part of the outline submission.
- iv) Highways:
Access is to be considered as part of the current application. It is proposed to form the access opposite the existing access into Bryn Awelon. Concerns have been raised by neighbours about the proposed location of the access opposite an existing access, which they contend to be a dangerous arrangement. Highways Officers have assessed the proposal and raise no objections to the location of the proposed access. Policy TRA6 of the Denbighshire UDP refers to the impact of new development on traffic flows and states that development will be permitted provided that the proposal does not unacceptably affect the safe and free flow of traffic and that the capacity of and traffic conditions on the surrounding road network are satisfactory. The proposal is considered in accordance with TRA6 and criterion vii) of policy GEN6.
- v) Drainage:
No objections have been raised by Welsh Water, the proposal is therefore in accordance with policy ENP4.
- vi) Open space:
Open space needs to be provided on site in accordance with policy REC2 of the Denbighshire UDP. This can be conditioned and will be dealt with as part of the reserved matters stage.
- vii) Affordable housing:
The site exceeds the 0.1 hectare threshold which requires provision of affordable housing at the level of 30%. This will form part of the details at the reserved matters stage and can be conditioned as part of an outline consent.

SUMMARY AND CONCLUSIONS:

7. The application site extends to 0.61ha in area and is located within the development boundary of Eryrys and in the AOB. The proposal is for residential development and is made in outline with means of access only to be approved as part of the proposal. The proposal is considered to be acceptable based on the relevant development plan policies and as such is recommended for approval.

RECOMMENDATION: - GRANTED 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. Facilities shall be provided in the site for the parking and turning of vehicles in accordance with a scheme to be agreed in writing by the Local Planning Authority and which shall be completed prior to the development being brought into use.
5. The detailed layout, design, means of traffic calming, signing, drainage, street lighting and construction of the internal estate road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.
6. The visibility splays shall at all times be kept free of any planting, tree, shrub growth or other obstruction within 1.05m above the level of the adjoining carriageway.
7. No work shall be permitted to commence until there has been a phased investigation carried out over the entire site to ascertain whether the land is contaminated, and whether the development may impact on controlled surface waters or groundwater. Such investigation should consist of a desk study to include water monitoring data, and if deemed necessary within the 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). The contents of each survey and its conclusions shall be submitted to the Local Planning Authority for assessment.
8. In the event that the site survey required by condition 7 of this permission reveals the presence of hazards from contamination, no development shall be permitted to commence until there has been submitted to and approved in writing by 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 persons. Such risk assessment should also include details of addressing the risk, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site.
9. The development hereby approved shall not be occupied / used until a verification report prepared by an independent and suitably experienced third party has been submitted to and approved in writing by the Local Planning Authority to show that the remedial works approved in Condition 8 have been satisfactorily carried out.
10. 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.

11. 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.

12. Drawing No. 02A does not form part of this permission and has been treated for indicative purposes only.

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. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. In the interests of free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.
7. To ensure that the extent of contamination is established and that adequate steps are taken to deal with the contamination.
8. To ensure that the extent of contamination is established and that adequate steps are taken to deal with the contamination
9. To ensure that the extent of contamination is established and that adequate steps are taken to deal with the contamination.
10. In order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Unitary Development Plan.
11. In order to ensure an adequate provision of open space in accordance with planning policy REC 2 of the Unitary Development Plan.
12. For the avoidance of doubt.

NOTES TO APPLICANT:

Please be advised that a suitable legal agreement will be required in relation to the highway works. You should contact the Highway Engineer, Mike Parker on 01824 706977 to discuss the requirements of the Highway Authority 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). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

Your attention is drawn to the Denbighshire County Council General Notes for Highway Lighting Installations.

Your attention is drawn to the Denbighshire County Council's General Requirement for Traffic Signs and Road Markings.

You are advised that prior to the submission of the reserved matters application, to discuss ideas for the site layout and dwelling types with officers.

Further advice on compliance with planning conditions 7, 8 & 9 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 commencement of works so as to avoid enforcement under Part IIA of the Environmental Protection Act, 1990.

ITEM NO: 13

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 23/2007/0413/ PF

PROPOSAL: Change of use of existing dwelling to non-residential training/leisure facility for persons with learning difficulties

LOCATION: 21 Maes Y Felin Llanrhaeadr Denbigh

APPLICANT: Denbighshire County Council Personal Services

CONSTRAINTS:

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

CONSULTATION RESPONSES:

27. LLANRHAEADR Y.C. COMMUNITY COUNCIL
Awaiting response.
28. PUBLIC PROTECTION
Awaiting response.
29. HEAD OF TRANSPORT & INFRASTRUCTURE
Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representations received from:-

1. David Jones MP/AS (via e-mail)
2. Mrs. J. Jones, 6 Maes y Felin, Llanrhaeadr, also signed by Mr. Arthur Lloyd, 5, Maes y Felin & Mrs. L. Davies, 7, Maes y Felin
3. Mr. & Mrs. B. Edwards, 12, Maes y Felin, Pentre, Llanrhaeadr
4. Mrs. M. E. Owen, Gwynllys, 8, Maes Y Felin, Llanrhaeadr Y.C.
5. Mr. F. L. Brown, Vale Mount, Gellifor

Summary of Planning Based Representations

- i) Concerns over potential increased traffic
- ii) Concerns over potential increased noise.
- iii) Concerns over suitability of property.

EXPIRY DATE OF APPLICATION: 24/12/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site consists of a semi-detached bungalow property within the Maes y Felin Estate. The property sits to the north part of the estate and enjoys a relatively large corner position with open fields beyond the access road to the north.
2. The estate contains a mix of single and two-storey semi-detached dwellings focused primarily around a cul-de-sac.

3. Full planning permission is sought for the change of use of this currently vacant dwelling to a Class D1 non-residential training/leisure facility for persons with learning difficulties.
4. Additional information supplied highlights that the intended use would not involve any persons staying at the premises overnight. A small number of adults (2 or 3) with learning disabilities would be driven to the site in a people carrier type vehicle where upon they would be involved in low key leisure based activities at the property. Service users would attend with their care workers on a sessional basis to learn new skills and enjoy quiet leisure based activities. The vehicle would be parked on-site and the use would be likely to be between the hours of 8a.m. – 6p.m. each day. The applicants have attempted to relay the above information to nearby residents during public meetings.

RELEVANT PLANNING HISTORY:

5. None.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy TRA 9 - Parking and Servicing

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact on residential amenity.
 - ii) Impact on highway safety.
8. In relation to the points identified in paragraph 7 above:-
 - i) Impact on residential amenity
The application site is located within an established residential estate. Changes of use of residential dwellings in such locations would have to be assessed having regard to whether the proposed use would impact upon the prevailing character of the area. In most circumstances commercial or business uses could impact upon this character due to the potential for increased activity, disturbance and vehicle movements. In this instance, one must have regard to the nature of the proposed use and whether, on any given day, it would create the potential for any increased activity, disturbance or vehicle movements over and above that expected from a residential dwelling.

First, it is considered that the number of people potentially in this dwelling at any one time is unlikely to be significantly more than in a residential dwelling. Secondly, the activities to be carried out within the dwelling are unlikely to be any different to those carried out in a residential dwelling. Thirdly, the vehicle movements associated with the use would be no more, and at times less, than those associated with a dwelling. Finally, it is considered that through the imposition of conditions to control the end user and the hours of operation the use could operate from here without any significant detriment to nearby residential amenity.
 - ii) Impact on Highway Safety
Highway Engineers have assessed the proposal in light of the information

given and the potential for off-street parking. They have not raised any objections to the proposal.

SUMMARY AND CONCLUSIONS:

9. The proposed change of use would involve a very beneficial but low key use of a vacant property. The nature of the use and the intended controls over hours of operation make it acceptable and compliant with Policy GEN 6.

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 premises as a Class D1 Day Centre shall inure for the applicant only and shall be carried out strictly in accordance with the information provided with the application received by the Local Planning Authority on the 2nd April 2007.
3. The day centre use hereby permitted shall not operate outside the following hours:-

0800 hours to 1800 hours on any day.

4. Facilities shall be provided and retained within the site for vehicles to park and turn in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the use hereby permitted commencing.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to retain a degree of control over the future use of the building.
3. In the interests of residential amenity.
4. In the interests of highway safety and to avoid the need for vehicles to reverse onto the highway.

NOTES TO APPLICANT:

None

ITEM NO: 14

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 25/2007/0535/ PF

PROPOSAL: Erection of 12 no. log cabins for holiday accommodation, associated shop and site office/reception and installation of new septic tank/reed beds

LOCATION: Coed Lewis Nr. Llyn Brenig Nantglyn

APPLICANT: Mr Peter Caldwell

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. NANTGLYN COMMUNITY COUNCIL
 "Concerns were raised about the septic tank that will be linked to reed beds: which is located on the map at the start of the water course. Many properties in the area receive their water supply from springs or surface water and this could affect the quality of the water.

 Also the infrastructure (roads) in the area are in very poor condition and would have to be improved if the development was to go ahead".
2. PRINCIPAL COUNTRYSIDE OFFICER
 The Forestry Commission has granted a felling licence but subject to a replanting scheme of mixed native broadleaves.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
 Comments on the poor condition of the highway approaching the site and lack of passing places.
4. DWR CYMRU WELSH WATER
 No objection, there are no connections required to the public sewage system. There are no public watermains in the vicinity.
5. PUBLIC PROTECTION (Water Quality)
 No objection subject to the inclusion of conditions.
6. PUBLIC PROTECTION (Pollution Control)
 Object. The location of the site is on the edge of a Strategic Search Area (SSA) set out by the Welsh Assembly Government in TAN 8 (Renewable Energy), which means that the site is identified for development by wind farms. The proximity of the proposed new log cabin development to the proposed windfarm is such that occupiers of the log cabins would be exposed to unacceptable levels of noise from turbines, as it would be impossible to achieve the relevant standards contained in ETSU- R- 97 within the site.
7. ENVIRONMENT AGENCY
 No objection but further information is required in relation to the reed bed and

soakaway.

8. **COUNTRYSIDE COUNCIL FOR WALES**
No objections subject to modifications and conditions. In respect of protected species, request ecological surveys, suggest the use of green roofs for the development, and that a habitat management plan is created. In respect of landscape issues, the site is on the boundary of two landmap character areas that are classed as high in terms of their visual impact, and the development will have adverse visual effect when viewed from the higher ground of Denbigh Hills.
9. **CONTAMINATED LAND OFFICER**
No objection subject to conditions.
10. **CLWYD POWYS ARCHAEOLOGICAL TRUST**
No objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Tegni Cymru Cyf. Bron Graig, Llangwm. Corwen. LL21 0RL.
2. Mr M Morris, M&M 4WD Ltd, Pentrefoelas Road, Bylchau, Denbigh LL16 5LS
3. Mr G Jones, Foel Eryr, Bylchau, Denbigh.
4. Mrs E Jones, Harod Cefn Plas Onn, Bylchau, Denbigh.
5. Mr G Williams, Hafod Bach, Bylchau, Denbigh.
6. C Roberts, Dolau, Llansannan, Denbigh. LL16 5NS.
7. Mr F Roberts, Cwm-y-Rhinwedd, Bylchau, Denbigh. LL16 5SW.
8. J Gregory, Y Bwthyn, Bylchau, Nr Denbigh.
9. H M Evans, Awelon, Bylchau, Denbigh.

Summary of planning based representations:

- i) Access to the site is very poor
- ii) Pollution in the countryside with additional noise levels, litter, car fumes etc
- iii) Impact on local wildlife
- iv) Highway safety issues
- v) Compromises TAN 8 designation area for wind turbine development/prejudices development of adjacent Gorsedd Bran site.

EXPIRY DATE OF APPLICATION: 12/09/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This is a full application for the erection of 12 no. log cabins for holiday accommodation use, an associated shop and site office/reception, and the installation of a new septic tank/reed bed drainage system.
2. The log cabins would measure 5.3m by 5.3m with a ridge height of 3.1m, and would be spread out over an area of 5.9ha, accessed off internal tracks constructed of quarry waste. The site shop and office/reception building would be located near the entrance to the site and comprise a log cabin of similar size and dimensions as the holiday cabins. The applicant indicates this would be a development using environmentally friendly technologies such as wind turbine for power, wood burning stoves using on site timber, and solar panels for water and

space heating, reed bed and soak away for waste water treatment and rainwater collection system. The application contains detailed documents including a planning statement, access statement and letters from the Forestry Commission Wales and Alwen Outdoor Education offering support for the scheme.

3. The application site is former forestry land near Gorsedd Bran, 3km south west of Nantglyn, 10km south west of Denbigh. The site has been cleared of trees and some works in the laying out of the tracks within the site have already taken place. The site can be accessed off the A543 Bylchau Road and the B4501 Nantglyn Road, by way of narrow minor roads.
4. The site is in open countryside well away from any development boundaries. It is within a Strategic Search Area designated in TAN 8 for wind farm development, and is also within the refined wind farm zone in the Denbighshire/Conwy Interim Planning Guidance.

RELEVANT PLANNING HISTORY:

5. None relevant to the application site, however on land immediately adjoining to the north, west and south, application ref: 25/2007/0642/PF is pending for: -

Construction of 13 wind turbine generators (up to 125m in overall height) c/w electrical control room & compound area, new and improved access tracks, underground cabling, 80m anemometry mast, ancillary works and equipment; temporary construction works; new vehicular access from the minor country road; removal of conifer forest. Gorsedd Bran, Nantglyn

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 1 General
 - Policy STRAT 6 Location
 - Policy STRAT 7 Environment
 - Policy STRAT 9 Tourism
 - Policy GEN 3 Development outside development boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy TSM 9 Static Caravan & Chalet Development
 - Policy ENV 1 Protection of the Natural Environment
 - Policy TRA 6 Impact on new development on traffic flows

SPG 20: Static Caravan & Chalet Development

DCC Interim Planning Guidance Note 1: Onshore Windfarms. Approved by Full Council, February 2007

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)
TAN 8: Renewable Energy
TAN 13: Tourism

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:
 - i) Principle of log cabin development in this location
 - Accessibility
 - Landscape/Visual amenity
 - Natural environment/wildlife
 - ii) Impact on Strategic Search Area (Onshore Windfarms)
 - iii) Drainage/Water supply

iv) Noise

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

i) Principle of the development

The application site lies outside any development boundaries identified in the UDP. *In relation to strategic policies*, Policy STRAT 1 states that 'development should seek to be sustainable, making the best use of resources by being located so as to minimise the need for travel by private car and utilise existing infrastructure, facilities and services'. Policy STRAT 6 states that new development outside defined settlement boundaries will only be permitted in exceptional circumstances; Policy STRAT 7 considers the impact of the development on the landscape and environmental issues and Policy STRAT 9 forms the basis of the spatial strategy that applies in determining application for static caravans/chalets development and permits small scale tourism projects in the countryside and rural settlements.

In relation to detailed policies, Policy GEN 3 permits development outside development boundaries in connection with rural tourism provided there is no unacceptable impact on the social, natural and built environment. Policy TSM 9 permits the development of new static caravan/chalet sites, where the following tests are met:

i) THE SITE HAS GOOD ACCESSIBILITY TO AN ADEQUATE LOCAL HIGHWAY NETWORK AND IS ACCESSIBLE BY A CHOICE OF MENAS OF TRANSPORT;

ii) THE SITE CAN BE UNOBTRUSIVELY SITED AND FULLY ASSIMILATED INTO THE LANDSCAPE;

iii) THE PROPOSAL DOES NOT UNACCEPTABLY HARM THE AONB, AOB, HISTORIC LANDSCAPES/GARDENS, CONSERVATION AREAS, UNDEVELOPED COAST, GOOD AGRICULTURAL LAND, AREAS OF LOCAL LANDSCAPE VALUE, SSSIs OR LOCAL WILDLIFE SITES, INCLUDING THOSE IDENTIFIED AND SHOWN ON THE PROPOSALS MAPS

Supplementary Planning Guidance Note 20 provides guidance on new static caravan and chalet development, and is relevant to the proposal as it states that new caravan/chalet sites must have good transportation infrastructure; ideally have direct access to an A or B classified road; and be served by footpath and cycleways, and must be within reasonable walking distance to a public transport service which serves local centres.

It is suggested the main planning policy issues in relation to a proposal for log cabin/tourist development are the acceptability of the scheme having regard to Policy TSM 9 of the adopted Unitary Development Plan, and guidance and advice on new static caravan/chalet sites contained in SPG 20.

- Accessibility/highway issues in relation to criterion i) of Policy TSM 9.

The Head of Highways advises the A543 Bylchau Road and B4501 Nantglyn Road have the capacity to cater for the traffic generated by the development, but considers the unclassified road leading to the site is very narrow, with few passing places, and is in relatively poor condition.

Factually, the site is located in a remote rural location 1km from the B4501 and 2 km from the A543, and development would put additional pressure on the narrow unclassified highways leading to the site. Accessibility to the local highway network is poor. The site is not connected to any footpaths or cycleways, although there is a footpath within approx 350m of the site. A limited bus service serves Nantglyn and Bylchau, but does not run within 3km of the application site.

The applicant has tried to address conflicts with TSM 9 (i), by suggesting a pick up and drop off service to local train and bus stations, a pick up service for people touring the area by bike or on foot, discounted accommodation for people travelling by public transport and advertising local footpath and cycle path networks. He has also indicated willingness to provide additional passing bays along the approach highway.

With respect to the applicant's suggestions, it is considered that due to the location of the site it is inevitable that visitors would have to travel by private car, and there is not a realistic choice of means of transport, therefore conflicting with criteria i) of Policy TSM 9. The proposal is also considered to fail to meet the accessibility and sustainability objectives of Planning Policy Wales that are expressly identified in paragraphs 8.1.3 and 8.7.3 which states that land use planning should help to achieve the Assembly's objectives to reduce the need to travel, especially by private car by locating development where there is good access by public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips; improving accessibility by walking, cycling and public transport; supporting sustainable travel options in rural area and promoting walking and cycling. Development should reflect the likely travel patterns involved and should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car.

- Visual Amenity/landscape issues in relation to criteria ii) of Policy TSM 9.

The site has been cleared of trees and a comprehensive re-planting scheme is proposed as part of the application, and is also part of the felling agreement with the Forestry Commission. It is proposed that a ring of sitka spruce will be left encircling the site whilst broadleaf trees establish themselves. The log cabins would be well spaced from one another, with low ridge heights and minimal low level solar lighting proposed within the site, which is not considered likely to be obtrusive within the landscape. Subject to the carrying out of the re-planting scheme, it is not considered that the development would have significant landscape impact, particularly in the context of the existing and potential wind turbine development in the area.

- Natural environment/wildlife in relation to criterion iii) of Policy TSM 9.

The proposal is to create an 'eco-tourism' venue, and the proposal incorporates a number environmentally friendly technologies, making the site off grid and self supporting. There would also be a significant re-planting scheme of mixed native broadleaves. There are no objections from consultees with an interest in wildlife, although the Countryside Council for Wales suggest an ecological survey of the site be carried out, however in light that the site has been cleared it is considered that any

wildlife interest would be limited. It is not considered that there would be any specific adverse impact on the natural environment.

ii) Impact on Strategic Search Area (Onshore Windfarms)

The application site is within Strategic Search Area A (SSA) for wind turbine development in Welsh Assembly Government TAN 8: Renewable Energy, 2005. In February, 2007 the Council adopted Interim Planning Guidance (IPG) to give effect to a refinement exercise of the SSA, and the site is also within the refined zone (The Clocaenog Wind Farm Zone) in the IPG. Members will be aware of the significance of Tan 8 and the IPG, which emphasises that the Planning system has an important role to play in achieving the Assembly's commitment to the development of renewable energy technologies in Wales. Section 2.10 within TAN 8 states that Local Planning Authorities should take an active approach to developing local policy for SSA's in order to secure the best outcomes, which includes safeguarding wind farm sites, and an awareness that other developments could sterilise land for wind power proposals, and should bear this in mind when forming policies and in decision making. This is particularly relevant advice to the current application.

Members are referred to the map at the front of this report, which shows the relationship of the site to Gorsedd Bran, where an application is currently under consideration by the Council for the construction of 13 wind turbines (application ref 25/2007/0642/PF).

Ultimately, it is considered that the fact the application site is within a SSA for wind turbine development, designated by the Welsh Assembly and within a refined area approved by the Council's own Interim Planning Guidance is a significant material consideration. Guidance contained within TAN 8 clearly states that in decision making, that local authorities should be aware that other development could sterilise land for wind power proposals. It is therefore considered inappropriate to allow this development within a SSA, and it could impact upon the ability of the area to meet the targets set out in TAN 8.

iii) Drainage/water supply

With respect to concerns over the use of the reed bed system for dealing with foul drainage, there are no in principle objections from Environment Agency Wales or the Council's Scientific Services Officer to this arrangement. The use of the reed beds as a sewage treatment method is now well established and is an acceptable means of upgrading the effluent from a septic tank so it meets the same discharge standard as a package treatment plant. The developer would have to satisfy the County Council and Environment Agency that the soakaway system could function properly, before it could be approved for use in connection with the development. A properly constructed system should not interfere with groundwater leading to any private water supply.

iv) Noise

The issue here is whether it is material to the log cabin application to consider the potential impact of wind turbines operating in the vicinity of Coed Lewis, within the TAN 8 Strategic Search Area/Clocaenog Wind Farm Zone, in creating noise levels unacceptable to occupiers of the log cabins. Whilst the nearest turbines are presently some 2km to the east at Tir Mostyn, the proposed Gorsedd Bran windfarm would surround the application site on the south, west and north, and three of the proposed turbines would be within 500metres of the site (see plan at front of report). Information of the Gorsedd

Bran wind farm application suggests turbine noise levels perceptible within the Coed Lewis site would inevitably exceed the levels deemed acceptable in national guidance (ETSU-R-97). In light of comments from the Public Protection Officer, the applicant has suggested that turbines 8,9 and 11 be moved elsewhere in the Gorsedd Bran site to reduce potential noise levels. Tegni have responded formally to advise that this is not a practical option, as the 'undeveloped' area in the south west of the site has been deliberately left as such to address specific concerns from RSPB over impact on bird habitat, and changes to the plans would generate objection from them and in any event, noise levels are still likely to exceed the requirements of ETSU-R-97.

Ultimately, the view is taken that it would be unreasonable at the time of dealing with this application to recommend refusal based on the potential noise impact from turbines in a windfarm which does not have a valid planning consent, also considering the fact that if a windfarm does exist in close proximity in the future, visitors to the Coed Lewis site would so do in the knowledge that there may be noise from turbines.

SUMMARY AND CONCLUSIONS:

9. The principle of the development is considered unacceptable in relation to planning policy for log cabin development, and would be contrary to guidance contained in TAN 8 as it would prejudice the development of land for turbines and the ability of the Strategic Search Area to meet renewable energy generation targets set by the Assembly.

RECOMMENDATION: - REFUSE for the following reasons:-

1. The site would not be accessible by a choice of means of transport or minimise the need for travel by private car, in conflict with criterion i) of Policy STRAT 1, criterion i) of Policy TSM 9 and criterion vi) of Policy GEN 6 of the Denbighshire Unitary Development Plan. The proposal would also conflict with the guidance within SPG20. Static Caravan and Chalet Development, in relation to accessibility by different modes of transport, and would be contrary to the accessibility by different modes of transport, and would be contrary to the accessibility and sustainability objectives of Planning Policy Wales.
2. The site is located within Strategic Search Area 'A' for wind turbine development in TAN 8, and within the refined SSA, the Clocaenog Wind Farm Zone, in the Denbighshire/Conwy Interim Planning Guidance, and its development would be unacceptable as it could sterilise land for wind turbine development, and prejudice the ability of the area to meet Assembly targets for renewable energy generation, contrary to advice contained in TAN 8 Section 2.10 and Unitary Development Plan Policy GEN 6 (ix).

NOTES TO APPLICANT: none

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
November 2007

These cases have previously been reported to Committee, but remain unresolved. The purpose of the Report is to provide a brief quarterly update for Members. Any issues of detail are best raised with Officers before or after Committee.

REF. NO.	ADDRESS	COM'TEE	BREACH	ACTION
ENF/037/95/N P13/11	Rhydorddwy Goch, Dyserth Road, Rhyl	28/10/98 24/03/04	31 unauthorised windows in listed building.	Works progressing
ENF/001/99/N P13/5	Elwy Bank, High Street, St. Asaph	09/05/00	Neglect of listed building	Planning permission given November 2006. Awaiting LB Consent Monitor to completion of works.
ENF/2003/0016 P7/601	208 High Street, Prestatyn	23/04/03	Unauthorised stall riser to shop front in Conservation Area.	Resolved. Stallriser removed.
ENF/2001/005 P7/565	'Patina', 204 High Street, Prestatyn	25/07/01	Installation of roller shutter in Conservation Area	In discussion with owner.
ENF/2002/007 P7/568	Ty Isoe, Maes Maelor, Llandegla	30/01/02 25/05/05	Storage of vehicles and residential use	Monitoring site. Legal options being investigated.
ENF/2002/025 P7/580	115 Coast Road, Rhyl	26/06/02	Mixed use, residential & car sales	No unauthorised use now. Site tidied.
ENF/2002/021 P7/351	Cornel Bach, Lower Denbigh Road, St. Asaph	04/09/02	Siting of mobile home and creation of curtilage	PPPS to monitor and ensure removal of caravan once vacated by sick parents. Parents remain in residence.
15/877/98/MA P47/3	Maes y Droell Quarry, Graianrhyd	30/10/02	Undetermined ROMP application – extraction continuing	Application submitted. Legal options being investigated.

REF. NO.	ADDRESS	COM'TE	BREACH	ACTION
ENF/2002/043 P7/592 ENF/2003/031 P7/592	Former Railway Land, Ty Draw, Bodfari	18/12/02 23/07/03	Storage of railway carriages and associated paraphernalia Boundary fence & gates over 2m high	Monitoring
ENF/2003/009	Casgan Fishery, Llandegla	23/07/03	Residential use of caravan and stationing of vehicles	Corresponding with solicitor of parties who have a legal charge over the land which Mr Vaughn Senior owns. Investigation on-going.
ENF/2003/041	Coral Spring, Ruthin Road, Llandegla	26/11/03 21/02/07	<ul style="list-style-type: none"> • Unauthorised use of land to site static caravan for residential use; • Storage of various items on the land; • Untidy land; 	Compliance with Enforcement Notice date now passed (16 October) warned 17 October Notice clear and prosecution would follow if she continued to fail to comply. Matter now with Legal.
ENF/2003/0002	Gwasg Gee, 12 -18 Chapel Street, Denbigh	24/03/04	Neglect of listed building.	Discussions ongoing with Planning/Conservation Officers Building now protected to prevent deterioration.
ENF/302/00/N	37 – 39 Pendyffryn Road, Rhyl	21/04/04	Neglect of a listed building	Applications received for redevelopment / renovation. Discussion on-going with developers for protection of building.
ENF/2004/00012	Oak Frame Company, Part OS Field Nos. 5000 and 6300, Pen y Bryn Road, Glascoed Road,. St Asaph	15/12/04	Erection of timber building for use as dwelling.	Met with owners re: removal of dwelling by June 2007 Further application still awaited to resolve issue. Letter before action to be prepared by Legal Services.
ENF/2004/00042	Outbuildings at Bryn Eglur, Llanrhaeadr, Denbigh (old Chicken farm sheds)	24/03/05	Change of use of existing agricultural building to storage and distribution.	Appeal dismissed. Use ceased.

REF. NO.	ADDRESS	COM'TE	BREACH	ACTION
ENF/2005/00050	Rhoslydan, Bryneglwys, Corwen	25/05/05	Change of use of agricultural land for storage of containers to be used in connection with road surfacing activity.	Monitoring permission.
ENF/2005/00014	22 Cae'r Odyn, Eryrys.	25/05/05	Erection of fence exceeding 1 metre in height adjacent to highway and change of use of land to form extension to cartilage area.	In negotiations with site owner. NFA
ENF/2004/00066	The Grapevine, 87 High Street, Prestatyn	31/08/05	Installation of roller shutters and associated metal box and plastic canopy	Enforcement Notice served – Compliance by 22/01/2008.
ENF/2005/00102	Armon Cottage, Llanferres	28/09/05	Erection of conservatory extension to side of dwelling	Permission given – monitor
ENF/2005/00059	Plot 1 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	With Legal for advice/action
ENF/2005/00060	Plot 3 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	With Legal for advice/action
ENF/2005/00061	Plot 4 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	With Legal for advice/action
ENF/2005/00026	Camp Alyn, Tafarn y Gelyn, Llanferres	26/10/05	Change of use of land for residential use.	Cert of Lawfulness - Refused. Instruction being prepared for Legal for Enforcement Action.

REF. NO.	ADDRESS	COM'TE	BREACH	ACTION
ENF/2006/00030	3 Grawys Villas, Lenten Pool, Denbigh	19/04/06	Insertion of double glazed UPVC windows and door	Notice served. Appeal dismissed. Discussion with owner on-going regarding phased replacement of windows.
ENF/2006/00055	1 Llan Ucha, Bryneglwys	24/05/06	Erection of brick wall	Section 215 (Untidy Land) Notice served to secure completion and rendering of wall. Compliance date – 21/02/2008.
13/2005/1551	Llanerchgron Barn, Pwllglas	24/05/06	Retention of building and extension to domestic curtilage (retrospective)	Permission given - monitor
45/2006/265/PF	Workshop Rear Of 13 Knowsley Avenue, Rhyl, Denbighshire	24/05/06	Erection of detached workshop building for use for electrical repairs (retrospect)	Appeal allowed.
ENF/2006/00003	Outbuildings At Cae Mawr, Cynwyd, Corwen	21/06/06	Commercial use of premises	Investigating
ENF/2006/00076	20 – 22 Chapel Street, Denbigh	04/10/06	Unauthorised UPVC windows / doors	Enforcement Notice served – Appeal lodged.
ENF/2005/00064	Land off A542 Horseshoe Pass, Llangollen	08/11/06	Siting of caravan for residential purposes	In discussion with Legal / owner who has advised he intends to remove the caravan by the end of 2007.
ENF/2005/00116	1 Artillery Row, Bodelwyddan	08/11/06	Sub-division of residential curtilage to create 2 No. residential units.	Enforcement Notice served – Compliance by 10/12/2007.
ENF/2006/00085	35 Llys Ogwen, Prestatyn	08/11/06	Running of Ice Cream Business from residential property	Use appears to have ceased. NFA
ENF/2006/00087	Land At and Adjoining Pennant Mine & Ty'r Ali, Rhullt	13/12/06	Breach of Conditions & Section 106 Agreement - Planning Permission 47/240/97/PF	Compliance achieved but amended plan required re Bunkhouse.

REF. NO.	ADDRESS	COM'TE	BREACH	ACTION
ENF/2007/00004	Tan y Foel, Bryneglwys	21/02/07	Unauthorised Siting of Residential Caravan	Enforcement Notice not complied with. Jane Kennedy written to owner of the land on which its sited, advising it is our opinion it is not being used for agricultural purposes – Investigation on-going.
ENF/2006/00108	2 Penfforddwr, Rhewl, Ruthin	21/02/07	Unauthorised use of adjacent and neighbouring land for car repair business & siting of containers & vehicles	Compliance with Enforcement Notice required by February 2008, but owner in discussion with Planning Officer.
ENF/2006/00001	Cil Onnen, Corwen Road, Ruthin	21/03/07	Unauthorised use of land as mixed use of residential;commercial and erection of building.	Appeal awaited. Notice being drafted.
ENF/2007/00058	Star Inn, 73 Ffordd Talargoch, Prestatyn	01/08/07	Erection of Unuathoruised front extension	Serve an enforcement notice to secure the removal of the unauthorised canopy and associated fixings and make good the fabric of the building (compliance period 3 months)
ENF/2007/00011	School House, Prion	01/08/07	Unauthorised extension of garage and garden store	Enforcement Notice served – Compliance by 22/04/2008.
ENF/2005/00025	Bryn Coli Nursery, Llanrhaeadr Y C, Denbigh	05/09/07	Use of wooden shed as dwelling	The authorisation be given for the serving of an Enforcement Notice ordering:- (i) the cessation of the use of the land for permanent residential occupation (ii) the removal of the wooden structure and associated chattels and making good of the land upon which it has been sited (iii) to instigate prosecution proceedings where any persons on whom a Notice has been served fails to comply with the provisions of the Notice. (iv) PERIOD OF COMPLIANCE: 12 MONTHS

REF. NO.	ADDRESS	COM'TE	BREACH	ACTION
ENF/2006/00029	Land at entrance to Abbey Grange Hotel, Llantysilio, Llangollen	05/09/07	Unauthorised Farm Shop	Defer – valid planning application received, decision pending.
ENF/2005/00084	Henllan Garden Centre, Henllan	20/06/07	Untidy Land and unauthorised Change of Use.	Enforcement Notices served. Compliance for untidy land 22/12/07 and for unauthorised use 22/04/08.
ENF/2007/00015	Former National Milk Bar, High Street, Denbigh	20/06/07	Installation of UPVC windows in Article 2 (2) area.	Enforcement notices served – Compliance 10/12/2007.
ENF/2007/00045	Hand Inn, Henllan Street, Denbigh	20/06/07	Installation of awnings in Article 4 (2) area.	Enforcement notices served – Appeal lodged.
ENF/2006/00090	Mountain Hall Farm, School Lane, Llanarmon Yn Ial	10/10/07	Unauthorised residential use of caravan.	Instructions being prepared for Legal Services for Enforcement Notice.
ENF/2005/00087	1 & 1b Prior Street, Ruthin		Unauthorised windows – LB	Compliance Date 28/11/2007. Owner in discussion with Legal / Phil Ebbrell.

PPPS - Planning and Public Protection Services
 LS - Legal Services
 DS - Development Services

SV - Site Visit
 NFA - No Further Action

Should Members require further information on any of the above cases, please contact Paul Mead on 01824 706705 or paul.mead@denbighshire.gov.uk or one of the following Planning & Compliance Officers:

**Michael Hughes on 01824 706731 or mg.hughes@denbighshire.gov.uk for Rhyl and Prestatyn areas
 Wayne Williams on 01824 706806 or wayne.williams@denbighshire.gov.uk for Denbigh and North Area excluding Rhyl & Prestatyn
 Jill Emerson on 01824 706743 or jill.emerson@denbighshire.gov.uk for Ruthin, Llangollen Corwen areas**

**PLANNING COMMITTEE
12 DECEMBER 2007**

AGENDA ITEM NO 4

A REPORT BY THE HEAD OF PLANNING & PUBLIC PROTECTION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999
DENBIGHSHIRE COUNTY COUNCIL

**TREE PRESERVATION ORDER NO. 1/2007
LLANBEDR HALL, LLANBEDR DYFFRYN CLWYD**

1. PURPOSE OF REPORT
 - 1.1 To report on the serving of the Tree Preservation Order and to determine whether it should be confirmed as modified.
2. BACKGROUND
 - 2.1 The Planning Committee resolved to make a Tree Preservation Order at Llanbedr Hall as there are proposals for development within the grounds. The Tree Preservation Order was served to protect specimen trees and woodlands within the historic park and garden.
 - 2.2 The justification for making the Order is that the trees are considered vulnerable from possible development on the site.
3. OBJECTIONS
 - 3.1 There was a letter of objection from the owner, Mr R Cox, and observations were received from Mrs Ravenscroft of the adjacent property, Redwoods.
4. MODIFICATION
 - 4.1 Following discussion with the owner the valid objections were overcome and the Tree Preservation Order was modified accordingly.
5. CONCLUSION
 - 5.1 It is considered that the trees covered by the Order should be protected for their amenity value and interest within the Llanbedr Hall historic park and garden.
6. RECOMMENDATION
 - 6.1 The Tree Preservation Order No. 1/2007 Llanbedr Hall, Llanbedr D.C. should be confirmed as modified.

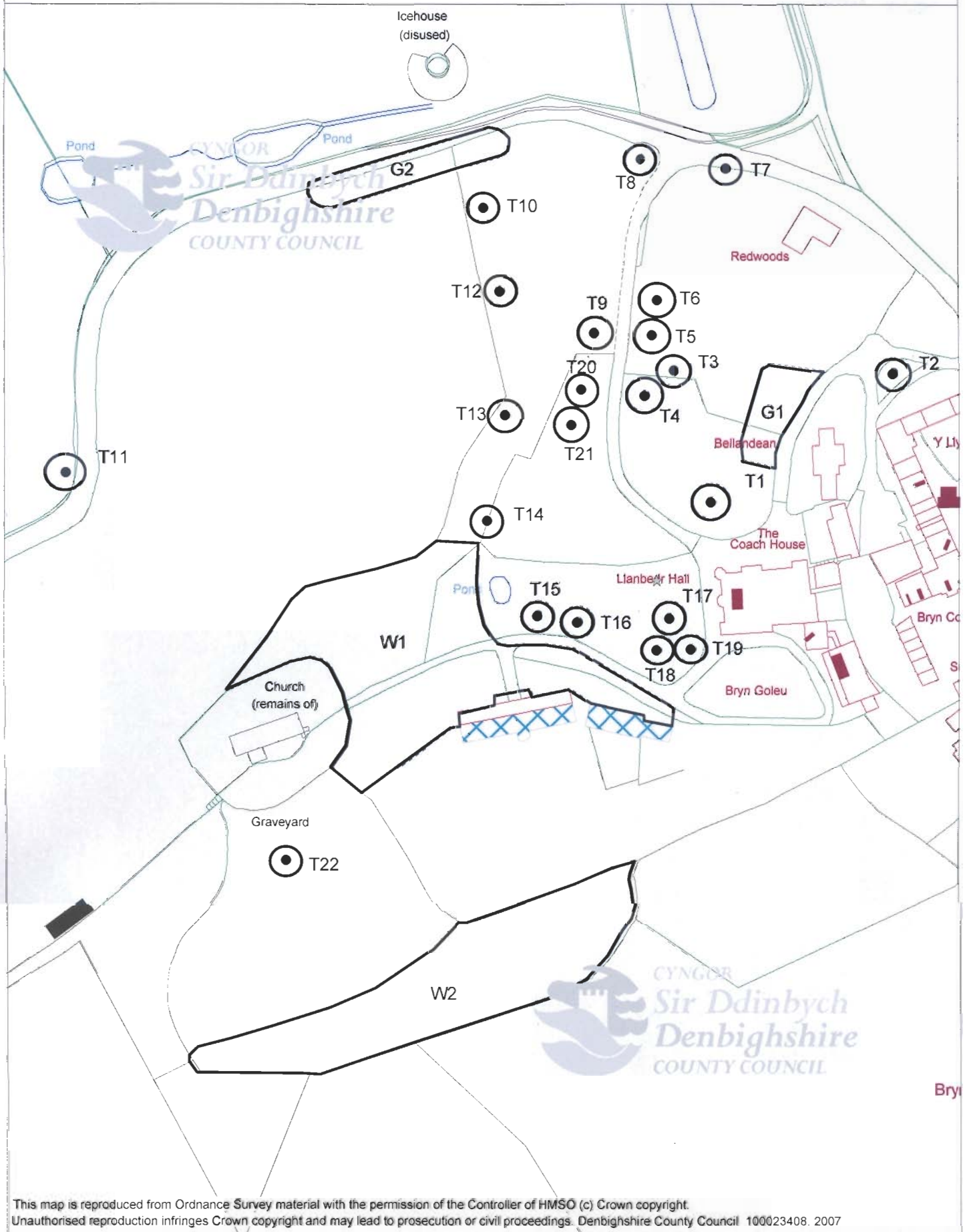


Denbighshire County Council
Lanbedr Hall, Lanbedr Dffryn Clwyd
Tree Preservation Order 1/2007



Environment Directorate

Scale: 1: 1500
Date: 30/11/2007
Map Sheet: SJ1459NE



SCHEDULE

DENBIGHSHIRE COUNTY COUNCIL
LLANBEDR HALL, LLANBEDR DYFFRYN CLWYD
TREE PRESERVATION ORDER 1/2007

T1	Lime
T2	Lime
T3	Horse Chestnut
T4	Scots Pine
T5	Silver Birch
T6	Silver Birch
T7	Ash
T8	Scots Pine
T9	Beech
T10	Sycamore
T11	Beech
T12	Sycamore
T13	Silver Birch
T14	Oak
T15	Mulberry
T16	Wellingtonia
T17	Lime
T18	Rowan
T19	Silver Birch
T20	Oak
T21	Oak
T22	Silver Fir

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
THE FORMER NORTH WALES HOSPITAL, DENBIGH

1. PURPOSE OF REPORT

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

2. PROGRESS SINCE LAST REPORT

- 2.1 The last information report was presented to the Planning Committee on 1 August 2007.
- 2.2 Development Team meeting took place with the owner on 6 September and 13 November. The Member Working Group met on the 11 September.

Health and Safety/Site Security

There is now a formal security presence operating at the site.

Listed Building Consent Application

An application for consent to demolish specified listed buildings was submitted in late September 2007. Following receipt of consultation responses, the owner's agents are furnishing additional details for consideration. The application can not be reported to Planning Committee until January 2008 at the earliest.

Planning Permission issues

Agents acting for the owner have prepared specialist surveys which are required for submission and approval in accordance with the outline planning permission. Formal submissions are to follow.

Section 106 issues

The balance of the deposit payment on the Restoration Fund has been paid.

Princes' Regeneration Trust

The Trust retains an active interest in the buildings, and was updated on the current situation in a meeting with the Chief Executive and other officers in early October 2007.

Future Meetings

The next Development Team Meeting is scheduled for the 8 January 2008.

3. RECOMMENDATION

3.1 That Committee accept this information report.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
For Information

PLANNING OBLIGATIONS IN WALES

1. Purpose of Report

The purpose of the report is to inform Members of the use and value of planning obligations in Wales i.e. Section 106 Agreements.

2. Background to the Report

The Welsh Assembly Government commissioned the University of Sheffield to undertake a study to widen the knowledge of planning obligations in Wales.

A national survey was carried out and data was gathered from all Welsh local authorities based on 2005/06 and the results were compared to a similar survey conducted in England in 2003/04.

A report of the findings was published by the Welsh Assembly Government, in August 2007, and was entitled '***The Use and Value of Planning Obligations in Wales***'. The report is very lengthy and therefore a summary report has been prepared for Members, focusing on the key outcomes of the survey.

In comparison with other authorities in Wales Denbighshire appear to be doing very well on our record of securing planning obligations. However, we also acknowledge that improvements could be made in the processing of planning obligations and there is also a scope for increasing planning obligation revenue in Denbighshire.

3. Summary of Denbighshire's performance in 2005/06

Below is a list of Denbighshire's key performance relating to planning obligations in Wales:

- Denbighshire was one of six authorities to secure over £500,000 in total direct payment obligations in 2005/06.
- Denbighshire was one of four authorities who secured obligations with a value of over £400,000 for open space.
- Denbighshire was one of four authorities who secured more than £100,000 in total payments for Community obligations.
- Denbighshire had 8 affordable housing agreements which totalled to 34 units. Additionally, we had 2 agreements for commuted sums agreements, which amounted to £269,000.
- Denbighshire was one of six authorities who, between them, acquired just over £2 million for commuted sums (payment of a sum in lieu of actual provision of affordable units).
- Denbighshire is one of four authorities who set a 30% target for affordable units.
- Denbighshire secured a total value of £867,000 of planning obligations during 2005/06 and was ranked 5th highest in Wales.
- According to the findings of the survey authorities with low land values, such as Denbighshire and Carmarthenshire, have secured much greater revenues than many larger authorities.

4. Recommendations

- 4.1 Members are asked to comment on and accept the report for information.

Contact Officer: Graham H Boase, Head of Planning & Public Protection.
Tel No: 01824 708020
Email: graham.boase@denbighshire.gov.uk).

THE USE AND VALUE OF PLANNING OBLIGATIONS IN WALES

1. INTRODUCTION

The Welsh Assembly Government commissioned the University of Sheffield to undertake a study to widen the knowledge of planning obligations in Wales.

A national survey was carried out and data was gathered from all Welsh local authorities based on 2005/06 and the results were compared to a similar survey conducted in England in 2003/04.

A report of the findings was published by the Welsh Assembly Government, in August 2007, and was entitled '*The Use and Value of Planning Obligations in Wales*'.

2. PLANNING OBLIGATION POLICY

The legal basis of planning agreement is set out in Section 106 of the Town and Country Planning Act 1990. An agreement is a legally binding private contract between a developer and a local planning authority and operates alongside a statutory planning permission. Such agreements require developers to carry out specified obligations when implementing planning permissions and are the result of negotiations on these matters between the two parties.

Obligations may be entered into to prescribe the nature of development, to secure a contribution from a developer to compensate for any loss or damage caused by a development, or to mitigate a development's wider impact. Obligations can be carried out either by providing what is needed to a standard specified in the agreement or by paying a sum to the planning authority which will then itself provide the facility.

Agreements enable local planning authorities to secure matters that, in their view, are essential if developments are to be allowed or preceded. Until the 1990s their use was largely restricted to requiring developers to contribute to a limited range of 'off site' costs, such as providing access roads to sites. More recent years have seen a significant growth of planning agreements to secure wider community benefits. This includes asking developers to make contributions to meeting local affordable housing need.

3. DIRECT PAYMENT OBLIGATIONS

Normally a planning agreement will contain a number of planning obligations, the majority of which are direct payment obligations. In England in 2003/04 there were on average 3.3 obligations per agreements, of which 2.1 were direct payment.

In Wales there were a total of 353 agreements but only 445 obligations. This is only just over 1.25 obligations per agreement. The analysis suggests that the majority of agreements contain only a single obligation. There are a substantial number of affordable housing agreements (130) many containing a small number of units and no other obligations. Consequently, very few major agreements are likely to contain more than one obligation.

The most common direct payment obligation is a payment to the local authority for the provision of open space. Over a quarter of all agreements contained such an obligation.

There were eight direct payments (called 'commuted sums') to local authorities for affordable housing; this equates to 3% of all direct payment.

In Denbighshire there were a total of 15 agreements made in 2005/06, with 17 obligations. This equate to 1.13 obligations per agreement – just below the Welsh average.

4. VALUE OF DIRECT PAYMENT OBLIGATIONS

Each direct payment obligation has a value which is the sum paid to the local authority as defined in the planning agreement.

There were just under £10.5 million of direct payments made to local authorities in Wales in 2005/06. This is an average of around £434,000 per authority. This compares to an average value per authority of £1.5 million in England in 2003/04. The average value per obligations was £38,026 which compares to £61,500 in England.

However, six authorities, including Denbighshire, secured over £500,000 in total direct payment obligations in 2005/06. The survey specifies that there is little relationship with development activity and land value between these six authorities, which suggest that policy and process are the most important influences on securing planning obligations contributions.

Open Space is the most significant obligations with an average value of £140,000 per authority. Four authorities secured obligations with a value of over £400,000; again Denbighshire was one of these four authorities.

Transport and travel obligations are surprisingly low in value, at just £26,000 per obligation compared to £83,000 in England.

The value per obligation for Community and Leisure is around two thirds of the value in England, at £39,000. There were only 21 Community obligations in Wales. Four authorities secured more than £100,000 in total payments; one of which was Denbighshire (secured the total sum from just a single obligation).

5. THE NUMBER AND VALUE OF IN-KIND OBLIGATIONS

In-kind planning obligations are the most difficult to value. They consist of works undertaken by the developer or landowner rather than of payments to the local authority. In-kind obligations account for 41 out of a total 315 obligations which is only 13%, compared to 35% in England in 2003/04. The total estimated value of in-kind obligations in Wales in 2005/06 was £1.1 million; an average of £48,231 per authority.

Additionally, a total of 0.79 hectares of land were transferred directly to local authorities within four obligations, with an estimated maximum total value of £2.3 million. These transfers were either for open space provision or transport and travel obligations.

6. AFFORDABLE HOUSING

There appears to be a wide variation in affordable housing policy in Wales. Ten authorities provided details of their affordable housing targets within their UDPs. Four authorities set a 30% target for affordable units; Denbighshire being one of these authorities. Two authorities state up to 30%, one 25%, two 20% and one at least 20%. The remaining authorities either supplied no data or did not have a target or threshold specified in their UDP.

It is the threshold where the variation is more marked. Large urban centres such as Cardiff and the Vale of Glamorgan have a very high threshold of 50 units and Swansea's threshold is 40 units. Wrexham, Newport and Flintshire use 25 units in urban centres, while thresholds in smaller authorities are lower; 10 in the urban areas of Carmarthenshire and Torfaen and 15 in Conwy. In Powys, the threshold has gradually been reduced to 5 units, with Pembrokeshire National Park using 3 units. Denbighshire also uses 3 units as the threshold.

7. THE VALUE OF AFFORDABLE HOUSING OBLIGATIONS

In total, there were 130 affordable housing agreements in Wales for 2005/06, which totalled to 869 affordable units. The majority of which were for on-site provision of various tenures of affordable housing. There were also 8 commuted sums (payment of a sum in lieu of actual provision of affordable units) which amounted to just over £2 million split between Cardiff, Torfaen, Denbighshire, Vale of Glamorgan, Bridgend and Pembrokeshire.

Denbighshire had 8 agreements for 2005/06 which totalled to 34 units. Additionally, we had 2 agreements for commuted sums agreements, which amounted to £269,000. These figures will have increased since the survey was carried out as Denbighshire approved its Supplementary Planning Guidance on Affordable Housing in July 2005.

The total value of affordable housing obligations in Wales for 2005/06 was estimated at between £14 and £20 million. Cardiff accounts for over 70% of the total value of affordable housing because of the number of units secured (383) and the high value of land there relative to the rest of Wales.

8. TOTAL VALUE OF PLANNING OBLIGATIONS IN WALES

With the estimate of affordable housing, and allowing for a suitable margin of error in the recording of data by local authorities, the total value of obligations in Wales, for 2005/06, will fall somewhere between £26 million and £31 million.

This is an average of approximately £1.2 million per authority, although Cardiff accounts for almost half of the total. Removing Cardiff leaves around £580,000 per authority. This is well below the equivalent figure for England in 2003/04 of around £3 million per authority.

Wales on a whole secured revenue very similar to those in the North of England for 2003/04. This is not because land values in Wales are similar to those in the North two years ago, in fact they are significantly higher, but is rather a function of local policy and process.

As can be seen by the table below Denbighshire secured a value of £867,000 of planning obligations during 2005/06, which ranked the Authority 5th in Wales.

Authority	Approx. Value £
Cardiff	14,400,000
Caerphilly	1,300,000
Bridgend	1,200,000
Newport	1,100,000
Denbighshire	867,000
Rhondda Cynon Taff	830,000
Wrexham	785,000
Carmarthenshire	705,000
Ceredigion	646,000
Vale of Glamorgan	622,000
Monmouthshire	600,000
Torfaen	500,000
Flintshire	335,000
Powys	310,000
Pembrokeshire	257,000
Gwynedd	216,000
Swansea	191,000
Merthyr Tydfil	100,000
Neath Port Talbot	70,000
Anglesey	58,000
Conwy	45,000
Pembrokeshire National Park	0
Snowdonia National park	0
Blaenau Gwent	0
Brecons National Park	0
Other	174,000
Land contributions	2,340,000
Other affordable tenures	1,500,000
TOTAL	£29,000,000

9. GENERAL

The survey reported that only two authorities (Vale of Glamorgan and Wrexham) had up-to-date Supplementary Planning Guidance (SPG) relating to planning obligations *and* affordable housing. However, Denbighshire has an adopted SPG on both planning obligation and affordable housing and this was an error in the report.

In 2005/06 only a single authority (Newport) employed an officer to negotiate and monitor planning agreements. Vale of Glamorgan have since introduced such a post. Another 6 authorities employed an officer to monitor affordable housing. Outside Newport and Vale of Glamorgan it is typically left to individual case officers to negotiate planning agreements. Other parties are often involved such as solicitors, the development control manager and representatives from other departments such as Education, Housing and Transport. What is clear that, in the vast majority of cases, authorities lack a standardised approach to negotiations.

10. CONCLUSION

The report specifies that Cardiff secures almost half of the total value of obligations in Wales. This is because of two factors. Firstly, the level of development activity and land values are much higher in Cardiff than the rest of the country; and secondly Cardiff has a clear policy in place and has generated experience in the process from continuous planning obligation activity over a number of years. They also have a Planning Obligation Officer.

The report also specifies that authorities with low land values, such as Denbighshire and Carmarthenshire, have secured much greater revenues than many larger authorities.

In comparison with other authorities in Wales we appear to be doing well on our record of securing planning obligations. However, we also acknowledge that improvements could be made in the processing of planning obligations and that there is also a scope for increasing planning obligation revenue in Denbighshire.