

PWYLLGOR CYNLLUNIO
CYFARFOD: 20fed Chwefror 2008
Eitem: 2

PLANNING COMMITTEE
MEETING - 20th February 2008
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 North

APPLICATION NO: 43/2007/1338/ PC

PROPOSAL: Retention of shelter to front elevation (Retrospective application)

LOCATION: North Wales Bowls Centre Victoria Road West Prestatyn

APPLICANT: Clwyd Leisure Ltd

CONSTRAINTS: Article 4 Direction
C1 Flood Zone

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"Objection, development not in keeping with existing front elevation of property".

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 02/03/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The property is currently under the ownership of North Wales Bowling Centre and is located off West Victoria Road, Prestatyn. The general area is characterised by modern detached and semi-detached dwellings.
2. Permission is sought for the retention of a small shelter which is located to the front of the premises. The shelter, which has a mono pitched roof measures 4.8 in width, 1.6m in depth, 2.38 to eaves and 3.1 to ridge height. The shelter is constructed using a timber support leg and felt tiles.
3. This application has been generated as a result of enforcement investigation.

RELEVANT PLANNING HISTORY:

4. None.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development control requirements

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of the proposal
 - ii) Impact upon visual amenity
 - iii) Impact upon residential amenity

7. In relation to the main planning considerations in paragraph 6:
 - i) Principle of the proposal
The principle of the proposal is acceptable and in keeping with the general development criteria of Policy GEN 6.

 - ii) Impact upon visual amenity
The shelter is considered small in relation to the host building and therefore it is not considered that it significantly alters the appearance of the building overall. It is further noted that the shelter does not occupy a prominent position within street scene. Therefore, in terms of impact upon visual amenity, the scheme is considered acceptable.

 - iii) Impact upon residential amenity
The site is located on the edge of a residential area. The nearest dwelling is approximately 30 metres away, separated by a car park, turfed area and fence. Given the relationship between the shelter and the residential properties, it is not considered that the amenity of the dwellings has been adversely affected.

SUMMARY AND CONCLUSIONS:

8. The proposal is recommended for approval.

RECOMMENDATION: GRANT

1. No conditions imposed.

NOTES TO APPLICANT:

If the shelter hereby approved is intended to be used as a smoking shelter, you are advised to contact Zoe Ankers - Phillips on 01824 712604 to ensure it complies with the smoke - free legislation.

ITEM NO: 2

WARD NO: Prestatyn East

APPLICATION NO: 43/2007/1486/ PS

PROPOSAL: Variation of Condition No. 1 on planning permission Ref. No. 43/2007/0583/PS to allow hours of opening between 0800-0030 hours Sundays to Wednesdays and 0800-0100 Thursdays and 0800-0030 hours Fridays and Saturdays

LOCATION: 29/31/33/33A High Street Prestatyn

APPLICANT: Barracuda Group Limited

CONSTRAINTS: Conservation Area
Article 4 Direction
C2 Flood Zone

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"Objection – Present hours considered satisfactory".
2. COMMUNITY SAFETY OFFICER
Awaiting comment.
3. DENBIGHSHIRE LICENSING SECTION
Confirm that in the absence of any informal representations from responsible authorities, the application was granted as applied for on 23rd January 2008.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 07/02/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. No. 29- 33/33A High Street is located to the east side of High Street on the lower end and is currently in use as a public house. The general area is characterised by a mix of retail uses.
2. The hours of opening were originally restricted to between 0800 and 2400 hours as part of the change of use application granted in September 2006 (Code No. 43/2006/965/PF). These were subsequently amended by application 43/2007/0583/PS, which was granted in August 2007, to the following:

The premises shall not be open to the public between 0000 hours and 0800

*Sundays to
Wednesdays and 0100 to 0800 Thursdays to Saturdays.*

3. The current application seeks a further revision to the opening hours, to allow for the following:-

*0800 – 0030 Sundays – Wednesdays
0800 – 0100 Thursdays
0800 – 0130 Fridays and Saturdays*

4. Offas Tavern, High St are licensed until 0100 hrs Monday to Saturday and Archies, 145- 151 High St. are licensed until 0000 on weekdays and 0100 hrs Friday to Saturday. Licensing hours for takeaways in the area vary, the Godfather is licensed until 0030 on Sundays to Wednesdays and 0130 for Fridays and Saturdays.

RELEVANT PLANNING HISTORY:

5. 43/2006/0965/PF- Change of use from Class A1 to A3 Café Bar. Granted 26th September 2006. Condition 4 stipulated that the premises should not be open to the public between 2400 hours and 0800 hours.
6. 43/2007/0583/PS- Variation of condition no. 4 on planning ref. no. 43/2007/0965/PF to allow hours of opening between 0800 to 0000 Sundays to Wednesdays and 0800 to 0100 Thursdays to Saturdays. Granted 21st August 2007.

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy RET 16 – Food and Drink – Hot Food Takeaways.

GOVERNMENT GUIDANCE
Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Impact upon amenity
 - ii) Crime and disorder
9. In relation to the main planning considerations above:
 - i) Impact upon amenity
In terms of principle, the extension of the opening hours and the amenity considerations are covered by criterion v) of Policy GEN 6 and are considered acceptable. The area is characterised by retail uses, and there are no residential units within the immediate vicinity. Given also the detached nature of the property, and comparative hours of opening of other similar other establishments in the area, the proposal is considered acceptable.
 - ii) Crime and disorder.
It is to be noted that a Licensing application was submitted on the 17th December 2007 for the variation of opening hours (10.00 – 00.30 Sunday to Thursday and 10.00 – 01.00 Friday to Saturday). Police raised no objections when the licensing application was determined. It is felt that the Licensing Act restrictions are sufficient to exercise control and the planning permission/ conditions should be varied to tie in with the license.

SUMMARY AND CONCLUSIONS:

10. The proposal is considered acceptable and accordingly is recommended for approval.

RECOMMENDATION: GRANT – subject to the following conditions:-

1. The premises shall not be open to the public between 00.30 to 08.00 on Sundays to Wednesdays, 01.00 to 08.00 on Thursdays and 01.30 to 08.00 Fridays and Saturdays.

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

1. In the interests of amenity.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Prestatyn Central

APPLICATION NO: 43/2007/1509/ PC

PROPOSAL: Erection of pitched roof extension to side of dwelling, formation of dormers to front (including 3 gables) and front entrance porch (partly retrospective)

LOCATION: Highfield Bishopswood Road Prestatyn

APPLICANT: Mr & Mrs B Bryce

CONSTRAINTS: Tree Preservation Order
Article 4 Direction

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

CONSULTATION RESPONSES:

2. PRESTATYN TOWN COUNCIL

"Objection – Size and scale not in keeping with neighbouring properties".

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 12/02/2008

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The detached dwelling is located off Bishopswood Road in Prestatyn. The site slopes down on the western side to the rear of the dwellings on Orme View Drive. The area is characterised by large detached dwellings with large gardens/ curtilages all with differing architectural features such as dormers and gables.
2. Permission is sought for amendments to a previous application no. 43/2005/1436/PF, granted in December 2005. The four proposed elements are:
 - Three gables to the new pitched roof to the front elevation (east).
 - Proposed increase from 4.9m in width to 5.9m to the extension at the southern elevation of the property. Design of the roof to be amended so as not to affect the existing window in the gable end.
 - The bay window to the west elevation amended to provide a square base, with the window in the end of the gable to be reduced in size to approximately 2.5m in width and 1.7m in height.
 - The dwelling to be re-roofed using Mosbrough Grey Duo Modern Interlocking Concrete Tiles.

3. This application has been generated as a result of enforcement investigation.

RELEVANT PLANNING HISTORY:

4. 43/2005/1436/PF – Erection of pitched roof extension to side of dwelling, formation of dormers and front entrance porch (amended scheme to App. Ref 13/2005/0933) – Granted 28th December 2005

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development control requirements
Policy HSG 12 - Extensions to dwellings
Policy SPG 1 – Extensions to dwellings

Government Guidance

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - iii) Principle of the proposal
 - iv) Impact on Visual Amenity
 - v) Impact on Residential Amenity
7. In relation to the main planning considerations above:
 - iii) Principle of the Proposal
Policies HSG 12 and SPG allow for extensions to dwellings providing they comply with the relevant criteria regarding size, scale and character. The principle of the proposed alterations to the previously approved application is considered acceptable.
 - iv) Impact on Visual Amenity
In respect to the objection received, the proposal is considered acceptable by virtue of its size, scale and design. Neighbouring properties within the area vary; properties to the southern boundary (Orme View Drive) are of a uniform design. Properties present along Bishopswood Road differ in design, size and scale.
Taking account of the differing size and design of neighbouring properties, it is considered that the proposal is in keeping with the neighbouring properties. The alterations have been designed to be sub-ordinate to the original dwelling, with the proposed alterations improving the overall look of the property. Having taken all these factors into consideration, the visual appearance of the proposal is considered acceptable.
 - v) Impact on Residential Amenity
The proposed window to the front elevation of the property onto Orme Drive has been reduced in size. The amendment to the side extension means the extension protrudes 1m further towards the west side of the curtilage. It is considered this will not cause any adverse impact on the surrounding dwellings. The other elements of the proposal will not impact on the adjoining properties.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. 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. In the interests of visual amenity.

NOTES TO APPLICANT: None

ITEM NO: 4

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

CONSULTATION RESPONSES:

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

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 04/12/2007

REASON FOR DELAY:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The applicant is a member of the County Council.
2. The site lies within the development boundary of Rhyl.
3. 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 have been demolished. 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 application site.
4. The application follows the grant of outline consent for a dwelling at the site (ref 45/2007/0137/PO) in 2007 and proposes 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 with a detached garage set within the rear corner of the plot. The garage has already been constructed. The proposed dwelling would be sited 3.0 metres off the west boundary of the plot with its west side elevation 7.5 metres from the front of 25A., the east side elevation 4.0 metres from the east boundary, and a distance of 13.0 metres to the rear of the properties on Dyserth Road.

RELEVANT PLANNING HISTORY:

5. 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:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle, visual appearance and impact on the amenity of nearby occupiers Highways.
8. In relation to the considerations as noted in paragraph 7:
 - i) Principle
The extant outline consent at the site has established the principle of residential development at the site, but only for a single-storey dwelling. However, it is now considered that the footprint approved under the extant consent is not adequate to provide a reasonable standard of accommodation for future occupiers. On balance, it is accepted that the erection of a dwelling containing two floors of accommodation with a relatively low ridge height of 6.7 metres is acceptable. No objections have been received to the scheme from any nearby occupiers, and as the ridge height is kept to a minimum the design and siting of the small two-storey dwelling proposed is deemed to be appropriate.
 - ii) Highways
No objection is raised to the proposal in terms of highways as the Highway Officer considers that a condition regarding parking and turning would allow for a satisfactory form of development.

SUMMARY AND CONCLUSIONS:

9. The application is acceptable and is recommended to be granted.

RECOMMENDATION – GRANT – subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town

and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

4. Space for the parking and turning of two motor vehicles within the site shall be provided in accordance with a scheme to be submitted to and approved in writing, by the Local Planning Authority; such works as may be approved shall be completed before the building is first brought into use and shall thereafter be retained solely for those purposes.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of residential and/or visual amenity.
4. In the interests of highway safety.

NOTES TO APPLICANT:

None

ITEM NO:	5
WARD NO:	Rhyl South East
APPLICATION NO:	45/2007/1233/ PR
PROPOSAL:	Details of phase 1 development including siting, design and external appearance of 149 dwellings, landscaping, access roads and associated works submitted in accordance with condition no's 1 and 7 of outline planning permission code no. 45/2004/1376/PO
LOCATION:	Land at Rhyl South East between Bro Deg and Dyserth Road Rhyl
APPLICANT:	Anwyl Construction Company Ltd.
CONSTRAINTS:	C2 Flood Zone PROW Main River Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No objections subject to the following conditions:
1. The Environment Agency being satisfied that appropriate drainage facilities are installed at the commencement of development
2. Appropriate traffic calming be installed
3. Affordable housing units not be grouped together but 'pepper potted' throughout the development
4. The impact on the influx of children on existing schools be investigated so as to ensure that there is no detrimental impact on local provision prior to the development of the new school facility".
2. HEAD OF TRANSPORT & INTRASTRUCTURE
No objection
3. WELSH WATER
No objection
4. FOOTPATHS OFFICER
No objection
5. PUBLIC PROTECTION
No response received
6. ENVIRONMENT AGENCY
No objection.
7. COUNTRYSIDE COUNCIL FOR WALES
No objection.
8. COUNTY ECOLOGIST
No objection however would like to remind the applicant of the obligations sent out

in the S106 agreement relating to environmental management

9. THE CLWYD-POWYS ARCHAEOLOGICAL TRUST
No objection
10. COUNTY ARCHAEOLOGIST
No objection, Archaeological watching brief report has been received
11. HEAD OF HOUSING
No comments
12. DRAINAGE ENGINEER
No objection
13. RAMBLERS ASSOCIATION
No response received
14. LANDSCAPE ARCHITECT
No objection

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Martin Barlow, 73 Dyserth Road, Rhyl
2. Sarah Anderson, on behalf of 6 Pen y Llys, Dyserth Road, Rhyl
3. Mike Jones, 5 Maes y Gog, Rhyl
4. Mr. G.R.H. wilkinson, 1, Maes y Gog, Rhyl

Summary of planning based representations:

- (i) Impact on visual amenity/street scene
- (ii) Impact on residential amenity
- (iii) Increased traffic

EXPIRY DATE OF APPLICATION: 14/1/08

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application is a reserved matters application dealing with the details of the phase 1 development at Rhyl South East, including siting, design and external appearance of 149 dwellings, landscaping, access roads and associated works submitted in accordance with conditions 1 and 7 of outline planning permission code 45/2004/1376/PO.
2. Members may recall that in November 2006, outline planning permission was granted to develop 17.68ha of land for residential purposes with associated open space, school, community centre and means of access, on land between Bro Deg and Dyserth Road. The phase 1 application site area forms part of a larger allocated site in the Unitary Development Plan, which will include housing, a

primary school, community/local centre, open space and distributor road. Policy MDA 1 relates specifically to the site.

3. The outline planning application followed a joint approach between the Council and the applicant, with the production of a masterplan and design statement for the site.
4. The site is located on the eastern edge of Rhyl about 2.5 miles south east of the town centre. The site stretches from Dyserth Road in the north to Bro Deg in the south (including the Aberkinsey Stream, which is a central feature of the site. The site will be developed in 3 phases; phase 1 is located to the north west of the site and this application/phase comprises the following:
 - 149 dwellings; a mix of 2 and 3 storey detached, semi detached, mews and apartments
 - Local Equipped Play Area (LEAP) for younger children
 - Neighbourhood Equipped Play Area (NEAP) for older children
 - Landscaping
 - Realignment of Dyserth Road including internal link road

RELEVANT PLANNING HISTORY:

5. 45/2004/1376/PO –Development of 17.68 ha of land for residential development with associated open space, school, community centre and means of access (outline application) GRANTED 22nd November 2006 with Section 106 agreement.

PLANNING POLICIES AND GUIDANCE:

- a) DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1 -	General
Policy STRAT 6 -	Location
Policy STRAT 13 -	New Development
Policy STRAT 15 -	Housing
Policy GEN 1 -	Development Within Development Boundaries
Policy GEN 6 -	Development Control Requirements
Policy GEN 8 -	Planning Obligations
Policy ENV 1 -	Protection of Natural Environment
Policy ENV 6 -	Species Protection
Policy EN V 7 -	Landscape/Townscape Features
Policy ENP 4 -	Foul and Surface Water Drainage
Policy ENP 6 -	Flooding
Policy HSG 2 -	Housing Development in Main Centres
Policy HSG 10 -	Affordable Housing within Development
Policy MDA1 -	Mixed Major Development Area: Land at Rhyl South East
Policy REC 2 -	Amenity and Recreational Open Space Requirements in New Developments
Policy CF 1 -	Community Facilities – General
Policy CF3 -	School Sites
Policy CF4 -	Community Facilities
Policy TRA 6 -	Impact of New Development on Traffic Flows
Policy TRA 7 -	Road Design

Policy TRA 8 - Transport Requirements in Major Developments

Supplementary Planning Guidance Site Planning Brief No. 1 Rhyl South East
Supplementary Planning Guidance 21: Parking Standards in New Developments
Supplementary Planning Guidance 22: Affordable Housing in New Developments
Supplementary Planning Guidance 25: Residential Development Design Guidance

Government Guidance
Planning Policy Wales - March 2002

TAN 2: Planning and Affordable Housing
TAN 5: Nature Conservation and Planning
TAN 12: Design
TAN15: Flooding
TAN 18: Transport

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of development
- ii) Phasing of the development
- iii) Impact on residential amenity
- iv) Impact on visual amenity
- v) Highway considerations
- vi) Public open space provision
- vii) Affordable housing
- viii) Flood risk
- ix) Ecological impact
- x) Archaeological Impact
- xi) Impact on local services/facilities
- xii) Drainage and other infrastructure elements

7. In relation to the main planning considerations:

- i) Principle of development
The principle of the development has been established by the granting of outline planning permission for the major mixed development area in November 2006.
- ii) Phasing of the development
The development is subject to an approved phasing condition which is consistent with the completed Section 106 agreement relating to roads, highways and transport; affordable housing provision, public open space provision; environment and landscape and provision of the new school and community centre.

In relation to phase 1, the following has been agreed through a planning condition and S106:

- **Prior to the occupation of the 50th dwelling:**
 - 1. Complete LEAP and associated public open space and

landscaping

- **Prior to the occupation of the 100th dwelling:**
 1. Complete spine road connection to Bro Deg
 2. New Mini roundabout at Trellewelyn Road/Bro Deg/Colin Drive
 3. Additional traffic calming measures on Pen y Maes Avenue between Bro Deg and Dyserth Road
 4. Complete NEAP and agreed works to Aberkinsey Stream
 5. Payment of one third of the required commuted sum for public open space

iii) Impact on residential development

The proposed dwellings within phase 1 would be located to the north eastern part of the site. The only existing residential development affected by the proposal are on Dyserth Road and Pen y Llys, with the proposed dwellings fronting Dyserth Road being located opposite the Maes y Gog estate. The 149 dwellings proposed within phase 1 comprise a mixture of 2 and 3 storey dwellings of varying sizes and designs. Fronting Dyserth Road is a mixture of 2 and 3 storey dwellings, with 2 storey dwellings backing onto Pen y Llys. In between the front elevation of the proposed dwellings on Dyserth Road and the side elevation of the single storey dwelling at 1, Maes y Gog is a highway and a distance of approx 18m, which is considered acceptable. The properties backing onto Pen y Llys would be 2 storey, and with the exception of plot 137, the rear gardens of the proposed dwellings would back onto the rear gardens of the dwellings on Pen y Llys, providing a distance in excess of 25m between rear elevations.

In relation to plot 137, and the concerns raised by the resident on Pen y Llys relating to overbearing development ; the proposed dwelling is located in a corner of the application site, and has been orientated so that the side elevation of the property faces 6/8 Pen y Llys, with an attached single storey double garage. The view from 6/8 Pen y Llys would be that of the side elevation of a 2 storey property with a single storey garage, and in the side elevation at first floor level, the only window proposed is that of an en-suite with an obscurely glazed window. The proposed dwelling would also be located approx 14m away from the rear elevation of the existing dwellings, and for these reasons it is not considered that the proposed dwelling at plot 137 would cause any detrimental impact on the existing dwellings on Pen y Llys. It is considered that the phase 1 development would have an acceptable relationship with existing development.

In relation to the amenities of future occupiers of the dwellings, it is considered that the layout and design of this phase complies with the principles of the masterplan, TAN 12 and SPG 25 providing a high quality development and living environment.

iv) Impact on visual amenity

The realigned highway fronting Dyserth Road would provide the main access into the site and the layout proposed provides a 'gateway' to the site, with building and landscaping providing focal points which clearly define the entrance to the site. Fronting Dyserth Road would be a mixture of 2 and 3 storey dwellings and whilst the comments of local residents are noted in respect of the introduction of 3 storey development, the design approach adopted is considered appropriate in terms of achieving a variety and choice in types of properties. The designs of the properties fronting Dyserth Road

are considered acceptable without adversely impacting upon the character of the area/street scene.

In terms of the design and layout of the site, it is considered that the principles of the masterplan, TAN 12 and SPG 25 have been followed, including landmark buildings at key junctions. A principal avenue would lead through the site off Dyserth Road with other roads leading off it, and careful consideration has been given to frontage treatments and the provision of 'active' frontages at key junctions within the site. A schedule of materials has been submitted with the application, to indicate the mix of materials proposed in construction of the dwellings, with a variety of bricks, render and roof tiles proposed, exact details to be agreed by a condition should planning permission be granted.

A detailed landscaping scheme has been submitted for this phase to ensure a high quality development.

v) Highway considerations

The location of the main access is approved as part of the outline application, via a new spine road which crosses the site north to south and connects into Bro Deg to the south west and via a new access point direct onto Dyserth Road to the north east. The spine road is to be provided as part of a phased development. The access proposals also include off site works for a new mini roundabout layout at Trellewelyn Road/Bro Deg/Collen Avenue, additional traffic management elements on Pen-y-Maes Avenue between Bro Deg and Dyserth Road and a new linked signal junction option at Dyserth Road/Pen-y-Maes Avenue. All details in relation to roads, highways and transport have been agreed in the S106 agreement and will require further legal agreements with the Local Highways Authority in the form of Section 38 and 278 agreements.

As part of this phase 1 development the following highway works are proposed and which are required by the S106 agreement:

- The widening and realignment of Dyserth Road at the entrance to the site
- New northern site access junction
- Completion of spine road to Bro Deg
- New mini roundabout at Trellewelyn Road/Bro Deg/Colin Drive
- Additional traffic calming management on Pen y Maes Avenue between Bro Deg and Dyserth Road
- Construction of internal carriageways and footpaths

In relation to the details in this application, the Head of Highways has raised no objection. Condition 5 on the outline consent requires full details of all highway works.

vi) Public Open Space Provision

The location of the open space has been agreed at outline stage. This is primarily focused around the stream 'corridor' to enable the creation of a linear park which maximises the natural features of the stream within the site and provides opportunities for landscaped recreational footpath/cycleway links. Within this phase, the open space would provide a Local Equipped Play Area (LEAP) for younger children and a Neighbourhood Equipped Play Area (NEAP) for older children.

The proposal is considered acceptable as regards the provision of formal/informal public open space and is also subject to safeguards which are included by other planning conditions and the S106 agreement.

vii) Affordable Housing

In total, the mixed development area will provide for approximately 290 dwellings, 90 of which have already been granted planning permission on the Rhodfa Maen Gwyn site, without a requirement for affordable housing units.

In conjunction with the Head of Housing and the Registered Social Landlords, the affordable need for the site has been calculated at 60 units (this represents 30% of 200 units). The applicant has accepted that 60 affordable homes are to be provided on the site and has agreed to the following split:-

- 35 units will be provided by R.S.L's in the form of social rented units (apartments, 2/3/4 bed houses, bungalows), including a minimum of 5 for special needs/elderly
- 25 units will be provided by the applicant as low cost homes for purchase.

All 60 units have been subject of the S106 agreement.

This application provides 17 affordable housing units for low cost homeownership in the form of 2 and 3 bed semis/mews and 2 bed apartments. Whilst the affordable housing units have been generally grouped together within this phase, overall the 60 units will be spread across all 3 phases, which is considered to be appropriate and in accordance with the guidance contained within SPG 22.

viii) Flood Risk

Issues relating to flood risk were addressed at outline stage, and this application does not raise any new considerations in this respect. The development has been designed to comply with the requirements of the Flood Risk Assessment and is acceptable to the Environment Agency Wales.

Ecological Impact

As part of the outline application, the applicants submitted an Environmental Statement to assess the likely environmental effects associated with the proposed development. The assessment focussed on flood risk and ecology (in relation to the protected species). As regards protected species on the site, mitigation measures are a mixture of translocation, temporary relocation and reintroduction as part of the scheme. These will need to be implemented as development proceeds.

ix) Archaeological Impact

In dealing with the outline application, the County Archaeologist recommended an archaeological watching brief condition be attached to any permission, so that any previously unknown archaeology can be observed, recorded and preserved. The applicant has undertaken and submitted an archaeological brief which is the subject of a separate application for approval of condition, currently under consideration.

This application has raised no new issues in respect of archaeology.

- x) Impact on local services/facilities
Whilst the concerns raised by the Town Council are noted, the proposed development will be phased over a number of years (5-10), with particular facilities being provided once certain house number thresholds have been attained e.g. the main distributor road linking Dyserth Road and Bro Deg would be completed prior to the occupation of the 100th dwelling, the land for the community centre/school would be transferred to the Council prior to the occupation of the 150th dwelling, the linear park would be completed prior to the occupation of the 275th dwelling. The proposal has the potential to bring about significant improvements to the provision of local services/facilities through the provision of a new school and community centre, a playing field and MUGA , and the linear park.

- xi) Drainage and other infrastructure elements
Drainage issues have been addressed at outline stage. Welsh Water concerns over the existing public sewerage system can be addressed by the developer, funding provision of replacement infrastructure. Condition 12 on the outline consent requires details of the foul and surface water and land drainage to be submitted for formal approval.

This application has raised no new issues in relation to drainage and other infrastructure.

SUMMARY AND CONCLUSIONS:

The details are considered to be in accordance with the framework and principles of the masterplan for the mixed development, TAN 12 and SPG 25. The applicant is seeking to build a high quality development and the details submitted for phase 1 are considered acceptable having regard to this guidance.

It is not considered there would be adverse impact on the amenities of nearby or future residents or adverse impact on the visual amenities of the area.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
2. This permission relates to the part approval of condition 1 and 7 of outline permission ref 45/2004/1376/PO in relation to phase 1 only.

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

1. In the interests of visual amenity.
2. For the avoidance of doubt.

NOTES TO APPLICANT:

You are reminded of the need to comply with all outstanding conditions on outline permission ref 45/2004/1376/PO: - Conditions 5, 9, 10, 11, 12, 16 and 17.

Your attention is drawn to the requirements set out in the Section 106 agreement and development shall proceed in accordance with the agreement.

ITEM NO: 6

WARD NO: Rhyl West

APPLICATION NO: 45/2007/1442/ PF

PROPOSAL: Change of use from Class A1 shop to Class A3 hot-food takeaway

LOCATION: 70 Queen Street Rhyl

APPLICANT: Mr K Ghani

CONSTRAINTS: Town Heritage Area
Groundwater Vulnerability 1
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"Objection - loss of A1 shop and over provision of class A3 in the vicinity to the detriment of other uses".
2. PUBLIC PROTECTION
Awaiting response

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr Shakeel Aslam – 64 and 66 Queen Street, Rhyl

Concerns over the number of fast food businesses in Queen Street and additional congestion.

MEMBERS' COMMENTS:

None

EXPIRY DATE OF APPLICATION: 29/01/2008

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is situated within the Rhyl Conservation area and outside the main retail area, in an area consisting of numerous properties operating under use class A3. No. 70 is located on the western side of Queen Street.
2. The application seeks to change the use of the existing class A1 shop to a class A3 takeaway. Access to the takeaway will be possible via two single doors directly from the pavement on Queen Street.
The submitted information requests the hours of operation between 1200 and 0000 hours seven days a week (i.e. midday to midnight).

RELEVANT PLANNING HISTORY:

3. Code No. 45/2007/0956
72 Queen Street, Rhyl - Change of use from former social club to restaurant
Granted 12/10/2007

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
GEN 6 – Development Control Requirements
TSM 17 – Entertainment Zone, Rhyl
CON 5 – Development within Conservation Areas

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle
 - ii) Impact on amenity and the conservation area
6. In relation to the considerations as noted in paragraph 5:

i) Principle

70 Queen Street is situated outside the main Rhyl retail area, but in an Entertainment Zone and area consisting of mainly class A3 uses. The first floor which is under the same ownership has recently received Planning Permission for an Indian restaurant. Policy TSM 17 of the Unitary Development Plan encourages class A3 uses in the Entertainment Zone. The principle of this change of use is therefore considered acceptable.

ii) Impact on amenity and conservation area

There are few residential units in the immediate area. To ensure the effect on amenity would be kept to a minimum, the hours of operation should be restricted to those stated on the application by way of a planning condition. Although parking on Queen Street is limited and the site is close to traffic lights, restrictions in the form of double yellow lines are in place, and should prevent vehicles stopping and causing additional congestion issues.

Considering the above and the fact that any external alterations will be minimal, it is concluded that the change of use complies with Policy GEN 6 and will not have a detrimental effect on the conservation area and therefore complies with Policy CON 5.

SUMMARY AND CONCLUSIONS:

8. The change of use of 70 Queen Street from a class A1 shop to a class A3 hot food takeaway is acceptable and recommended for approval.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The premises shall not be open to the public between 2400 hours and 1200 hours.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of amenity and the character of the area.

NOTES TO APPLICANT: You are advised to contact the Denbighshire conservation section on telephone number 01824 708076 to discuss the proposed signage.

ITEM NO: 7

WARD NO: Rhyl East

APPLICATION NO: 45/2007/1448/ PO

PROPOSAL: Development of 0.07ha of land by the erection of single dwelling and detached garage (Outline application including siting, design, external appearance and access)

LOCATION: Land at rear of 51 Brighton Road Rhyl

APPLICANT: Mr I.A Mcguire

CONSTRAINTS: Tree Preservation Order
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No objection".
2. HEAD OF HIGHWAYS & TRANSPORTATION
No objection subject to conditions relating to parking/turning.
3. WELSH WATER
Standard comments made relating to water discharge.

RESPONSE TO PUBLICITY:

Representations received from:

1. Mrs E M Thomas, 14 Russell Court, Rhyl
2. Mr & Mrs C H Guy, 16 Russell Court, Rhyl
3. Cameron Developments, c/o 45 and 49 Brighton Road, Rhyl
4. Mrs P Roose, 53 Brighton Road, Rhyl
5. Mr & Mrs C Wallis, 47 Brighton Road, Rhyl

Summary of planning based representations:

- i) Impact on existing drainage;
- ii) Impact on tree cover;
- iii) Loss of amenity due to the proximity of the new dwelling;
- iv) Inadequate turning space for cars.

EXPIRY DATE OF APPLICATION: 30/01/2008

REASON FOR DELAY:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site lies to the rear of the large semi-detached dwelling of 51 Brighton Road. In the curtilage is a detached garage and building formally used as a surgery which has had planning permission for change of use to ancillary accommodation. The attached dwelling at no. 49 has been converted into self contained flats and there is a detached bungalow to the rear of no. 49 (no. 47), which occupies its rear garden area.
2. The application is in outline form but includes all matters for consideration other than landscaping. The submission follows the previous refusal of consent for a pair of semi-detached bungalows (see below) which was considered to represent an overdevelopment of the site and would be harmful to the area and highways. The current submission proposes a two-bedroom bungalow with lounge, kitchen/dining room, two bathrooms and a porch, along with a detached single garage to the rear. The land is shown as being sub-divided to allow the erection of the bungalow within the rear portion of the site with the existing property retaining an amenity area and three car parking spaces within the front section.

RELEVANT PLANNING HISTORY:

3. 45/2007/0944/PO – Outline application for the erection of a pair of semi-detached bungalows: Refused October 2007 for the following reasons:
 - i) It is considered that the residential development of the site in the manner proposed would result in a cramped and overbearing form of development, harmful to the amenities of the existing, proposed and adjacent occupiers and out of keeping with the character of the area. The proposal is contrary to criteria (i) and (v) of Policy Gen 6 of the Denbighshire Unitary Development Plan.
 - ii) The proposed development does not make adequate provision for the turning of vehicles within the site and therefore would be likely to result in vehicles reversing onto the highway with the consequent risk of additional danger to all users of the road and interference with the free flow of traffic. As such, the application is unacceptable and is contrary to Policy GEN 6 (vi) and (vii) and Policy TRA 6 of the Denbighshire Unitary Development Plan.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2003)
Policy GEN 6 - Development Control Requirements
Policy HSG 2 - Housing Development in Main Centres

SUPPLEMENTARY PLANNING GUIDANCE
New Residential Development

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5. The main issues raised by the proposal are:
 - i) Principle
 - ii) Impact on the adjacent dwellings
 - iii) Scale and massing
 - iv) Highways and access
6. In relation to the considerations as noted in paragraph 8:

- i) Principle
The principle of the development is adjudged to be acceptable given that there is a similar building (no. 47) within the adjacent plot and other development along the road of a similar nature.
- ii) Impact on adjacent dwellings
It is not considered that the erection of a single-storey dwelling on the site would give rise to any overlooking as this would be precluded by boundary screening. Whilst the objections made by nearby occupiers are noted it is not adjudged that the erection of a dwelling would lead to noise or disturbance over and above that of a typical residential garden.
- iii) Scale and massing
The scale of the development has been significantly reduced from the previous refusal, as it now proposes only a single dwelling rather than two units in the same area. This therefore allows a greater area of amenity space around the dwelling when compared to the previous proposal, and the application is adjudged to be acceptable in this regard.
- iv) Highways and access
There are no objections from the Highways Officer.

SUMMARY AND CONCLUSIONS:

- 7. The application is acceptable and is recommended to be granted subject to appropriate conditions.

RECOMMENDATIONS: GRANT - subject to compliance with the following Conditions:-

- 1. 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.
- 2. 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.
- 3. Approval of the details of 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.
- 4. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roof(s) of the development hereby permitted and no materials other than those approved shall be used.
- 5. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without the further grant of planning permission of the Local Planning Authority.
- 6. Space for the parking and turning of two motor vehicles within the site shall be provided in accordance with a scheme to be submitted to and approved in writing, by the Local Planning Authority; such works as may be approved shall be completed before the building is first brought into use and shall thereafter be retained solely for those purposes.
- 7. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or 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 by the Local Planning Authority.

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

1. To comply with the provisions of Section 92 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. The application is for outline permission with details of siting and means of access only.
4. In the interests of visual amenity.
5. In the interests of residential and/or visual amenity.
6. In the interests of highway safety.
7. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

NOTES TO APPLICANT:

None

ITEM NO: 8

WARD NO: Rhyl South West

APPLICATION NO: 45/2007/1514/ PF

PROPOSAL: Construction of cycleway and new bridge over Rhyl Cut

LOCATION: Recreational land between Gwynfryn Avenue and Cefndy Road Rhyl

APPLICANT: Denbighshire County Council Head Of Transport & Infrastructure

CONSTRAINTS: C2 Flood Zone
C1 Flood Zone
Main River
Article 4 Direction

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

CONSULTATION RESPONSES:

3. RHYL TOWN COUNCIL
"No objection".

RESPONSE TO PUBLICITY:

Letter of representations received from:

1. Gwynfryn Avenue resident (no name or address given).

Summary of planning based representations:

- i) Residential amenity concerns - proposed cycle track will cause problems such as 'kids on motorbikes, vandalism, thefts from people's rear gardens etc'.

EXPIRY DATE OF APPLICATION: 12/02/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is on land which is part of a recreational area, including a large area of scrub/ overgrown land adjacent to the Rhyl cut, located to the rear of properties at Gwynfryn Avenue, Rhyl.
2. Permission is sought for the construction of a cycleway and new bridge over Rhyl cut. Access to the cycleway can be gained from the Pavilion, Gwynfryn Avenue and Cefndy Road. Bollards would be placed at the entrance/ exit of the aforementioned access points. The proposed bridge over the cut would be built using timber and will measure approximately 10m in length. The cycle path measures 2.5m – 3m in width with the surface being constructed using asphalt.

3. The application is submitted for determination to the Planning Committee under Part 2, A, (vi) of the Denbighshire County Council Scheme of Delegation – development by the Council on land not in Council ownership.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development control requirements
Policy TRA 11 – Walking and cycling routes
Policy REC 1 – Protection of existing open space
Policy REC 4 – Recreation facilities within development boundaries

Government Guidance
TAN 18 – Transport

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of proposal
 - ii) Impact upon amenity
7. In relation to the main planning considerations above:
 - i) Principle of the proposal
In terms of principle, the application site is within the development boundary and is covered by criteria contained in Policies GEN 6, REC 1 and REC 4. The development will encourage walking and cycling within the area, increase access for community facilities such as Rhyl College and ultimately enhance the area. The principle of the proposal is considered acceptable and the proposal complies with Policies GEN 6 i), v) and vi) and REC 1 iii) of the Denbighshire Unitary Development Plan.
 - ii) Impact upon amenity
In respect to objections/ observations received, the proposal is considered acceptable. It is accepted that the proposal will increase the number of users within the area, but given the nature of the proposed use and the distances to the dwellings, it is not considered that residential amenity will be adversely affected. The proposal will enhance the area and will help to realise objectives set by the both the Council and the Government in terms of increased cycling/ walking, thus complying with REC 4 of the Denbighshire Unitary Development Plan.

SUMMARY AND CONCLUSIONS:

8. The proposal is considered acceptable and accordingly 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:	9
WARD NO:	St Asaph West
APPLICATION NO:	46/2007/0781/ PF
PROPOSAL:	Demolition of existing garage, erection of 30 no. apartments and retail store and construction of new vehicular and pedestrian access (site area 0.27ha)
LOCATION:	Clwyd Garage The Roe St. Asaph
APPLICANT:	Muller Property Holdings Ltd.
CONSTRAINTS:	C1 Flood Zone
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:

4. ST. ASAPH TOWN COUNCIL

The Town Council has forwarded separate responses to the original submission, and in relation to revised proposals. The latest response simply advises that "The Council sees no reason to change its response to this application, i.e. OBJECT as previously stated". The original letter follows:-

- "i) The development, by its size and design is totally out of keeping with the surrounding environment and will have a detrimental visual impact on a major route into the Cathedral City, particularly having regard to its close proximity to a conservation area;
- ii) The introduction of an additional 30 no. dwellings into the area would further over-stretch the local infrastructure e.g. Health Services (the existing local surgery is already trying to reduce its patient list);
- iii) The addition of a minimum of 30 no. additional vehicles onto Heol Esgob will create even further traffic chaos, particularly at school times, the junction with The Roe being a 'bottleneck' at such times, a proper traffic management system should be introduced IF such development was permitted;
- iv) The parking of heavy goods vehicles on The Roe in the proposed lay-by would cause a significant visual impact upon vehicles endeavouring to exit from either Heol Esgob or the proposed retail car parking area, even for the alleged short time while unloading; they would also intrude onto the remainder of the carriageway thereby interfering with the free flow of traffic, particularly if vehicles are parked on the opposite side of the road, as permitted at present.

While not forming part of the Council's comments upon the Application, I wonder if the Developer has considered that the provision of office accommodation, in place of retail space, may have less of an impact on the traffic flow, i.e. no need for a lay-by and probably less vehicle movement from the car parking area, visual impact i.e. no large shop front with lights etc. possibly on until late at night, and incidentally, no fear of competition with other retail outlets in the area. One particular concern mentioned at the public meeting appeared to be that intoxicating

liquor could be sold from the premises”.

2. COUNTY CONSERVATION ARCHITECT
Has no objections to the principle of the development or the overtly modern approach to the design. Suggests control over external materials, textures and colours.
3. ENVIRONMENT AGENCY WALES
Confirm that having considered the Flood Consequences Assessment submitted in support of the application, the risks and consequences of flooding could be acceptably managed in accordance with the criteria in TAN 15. Consequently, EAW have no objection to the development, subject to the inclusion of a condition on any permission requiring finished floor levels to be set at a minimum of 14.7m AOD. Notes should also be added to encourage the inclusion of flood proof construction techniques to minimise the impact of any inundation event.
4. WELSH WATER/DWR CYMRU
Request addition of conditions if permission is granted, relating to details of foul and surface water drainage systems, which should be separated, with no surface water or land drainage being allowed to enter the foul system.
5. HEAD OF TRANSPORT AND INFRASTRUCTURE
Revised proposals are acceptable subject to revisions to the location of parking bays.
6. SENIOR PARKS, PLAYGROUNDS, AND PLAYING FIELDS OFFICER
With regard to the proposed commuted sum offer for improvement for off site open space, advises that these improvements are badly needed and the sums should not be used for any other purpose.
7. AFFORDABLE HOUSING OFFICER
There is high need for affordable units in St Asaph. The developer offer of no affordable units on site is unacceptable. This should have been taken into consideration at the outset.

RESPONSE TO PUBLICITY:

Letters of representations received from:-

1. Mr. & Mrs. B. Powell, Bod Hyfryd, Heol Esgob, St. Asaph - petition
2. Mr. M. Rushton, Lyndhurst, The Roe, St. Asaph
3. Mr. & Mrs. J. Vaughan, Danesford, 1, Keen's Road, St. Asaph
4. S. & A. Underwood, 46, Ashly Court, St. Asaph
5. Bryn & Myfanwy Jones, Elwern, Heol Esgob, St Asaph
6. Dave Jones, Cynlas, Heol Esgob, St Asaph
7. Mr & Mrs E A Davies The Thatched Cottage Upper Denbigh Rd St Asaph LL1
8. Nick Shorter, Glennydd, The Roe, St. Asaph (2 letters)
9. Mr. S. Nixon, 47, Ashley Court, St. Asaph
10. Gail M Rose, 30 Roe Parc, St. Asaph
11. D. M. Phasey, Bro Meirion, Heol Esgob, St. Asaph

In addition to the above, a further letter raising objections has been submitted on behalf of 6 households.

Main points raised:

Support for principle of redevelopment (subject to strict traffic management, double yellow lines)

Concerns over –

Highway implications (Increased traffic, parking problems in Heol Esgob, already busy with local school traffic and pedestrians, new access would create an 'offset' crossroads, lay by would create a hazard by effectively reducing width of A525 when goods vehicles park in it, insufficient on site parking).

Design/detailing of buildings (too big, 3 storeys too high, dwarfing houses around it, modern detailing out of keeping with local style – adjacent Conservation Area and historic city, inappropriate use of flat roofs, overdevelopment, replacing an eyesore with an eyesore).

Amenity impact (impact on privacy of nearby houses, proximity of parking areas to private gardens and potential nuisance, impact on boundary walls).

Shop proposal (not needed, too big, impact on other stores in the town, would generate noise and disturbance to local residents outside normal hours, potential nuisance from refuse area, inadequate parking).

General concerns expressed over

Calculations based on occupancy rate of one person per apartment.

EXPIRY DATE OF APPLICATION: 26/08/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)
- re-consultations / further publicity necessary on amended plans and / or additional information
- detailed investigation of affordable housing and open space issues

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application is for full planning permission to redevelop a 0.27ha site which has been occupied by the Clwyd Garage business at The Roe, St. Asaph. It involves the following main elements:-
 - i) The demolition of the existing buildings.
 - ii) The erection of 30 apartments, in the form of a 3 storey development of 'modern' detailing.
 - iii) The erection of a retail store (330m²), fronting The Roe.
 - iv) The provision of 18 parking spaces for the retail store, accessed off an entrance from The Roe (the A525), along with a lay by for service vehicles, off the A525.
 - v) The provision of 35 parking spaces for the apartments, accessed off an entrance on Heol Esgob, with additional parking/waiting restrictions along Heol Esgob.
 - vi) A small amenity area in the north west corner on Heol Esgob.

2. The property lies within the development boundary of St Asaph, in the Unitary Development Plan. Clwyd Garage has been used as a car sales/showroom, an MOT facility, and a car body repairs workshop. These activities have been carried out from a range of buildings of varying designs, with access off The Roe.
3. The application includes a detailed planning support statement, a Design and Access Statement, a Geo-Environmental Assessment Report, a Transport Assessment and Road Safety Audit, Flood Consequences Assessment.
4. The planning support statement concludes that the proposals would meet with all major planning policy objectives, and would enhance the area's character considerably. It draws attention to the inappropriate nature of the existing developments, near a conservation area and an important through route, uses which create noise, congestion and pollution; and suggests the proposed uses would be of high quality design, involving a sustainable development making good use of a brownfield site, with mixed uses complementing the range of community facilities.
5. Given the high development costs of bringing the site forwards (including the need for Flood Risk Assessment decontamination, design/materials for a site near the conservation area and specific highway works), the applicants have commissioned a detailed financial appraisal to support their case that the scheme is not viable if there is any requirement for affordable housing in addition to the payment of a commuted sum in lieu of the full provision of open space within the site. (See Main Planning Considerations section).
6. The plans have been revised following receipt of consultation responses, to take account of comments from highways and the Conservation Officer. The amendments include improvements to the access and parking arrangements, pedestrian crossing points, and proposed parking restrictions. Reconsultations have taken place in relation to these revisions.

RELEVANT PLANNING HISTORY:

7. There have been a number of applications relating to the operation of the garage, showroom and filling station, but none of direct relevance to the residential/retail uses now proposed.

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Strategic Policies 1, 2, 5, 6, 8, 10 & 11
 - Policy GEN 1 - Development Within Development Boundaries
 - Policy GEN 6 - Development Control Requirements
 - Policy GEN 8 - Planning Obligations
 - Policy GEN 10 - Supplementary Planning Guidance
 - Policy ENP 1 - Pollution
 - Policy ENP 4 - Foul and Surface Water Drainage
 - Policy ENP 6 - Flooding
 - Policy ENP 8 - Contaminated Land
 - Policy HSG 2 - Housing Development in Main Centres
 - Policy HSG 10 - Affordable Housing Within Development Boundaries
 - Policy RET 3 - Food Supermarkets
 - Policy REC 2 - Amenity and Recreational Open Space Requirements in New Developments
 - Policy REC 4 - Recreation facilities within Development Boundaries
 - Policy TRA 6 - Impact of New Development on Traffic Flows

- Policy TRA 7 - Road Design
- Policy TRA 8 - Transport Requirements in Major Developments

Supplementary Planning Guidance

- Draft SPG Note - Design (Residential Guide)
- SPG 4 - Open Space Requirements
- SPG 8 - Access for All
- SPG 21 - Parking
- SPG 22 - Affordable Housing

Other Council Documents

Denbighshire Retail and Leisure Study February 2003 together with quantitative retail capacity update September 2006

GOVERNMENT GUIDANCE

- Planning Policy Wales March 2002
- TAN 2 - Planning and Affordable Housing 2006
- TAN 4 - Retailing and town Centres 1996
- TAN 12 - Design 2002
- TAN 15 - Development and Flood Risk 2004
- TAN 18 - Transport March 2007
- MIPPS 2/05 (Retail Development)

MAIN PLANNING CONSIDERATIONS:

9. The main considerations are:-
 - i) The principle of the development taking into account the residential and commercial elements, flood risk and the regeneration aspects of the development.
 - ii) The capacity of the highway network and impact on highway safety.
 - iii) Visual impact taking into account design and layout of the scheme.
 - iv) Impact on residential amenity.
 - v) Flood and drainage issues.
 - vi) Affordable housing and open space issues.
 - vii) Retail issues.
 - viii) Contamination issues.

10. In relation to the main considerations:-
 - i) Principle of the development
 The site lies within the development boundary of St. Asaph in the Unitary Development Plan, and would be considered a 'brownfield' site or Previously Developed Land, being occupied by a long established garage business. Whilst the loss of an employment use is regrettable, having regard to the existing use of the premises, and the fact there are no use designations within the Unitary Plan for the site, the principle of a mixed residential/commercial redevelopment would be acceptable. The specific impacts are assessed in the following paragraphs.

 - ii) Highway issues
 The application includes a detailed Transport Assessment and a Road Safety Audit. The Head of Transport and Infrastructure has assessed this information alongside the specific proposals for customer and residents parking, and the proposed access to the site, which include separate entrances for customers of the retail unit off The Roe, and for the occupiers of residential units off Heol Esgob, along with a lay by in front of the retail unit for service vehicles. The proposals also include the introduction of additional

parking and loading restrictions along the length of the service vehicle lay by. The Head of Transport raises no objections to the proposals subject to minor revisions to the detailing of the parking arrangements, and it is considered, with respect to the concerns expressed, that the parking/access arrangements are acceptable to accommodate the development, and that the highway network is capable of accommodating the scale of development proposed. The Highway Officer confirms the proposed lay by dimensions are sufficient to ensure delivery vehicles park clear of the A525 carriageway.

iii) Visual impact

The proposed 3 storey building is 'L' shaped, fronting The Roe and Heol Esgob, and is of contemporary style (see plans at the front of the report). The Design Statement refers to the opportunity to introduce a modern building in a predominantly residential area, "presenting the chance to raise the profile of The Roe in a contrasting format rather than a pastiche approach". The County Conservation Architect has been consulted as the site lies immediately to the west of the St. Asaph Conservation Area. He expresses no objection to the 'overtly modern approach' adopted to the design, subject to careful control over the roof detailing, and the use of materials, textures, and colours. Inevitably, design elicits contrasting opinions, and there are concerns locally over the impact of the development based mainly on height and detailing. The view is taken overall that there are a mixture of development styles evident in the locality, and that it would be reasonable to accept there is a place for modern design here, provided the final choice of external materials is appropriate.

iv) Residential amenity

The development has been designed to take account of the relationship with adjacent residential property, and ensures that proper distances are maintained between proposed units and existing dwellings/gardens, to retain levels of privacy and amenity. Due attention is necessary to the detailing of measures to limit the impact of activity in the parking areas for the flats and the shop on nearby residential properties, which can be dealt with by condition (improved boundary screening/landscaping etc).

v) Flood risk

The site lies within what is shown as a C1 Flood Zone on the Development Advice Maps produced in conjunction with TAN 15 (Development and Flood Risk). Members will be aware that there are specific justification tests which need to be applied to determine initially whether the principle of development is acceptable in C1 zones. In this case it is considered the principle can be supported as the proposals support the authority's policies to secure regeneration and employment, and the site clearly meets with the definition of previously developed land.

Detailed dialogue has taken place between consultants acting for the applicants, and the Environment Agency Wales over the matter of flood risk. A detailed Flood Consequences Assessment has been undertaken, and following evaluation of this, and additional information provided by the applicants consultants the Environment Agency has confirmed that the consequences of flooding can be acceptably managed, there are no objections, subject to floor levels of buildings being set at a particular level.

vi) Affordable housing and open space issues

These issues are considered together for the reasons outlined in the following paragraphs.

The submitted scheme has been revised from its original configuration, following highway concerns over the parking and access arrangements. It is understood that the requirements, including the provision of the lay-by on the A525, have led to a reduction in the proposed number of flats from 36 to 30. The applicants and agents have consequently reconsidered their strategy for the development, on grounds that the reduced numbers impact on the viability of the scheme, having particular regard to the County Council's policies/requirements for the provision of affordable housing and open space. A detailed Site Viability appraisal has therefore been prepared on behalf of the applicants to clarify development costs and the question of viability.

With regard to the Site Viability appraisal, the applicants and agents are arguing that in order to allow a development to proceed, even with a developer profit below the bottom of the normally accepted range:-

- a) It is not possible to offer any affordable units, since this would reduce the developer's margins still further, to a wholly untenable level. The applicants support their stance by referring to the Affordable Housing SPG, which accepts different areas have different needs and states in 5.2 that where it can be demonstrated a scheme is unviable as a direct result of affordable housing provision, the Council will adopt a sensible approach and consider either reducing or waiving the affordable provision. The applicants also consider that the units provided in the development would in any event, by virtue of their design, amenity and size, provide low cost open market housing which would be affordable in this location (pricing of 1 bed and 2 bed units is indicated as £88,000 and £106,000).
- b) It is proposed to offer a commuted sum of £30,000 in respect of a contribution to the open space requirement. The sum is derived from a recalculation of the Council's 'formula' used to assess a commuted sum figure, which is based on a standard occupancy rate of 3 persons in each unit. The figure of one person per unit is suggested by the developers from their own experiences of occupancy rates of one and two bedroom flats based on the local market.

In negotiation with officers, and on an entirely 'without prejudice' basis, the applicants have indicated a willingness to accept the use of the £30,000 open space commuted sum as a sum for the Authority to put towards affordable housing, should it so choose.

In order to clarify matters relating to the viability of the scheme, and to 'test' the case advanced by the developers to justify no affordable housing provision and a reduced open space commuted sum payment, the site viability Appraisal submitted by the developer has been subject to scrutiny by the Valuation and Estates Manager and subsequently by an Independent Surveyor. The conclusions of the Independent Surveyor are:

- The appraisal identifies all the development costs, including land deducted from total sales. The methodology is not common and does not identify a true return on the scheme.
- The retail scheme, although identified in the overall appraisal does not appear to form part of the evaluation benchmarks, but this may be an oversight.
- All of the costs stated are realistic and generally in line with the market, although the sales figures for the residential element are light given the location and population of the residential market in St Asaph.

- With regard to the Council's policy for Affordable Housing and open space provision, it would not be commercially viable to provide the full requirement (9 affordable units and £63,000 open space commuted sum).
- However, it is considered on the basis of the developers figures that a higher profit than estimated is possible with regard to the scheme, and there is sufficient surplus in the net residual land value to discharge an obligation for a lower number of affordable units, and a higher open space commuted sum.
- It is further considered that given the potential residential market for this type of accommodation, the sale figures could be enhanced giving a better return on the scheme.

The applicants and their advisors do not agree with all the conclusions of the Independent Surveyor in his 'overview' of the Site Viability appraisal. They have concerns over the level of detail in its rebuttal of their appraisal, and the limited time they have had to respond to it. However, they have asked for the application to be put before the Committee.

Having due regard to the background, it is officers' opinion that:

1. In relation to the proposal to offer a commuted sum payment in lieu of on site provision of openspace, the principle is acceptable given the form of development, and the location of the site, and proximity to open space.
2. The offer of £30,000 as the commuted sum in lieu of provision of on site open space is well below the £63,000 considered by the Development Plan section as appropriate with regard to the type of development/occupancy levels. The shortfall has to be weighed against the arguments over viability and the benefits of the development.
3. The absence of any affordable housing within the scheme, or any offer of a commuted sum in lieu of on site provision is contrary to the basis of current policy and guidance. This also has to be placed into the balance with regard to the viability argument (which is a consideration in the SPG), and the merits of removing a 'non conforming' use in a mainly residential area. The conclusions of the Independent Surveyor are that full affordable housing and open space provision would make the scheme commercially unviable, but there is clear scope to include an affordable element and increased open space contribution. On this basis it is considered the proposals as submitted are not acceptable.

vii) Retail issues

The application proposes a 330m² retail store at ground floor level, described in the Planning Support Statement as a 'local convenience store that will serve the nearby residential community'. Policy RET 3 of the Unitary Plan relates to Food Supermarket schemes and requires proposals to meet specific tests geared at limiting impact on the viability and vitality of existing centres. In this context, the contents of the September 2006 Roger Tym and Partners update of the Denbighshire Retail and Leisure Study 2003 are of some relevance. The Roger Tym overview on the potential for retail development noted the continuing decline of the centre of St. Asaph since the 2003 study, and the limited scope for material levels of retail development in or adjacent to the centre, but in light of the low convenience retention rate in the town, concluded, "there appears to be scope for convenience retail provision of an appropriate scale in the St. Asaph area". The presence of the

proposed convenience store proposed here would not be inconsistent with the conclusions of the Roger Tym study.

viii) Contamination issues

There are potential contamination problems arising from the existing and previous uses of the garage site, in particular with the presence of fuel tanks. It would be necessary to condition any permission to require a full survey of the site and details of measures/mitigation necessary to address contaminants present, to enable the development to proceed.

11. In relation to other issues raised, it is respectfully suggested that the impact of a development of the size here proposed on local health services is not a reasonable ground for refusal; the application has to be determined on the merits of the proposed uses and not preferred ones; and direct commercial competition should not be afforded weight in making a decision.

SUMMARY AND CONCLUSIONS:

12. Ultimately, with due respect to the applicants case, and the question of viability, it is not considered the development strikes an acceptable balance with no affordable housing provision and a limited open space commuted sum offer.

RECOMMENDATION: REFUSE- for the following reasons:-

1. In the opinion of the Local Planning Authority the scheme does not make satisfactory provision for affordable housing or open space, contrary to policies HSG 10 and REC 2 of the Denbighshire Unitary Development Plan, related Supplementary Planning Guidance Note No. 22 - Affordable Housing in New Developments, and Note No.4 - Recreational Public Open Space, and advice in Welsh Assembly Government Technical Advice Note 2 - Planning and Affordable Housing.

NOTES TO APPLICANT:

None

ITEM NO: 10

WARD NO: Tremeirchion

APPLICATION NO: 47/2007/1242/ PF

PROPOSAL: Erection of single-storey lean-to extension to side of dwelling

LOCATION: 1 Bryn Ibod Tremeirchion St. Asaph

APPLICANT: Mr J Piper

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. TREMEIRCHION / CWM / WAEN COMMUNITY COUNCIL
"Objection - The planning application combined with the existing extension contravenes the Denbighshire Supplementary Planning Guidance notes No.1".

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 03/02/2008

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Number 1 Bryn Ibod is the end unit of four semi detached two storey dwellings situated on a narrow road in open countryside to the north of Trefnant. Other than the four dwellings referred to, there are no dwellings in the immediate area.
2. Permission is sought for a single storey lean to extension to the side of 1 Bryn Ibod. It would project approximately 3.8 metres from the side and be 6.9 metres deep. The front of the extension would be slightly stepped back from the existing building line. One window is proposed in the front elevation. An existing first floor side window (to landing) will be filled in to accommodate the lean to roof. Materials proposed are render and tiles. The existing house is a combination of render and red brick, with slate roof.
3. The space provided by the extension will allow an additional living room to be constructed.

RELEVANT PLANNING HISTORY:

4. 47/2006/1189/PF – Two storey extension to side and single storey extension to rear of dwelling – **Withdrawn**

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN6 – Development Control Requirements

Policy HSG12 – Extensions to dwellings

SUPPLEMENTARY PLANNING GUIDANCE
SPG No. 1

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Impact upon visual amenity – scale, size and design
 - ii) Impact upon residential amenity

7. With regard to the considerations in paragraph 9:
 - i) Impact upon visual amenity – scale, size and design
Policy HSG 12 and Supplementary Planning Guidance note 1 require extensions to dwellings to be subordinate to the original dwelling. It is noted that the dwelling in question has been previously extended using permitted development rights. On assessing the proposal's impact upon the appearance of the dwelling it is considered that the single storey design and relationship to the dwelling results in a form of development which does not significantly affect the character of the dwelling nor dominate its appearance. It should be noted that a similar side extension has been erected to the side of 4 Bryn Ibod.
With regard to materials it is considered that they should match the existing. It is felt that further clarification of the materials is required, but this can be dealt with by the imposition of a suitable condition. It is therefore considered that the proposal is compliant with policy and would not result in a harmful impact upon the visual amenity of the area or dwelling.

 - ii) Impact upon residential amenity
As the extension will be constructed at the side of the dwelling, it would not impact adversely on the other 3 dwellings. The nearest other properties are over 200 metres away. It is concluded the proposal will not have a detrimental effect on residential amenity.

SUMMARY AND CONCLUSIONS:

It is concluded that the tests of Policy HSG12 and guidance in Supplementary Planning Guidance Notes No.1 have been met and therefore the extension will be acceptable.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no materials other than those approved shall be used.

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:	11
WARD NO:	Ruthin
APPLICATION NO:	02/2007/0177/ PF
PROPOSAL:	Erection of 15 no. woodland lodges for leisure leasing and or letting and installation of new sewage treatment tanks
LOCATION:	Ruthin Castle Hotel Stryd Y Castell Ruthin
APPLICANT:	Countrypark Hotels Ltd.
CONSTRAINTS:	B Flood Zone Tree Preservation Order Scheduled Ancient Monument Historic Parks And Gardens Historic Contaminative Use Conservation Area
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:

1. RUTHIN TOWN COUNCIL
"No objection"
2. CADW
Original consultation response
It is the view of CADW that the proposed lodges together with ancillary development of access tracks, car parking and associated lighting would cause serious harm to the character of the registered historic park; would diminish the significance and value of the site as a whole and would harm the setting of both medieval and nineteenth century castles.

In response to the offer of establishing a charitable trust to address the conservation problems of the medieval castle
In principle, CADW welcomes the suggestion. In return for the offer to establish the Trust, would be willing to accept the proposed construction of the lodges in the less sensitive south west area. Could not though support the more damaging development of the more sensitive north west woodland area and suggest that further consideration be given to amending the application.
3. COUNTY ARCHAEOLOGIST
No objection subject to the inclusion of a condition requiring an Archaeological Watching Brief
4. CLWYD POWYS ARCHAEOLOGICAL TRUST
Object. The proposed development will impact on both the setting of the historic park and garden and the nearby scheduled monument
5. PRINCIPAL COUNTRYSIDE OFFICER
No response received

6. CONSERVATION ARCHITECT
No objection
7. LANDSCAPE ARCHITECT
Object, there would be an unacceptable harm on the Ruthin Castle Park and would break up the integrity of the parkland.
8. COUNTY ECOLOGIST
No response received
9. HEAD OF HIGHWAYS & INFRASTRUCTURE
No objection
10. PUBLIC PROTECTION
No objection
11. BADGER GROUP
No response received
12. COUNTRYSIDE COUNCIL FOR WALES
The application site supports a European Protected Species (lesser horseshoe bats) and therefore the development may only proceed under a licence issued by the Welsh Assembly Government. Protected species surveys are required including the delivery of protected species compensation and mitigation schemes.
13. WELSH HISTORIC GARDENS TRUST
Advises that careful consideration be given to the case for enabling development in respect of the damage to the historic landscape.
14. CLWYD BAT GROUP
No response received.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr. R. A. Havard, The Shieling, St. Meugans, Ruthin
2. Ms. Glynis Shaw, Castell, Bodfari

Summary of planning based representations:

- i) Impact on the setting of Ruthin Castle
- ii) Proposal would desecrate the Castle and its grounds
- iii) The scale of the development is too large
- v) Increase in traffic flow
- vi) This important historical site should be conserved and protected

EXPIRY DATE OF APPLICATION: 07/05/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)
- additional information received from application requiring further consultations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application is a full planning application for the erection of 15 no. woodland lodges for leisure leasing and/or letting and installation of new sewage treatment tanks within the grounds of Ruthin Castle. The lodges would be grouped into 2 areas, the southern area of 'shrubbery' containing 10 units and the smaller area of mature woodland to the north containing 5 units.
2. The application site is located within a Grade II Historic Park and Garden, the Ruthin Conservation Area and within the curtilage of the Grade I medieval castle and the Grade II* Ruthin Castle Hotel. The site is outside but adjoins the Scheduled Ancient Monument boundary. The site is located outside the development boundary of Ruthin, within a green barrier (Policy GEN 5) and local landscape area (Policy GEN 3).
3. The applicant has offered to vest the medieval castle in a Trust, with financial support over a 10 year period, should planning permission be granted for 15 lodges.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 7 Environment
 - Policy STRAT 9 Tourism
 - Policy GEN 3 Development outside development boundaries
 - Policy GEN 5 Green Barrier
 - Policy ENV 1 Protection of the natural environment
 - Policy CON 1 The Setting of Listed Buildings
 - Policy CON 5 Development within Conservation Areas
 - Policy CON 12 Historic landscapes, parks and gardens
 - Policy TSM 9 Static Caravan and Chalet development
 - Policy TRA 9 Parking & Servicing provision

Supplementary Planning Guidance 20: Static Caravan and Chalet Development

GOVERNMENT GUIDANCE

Planning Policy Wales: March 2002

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

Other guidance

'Enabling development and the conservation of heritage assets' English Heritage Publication

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of the development
 - ii) Impact on the Historic Park and Garden/landscape
 - iii) Impact on the setting of the Listed Buildings & Scheduled Ancient Monument
 - iv) 'Enabling development' and the offer to set up a Trust to protect the Castle
7. In relation to the main planning considerations:

i) Principle of development

The application site is outside the development boundary of Ruthin as identified in the UDP. *In relation to strategic policies*, Policy STRAT 7 considers the impact of development on the landscape and environmental issues. Policy STRAT 9 forms the basis of the spatial strategy that applies in determining applications for static caravan/chalet development and permits small scale tourism projects in the countryside and rural settlements provided there is no unacceptable impact on social, highway, amenity, heritage or environmental interests.

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, SSSI'S OR LOCAL WILDLIFE SITES, INCLUDING THOSE IDENTIFIED AND SHOWN ON THE PROPOSALS MAPS

In relation to:

a) **Accessibility/highway issues in relation to criterion i) of Policy TSM 9:**

Whilst the application site is located outside the development boundary of Ruthin, it is located on the outer edge of Ruthin within close walking distance to the town centre and public transport links. There are no objections to the proposal assessed against criterion i) of Policy TSM 9.

b) **Visual Amenity/landscape issues in relation to criteria ii) of Policy TSM 9**

c) **Natural environment/historic landscapes/gardens/Conservation Areas/local landscape value criterion iii) of Policy TSM 9:**

It is considered that the proposal conflicts with criteria ii) and iii) of Policy TSM 9 for the reasons set out in the planning considerations that follow.

ii) Impact on the Historic Park and Garden/landscape

Both areas where the lodges are proposed were an integral part of the park of the medieval castle. Records indicate in the late 13th century a 'De Grey's Walk' is mentioned, connecting the castle to the forest and deer park to the south and west of the castle. It is not clear how extensively wooded the park was in the immediate vicinity of the castle, but it is likely that the history of the

woodland to the north-west of the castle (where 5 lodges are proposed) goes back to the medieval period or beyond. The area to the south west of the castle (where 10 lodges are proposed) appears to have been more open parkland, with only a scattering of trees.

The north west woodland area is densely wooded, mostly with mature and semi-mature deciduous trees. Although it is proposed to introduce the lodges into existing glades and openings in the woodland, they would significantly change the character of the woodland, which is at present and has been since the mid 19th century, one of uninterrupted, semi-wild woodland with no built structures. It is therefore considered that the change of character of this area by the introduction of lodges would be seriously damaging to the historic character of the area.

The south west area was planted as a mixed shrubbery in the 20th century. The present planting has little historic value, the area was previously open parkland sloping down to the river. In order to enhance, rather than diminish the historic significance of this area, it would be preferable to return it to open parkland. The introduction of 10 lodges into this area would be unsympathetic to the historic character of this area and would remove the potential for its enhancement or restitution. CADW and the Council's Landscape Architect have strong objections to this proposal.

- iii) Impact on the setting of the Listed Buildings & Scheduled Ancient Monument
The medieval castle is a Scheduled Ancient Monument and Grade I Listed Building and the 19th century mansion now in use as a hotel is a Grade II* Listed Building. Both are buildings of some historic importance deserving appropriate and sensitive settings in order to not diminish their own value. Both areas of development for the lodges lie immediately adjacent to the scheduled area of the castle and mansion, and although as proposed the lodges would not be visible from them, they would nevertheless, by their character and intrusion into historically sensitive areas, have a significant adverse impact on the character of their setting and would potentially harm its archaeological importance.
- iv) 'Enabling development' and the offer to set up a Trust to protect the Castle
There are separate considerations in this instance to weigh against the conflicts with planning policy.

'Enabling development' is a term which is applied generally to development which may be contrary to policies but may be acceptable in certain circumstances. There is limited guidance in Unitary Plan Policies on what weight should be attached to enabling development as a material planning consideration. General conservation policies and Welsh Office Circular 61/96 contain a general presumption in favour of the retention of listed buildings and the need for a flexible approach to proposals which may secure their future. CADW and English Heritage recognise that there should be a general presumption against enabling development, but that there may be circumstances where significant benefit may arise from the survival of a heritage asset through rescue from decay, bringing it into beneficial use, securing its long term future, and making it more accessible to the public. Whilst there is no statutory basis to advice from bodies like English Heritage, basic tests set out to establish where enabling development may be acceptable are of relevance to the current proposals. These suggest such development may be acceptable where:

1. Enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the asset, or materially harm its setting;
2. The proposals avoid fragmentation of management of the heritage asset;
3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose
4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or purchase price paid
5. Financial assistance is not available from any other source
6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits: and
7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community of providing the enabling development.

In applying the 'tests' to the circumstances here, and whilst recognising CADW's comments, it is officers opinion that the case for enabling development and the offer to establish a charitable trust should be given limited weight. There is no financial appraisal with the application to support the case for enabling development, whether the amount of development is the 'minimum necessary' to secure the future of the medieval castle, what funds are necessary to secure its future, and whether such funds would achieve this objective. There is no indication whether efforts have been made to secure funding from alternative sources. There is clear harm identified to the archaeological, historic and landscape interest of Ruthin Castle from the 'enabling development', which would be contrary to both policy and guidance.

SUMMARY AND CONCLUSIONS

8. The principle of the development is considered unacceptable in relation to planning policy for chalet development. The proposal would result in an adverse impact on the landscape, the character of the historic park and garden and setting of Scheduled Ancient Monument and Listed Buildings.

RECOMMENDATION:- REFUSE for the following reason:-

1. It is the opinion of the Local Planning Authority that the proposal would adversely impact upon the archaeological, historic and landscape interest of Ruthin Castle, resulting in harm to the character of the Historic Park & Garden, the character and setting of the Scheduled Ancient Monument and Grade I Medieval Castle and the Grade II* Ruthin Castle Hotel, in conflict with criterion ii) of Policy STRAT 7, Policy CON 12, criteria ii) of Policy GEN 6 and criteria ii) and iii) of Policy TSM 9.

NOTES TO APPLICANT:

None

ITEM NO:	12
WARD NO:	Efenechtyd
APPLICATION NO:	04/2007/0516/ PF
PROPOSAL:	Erection of 4 no. dwellings and construction of new vehicular access (site area 0.12ha)
LOCATION:	Land adjacent to Turnpike Betws Gwerfil Goch Corwen
APPLICANT:	Ridgeway Land & Property Development
CONSTRAINTS:	B Flood Zone Conservation Area
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

5. BETWS GWERFIL GOCH COMMUNITY COUNCIL
No response submitted.
6. DENBIGHSHIRE COUNTY COUNCIL HOUSING SERVICES – Advises;
 - One affordable house requirement
 - Very limited rented need.
 - Suggests either shared ownership or Low Cost Home Ownership.
7. ENVIRONMENT AGENCY
No objections.
8. WELSH WATER
Standard advice requiring separation of foul and surface water discharges.
9. DENBIGHSHIRE COUNTY COUNCIL HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection, subject to standard conditions.
10. COUNTRYSIDE COUNCIL FOR WALES
Subsequent to the receipt of third party objections, advise as follows:
 - Examination of current OS maps and 2006 aerial photographs confirm that 1 local pond exists – not on site or immediately adjacent
 - The application site has potential to support species of protected amphibian.
 - Given small scale development involved and land in locality, suggest any permission includes a requirement for a condition survey and mitigation scheme.
7. DENBIGHSHIRE COUNTY COUNCIL CONSERVATION ARCHITECT
No objections to the amendments and details.

**RESPONSE TO PUBLICITY:
Objection;**

D & G Lewis, Tegfan & Nant Yr Onnen (owns the two properties), Betws Gwerfil Goch, Corwen. LL21 9PU.

The basis of the objections include:

Impact on privacy and amenity

Affordable Housing – recognise provision of 1 Affordable House –remaining 3 houses too large for local people

Access and Highways –increased parking and congestion; busy narrow road.

Design – suburban; out of keeping with the Conservation Area

Community – concerns over impact on demography and social issues

Protected species –newts in locality

Other issues – boundary/ ownership; effect of third party trees on new occupants

EXPIRY DATE OF APPLICATION: 30/12/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is a full application for four dwellings (an L shaped terrace of 3; one detached), involving the re-positioning of an existing vehicular access point.
2. The site currently forms part of an agricultural field, positioned to the south east of the village centre and adjoins the southern highway approach to the village. The land slopes gradually from north east to south west and adjoins the village conservation area boundary, to the north.
3. The two storey, detached property ‘Turnpike’; (previously in use as a Doctor’s surgery) lies to the south west corner of the application site, with residential properties and an open corrugated, small agricultural machinery shed along the northern boundary.
4. The proposed drainage details include surface water soakaways, and a public sewer foul connection.
5. The application submission includes the following documents
 - Affordable Housing Questionnaire
 - Design Report.

RELEVANT PLANNING HISTORY:

6. 04/2004/1288/PO - Development of 0.119 ha by erection of 2 No. two-storey detached 4-bedroomed dwellings with integral garages and alterations to existing vehicular access (outline application) - WITHDRAWN

04/2005/0179/PF - Erection of 2 no. dwellings and alterations to existing vehicular

access. - REFUSED 08/07/2005.

The refusal reasons included;

1. The proposal does not secure affordable housing provision as part of the development, the existence of such need being demonstrated by the Authority's Housing Needs Survey; and in the absence of any exceptional circumstances the failure to make provision for affordable housing is considered to conflict with the requirements of Policy HSG 10 and the strategic housing policy STRAT 15.
2. It is the view of the Local Planning Authority that the design, scale and size of the proposed 2 no. four bedroom dwellings impacts on the existing character and appearance of the village of Betws Gwerfil Goch and would lead to an unacceptable impact on the views into and out of the adjoining conservation area contrary to the Unitary Development Plan Policy CON 6 and GEN 6 and guidance contained in Planning Policy Wales March 2002 and TAN 12 - Design 2002.

PLANNING POLICIES AND GUIDANCE:

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

Policy STRAT 5 - Design
Policy STRAT 15 – Housing
Policy GEN 1 – Development within the Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy GEN 10 – Supplementary Planning Guidance
Policy ENV 6 - Species Protection.
Policy CON 6 – Development adjacent to conservation areas
Policy ENP 4 – Foul & Surface Water Drainage
Policy HSG 4 – Housing Development in Villages
Policy HSG 10 – Affordable Housing within Development Boundary
Policy TRA 6 – Impact of New Development on Traffic Flows

Supplementary Planning Guidance:

SPG 2 – Landscaping New Developments
SPG 13 – Conservation Areas
SPG 18 – Nature Conservation and Species Protection.
SPG 21 – Parking Requirements in New Developments
SPG 22 – Affordable Housing in New Developments
SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (2002)
TAN 2 – Planning and Affordable Housing – November 1996
TAN 5 – Nature Conservation
TAN 12 – Design

Circular 86/91 – Planning and the Historic Environment

MAIN PLANNING CONSIDERATIONS:

8. The main issues are considered to be:
 - i) Principle
 - ii) Protected Species
 - iii) Drainage issues
 - iv) Impact on the Conservation Area
 - v) Highway impact

- vi) Impact on adjacent properties
- vii) Affordable Housing
- viii) Other issues

9. In relation to the main issues above:

i) Principle

The application site lies within the village development boundary. As such, the principle of development is acceptable, subject to site specific and policy considerations.

ii) Protected species issues

Consultation with the Countryside Council for Wales and the County Ecologist indicate that a suitable mitigation approach, in line with SPG 18 and Policy ENV 6 can address protected species.

iii) Drainage issues

Both the Environment Agency and Welsh Water have no objections to the proposal.

Additionally, the site parking and turning areas will include a permeable surfacing, maximising surface water soakaway.

The proposal complies with policy ENP 4.

iv) Impact on the Conservation Area

Subsequent to detailed discussions with the applicants/agents, amendments and clarification of details are considered acceptable in addressing impact on the conservation area. Additional controls through conditions can also be included. The proposal is significantly different from the previously refused application and is considered to comply with the policy and guidance.

v) Highway impact

The Head of Highways has no objections to the proposed access and parking arrangements, subject to approval of further details, which can be controlled by conditions.

vi) Impact on adjacent properties.

Whilst respecting the concerns over the impact of development on adjoining property, the proposals are acceptable in terms of scale, juxtaposition, height, and distances between properties.

Adequate amenity provision is included with the proposal, similar to neighbouring properties.

vii) Affordable Housing

Based on the current guidelines, the site requires 1 no. affordable unit.

The submitted questionnaire confirms the following:

Density	33.3 dwellings per ha.
No. of affordable houses	1 no.
Plot No	Type 2c (out of 4) – on site
Tenure	Low cost home ownership
House type	Semii-detached House
No.of bedrooms	3
Floor area	Approx 106m ²
Timing of AH availability in relation to market value units	Same time as Market value units
Details of Housing Association contacts/discussions.	Cymdeithas Tai Clwyd – confirmed the low cost homeownership tenure.

Floorspace area complies with the Design Quality Requirements set by WAG.

Current available waiting list (August 2007) indicates the following details for Betws Gwerfil Goch Community:

	1 bed flat	1 bed. House.	2 bed. bungalow	2 bed. flat	2bed. house	2 bed. bungalow	3. bed. house.	3 bed. bungalow	4 or more bed. house	TOTAL
General	5	0	0	4	2	0	3	0	1	15
Sheltered	0	0	2	0	0	4	0	0	0	6
TOTAL										21

Average Household income (2006) for Betws Gwerfil Goch community council is £29,000

The proposed unit should be provided as early as possible in the development process. Plot Type 2 is acceptable in terms of design, layout, positioning and phasing, as an affordable unit. The current proposal complies with HSG 10 and SPG 22 in this particular case.

viii) Other issues

In relation to boundary and related issues the responsibility lies between the relevant parties to resolve and does not involve the Local Planning Authority.

SUMMARY AND CONCLUSIONS:

- The development is considered acceptable, adopting a sympathetic approach to the site.

The recommendation is subject to the completion of a 106 obligation under the 1990 Town and Country Planning Act to secure 1 no.(one) affordable house on site:

- The provision of one (identified as Type 2) on site for low cost, with the secondary option for RSL
- All building works, and sale of the AH unit to be undertaken prior to the occupation of any of the 3 market units

In the event that the obligation is not completed within 12 months of the date of this Committee, the application would be reported back to the Committee and determined in relation to policies and guidance applicable at that time.

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. Foul and surface water shall be disposed by separate systems.
3. No development shall commence until details of the design, height and materials proposed for the screen walls and/or fences shown on the layout plan have been submitted to and approved in writing by the Local Planning Authority. Such screen walls and/or fences shall be erected before the dwellings to which they relate are completed or occupied whichever is the earlier.
4. The screen wall(s) and/or fence(s) hereby approved shall be erected before the dwelling(s) to which they relate are/is completed or occupied whichever is the sooner.
5. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of each dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. Unless otherwise agreed in writing by the Local Planning Authority, all rainwater goods shall be in cast iron and painted black.
8. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
9. 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.
10. No works to any building on the site, including demolition, shall be carried out until such time as the affected land have been surveyed for the presence of newts. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of newts shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.
11. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the

development being brought into use.

12. The access and visibility splays shall be laid out and constructed in accordance with the approved plan to the written approval of the Local Planning Authority before the development is brought into use.

13. The surface of the proposed access shall be paved with a bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with kerbs to the Highway Authority's approval.

14. Positive means to prevent the run-off of surface water from the site to the highway shall be provided to the satisfaction of the Local Planning Authority and retained so long as the development herewith approved shall remain in use.

15. The highway boundary wall shall be re-instated in accordance with the approved plan and details and using local natural stone.

16. Prior to the commencement of development the type and design of highway edge kerb arrangement shall as may be further submitted to and agreed in writing by the Local Planning Authority and the development completed in accordance with the approved details.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To protect the integrity of the public sewerage system.
3. In the interests of residential and visual amenity.
4. In the interests of residential and visual amenity.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To respect the character and appearance of the building.
8. In the interests of visual amenity.
9. In the interests of visual amenity.
10. In the interests of any protected species on the site.
11. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
12. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
13. To ensure the formation of a safe and satisfactory access.
14. In the interests of highway safety and to prevent damage to the highway.
15. In the interest of preserving the character and appearance of the adjacent conservation area.
16. In the interests of safeguarding the local character and highway safety.

NOTES TO APPLICANT:

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

A water supply can be made available to serve this proposed development. The developer may be required to contribute (under Sections 40-41 of the Water Industry Act 1991) towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connection Design Department, Players Industrial Estate, Clydach, Swansea SA6 5BQ.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions of Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

The Developer is advised to contact our New Connections Design Department, Players Industrial Estate, Swansea SA6 5BQ to discuss prior to the commencement of any site work. Tel 01792 841000 for further information on this matter.

Please see attached guidance notes from the Environment Agency

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

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

ITEM NO: 13

WARD NO: Corwen

APPLICATION NO: 05/2007/1270/ PC

PROPOSAL: Restoration works on land at former quarry, including reprofiling of slopes, drainage, access/parking, and planting works (retrospective application)

LOCATION: Pen-Y-Pigyn Quarry Corwen

APPLICANT: Denbighshire County Council

CONSTRAINTS: Within 67m Of Trunk Road
PROW
Historic Contaminative Use A
Ancient, Semi Natural Woodland

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

CONSULTATION RESPONSES:

1. CORWEN COMMUNITY COUNCIL
"No objections"
2. ENVIRONMENT AGENCY
No objection
3. FOOTPATHS OFFICER
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr. S. Cardwell, 'Cardwell's', Central Buildings, The Square, Corwen
2. Simon McClelland (e-mail)
3. Stephen Coe (e-mail)

Summary of planning based representations:

- i) Impact on visual amenity

EXPIRY DATE OF APPLICATION: 25/12/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. This application is a retrospective planning application relating to restoration works on land at the former Pen y Pigyn quarry; including re-profiling of slopes, drainage, access/parking, and planting works.

2. The site is located off London Road, with terraced housing bounding the site to the north fronting London Road, other residential development to the east and open countryside to the south and west. Immediately adjoining the boundary of the site to the north is the property Bryn Tyner which is situated at the base of the slope, which is constructed of quarry waste tipped from the disused quarry located above the property.
3. In 2006, a retaining wall forming the rear boundary of Bryn Tyner failed, and moved some 1.2m before resting against the rear of the property. This in turn caused slips in the slope above the wall. It was concluded that further movement could occur due to the steepness of the slope, which had also been exacerbated by the felling of trees by the Forestry Commission, causing increased surface water run off.
4. The Council initially instructed works to be carried out to stabilise the bank area but then on further investigation and inspection of the quarry and surrounding slope, work was extended to include the whole area owned by the Council, with the objective to improve the visual appearance of the area, and to enable it to be used as open space.

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 ENV 2 Area of Outstanding Beauty

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact on visual amenity
8. In relation to the main considerations in paragraph 7 above:-
 - i) The works undertaken have involved the re-profiling of the slope below the quarry; partial fill of the quarry; the formation of a public viewing platform; improvements to public access links to the hillside; provision of parking for Bryn Tyner and landscaping works. The works have resulted in improved safety, public access, drainage and the overall appearance of the area has been enhanced. It is also proposed to landscape the area by the planting of trees and shrubs. With respect to the concerns expressed, it is not considered that there is any adverse impact on the visual amenity of the area.

SUMMARY AND CONCLUSIONS:

9. There is considered to be no impact on visual amenity and the recommendation is to grant planning permission.

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

1. Within a period of 3 months of the grant of this permission, there shall be 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.

2. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in 2008 planting and seeding seasons and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

1. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

2. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO:	14
WARD NO:	Llandrillo
APPLICATION NO:	07/2007/0640/ PF
PROPOSAL:	Erection of 4 no. dwellings and construction of new vehicular access (site area 0.24 ha)
LOCATION:	Land At Y Fedw Waun Llandrillo Corwen
APPLICANT:	Mr D H Jones
CONSTRAINTS:	B Flood Zone
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

11. LLANDRILLO COMMUNITY COUNCIL
'No objections'.
12. ENVIRONMENT AGENCY
No objections. Standard advice notes.
13. DENBIGHSHIRE COUNTY COUNCIL HOUSING SERVICES –
Subsequent to discussions and meetings, confirms the following;
 - The site would normally have a density requirement for 8 dwellings – involving 2 affordable housing units.
 - Recognise highways constraints limiting the number of residential units – requesting 2 AH units is unfair.
 - The need for housing in this area is quite low.
 - According to Social Housing Waiting list there was a small demand for 2 & 3 bed, units to rent – but to use this property would require grant funding (SHG)
 - Low Cost Home Ownership is considered as a preferred option – unless the developer/agent preferred to rent the unit through his own means.
 - Preference is for a two bedroomed house.
 - Currently – no people on the LCHO list – but according to October 2006 Rural Housing Enabler Survey demand identified 14 households. Allowing for natural population changes/movements – half this number i.e. 7 should be taken as guideline for AH.
 - Already a reasonable supply of low cost housing in Llandrillo – various rented, Sheltered Housing, Housing Association and Shared Ownership properties.

In this case, one AH unit is required at this time, as discussed with the local member. Unit to be provided on site.

14. WELSH WATER
Standard advice regarding separation of foul and surface water.

15. DENBIGHSHIRE COUNTY COUNCIL HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objections subject to standard conditions.
6. DENBIGHSHIRE COUNTY COUNCIL ARCHAEOLOGIST
Advises there are no archaeological issues involved in this case.

RESPONSE TO PUBLICITY:

Letters of representation (Objections) received from:

1. Mr. F. Guyon (via email)
2. Mr. D. & C.F. Robinson, 6, Tyn y Groes, Llandrillo
3. Mrs. M. E. Jones, Bryn-y-Groes, Llandrillo

Summary of planning objections include;

- i) Highways and parking
Proposal will worsen parking situation for Ty'n Y Groes Terrace – proposed access leaves no parking available for Tyn Y Groes residents.
Vehicular access a safety hazard for existing and new users – already incidents on existing highway.
- ii) Drainage
Proposal will worsen existing drainage problem.
Existing sewerage works has insufficient capacity
- iii) Landscape
Existing hedgerow is an important land mark – should be retained
New hedge should exclude hawthorn – mixed variety, as existing.
Indiscriminate tree planting inappropriate.
- iv) Affordable Housing
'Off site' cottage unsuitable.
- v) Housing supply
Village already overdeveloped with unaffordable properties.
- vi) Design
Proposal will expose unattractive Chapel north elevation
Design too modern – unrepresentative of immediate character.
Out of proportion with neighbouring dwellings.

EXPIRY DATE OF APPLICATION: 14/08/2007

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. The proposal is a full planning application for the erection of four dwellings – 2 detached bungalows and 1 pair of semi detached houses – on land to the north east of the village, adjacent to the main B4401 Corwen to Bala highway. The site is within the village development boundary.

2. The land is relatively level, approximately 0.5 -1.00 metres higher than the adjacent, B4401 highway. The agent identifies the land currently in use as a 'paddock'. Boundaries include mature hedgerows with the adjacent B4401, Capel Hananeel (westerly boundary), and open fields to the east.
3. A new vehicular access from the B4401 would serve the two bungalows, with the remaining two houses served off an unclassified highway which adjoins the site's southern boundary. This unclassified road serves the existing detached property Fedw'r Waun, together with a limited number of other residential properties.
4. Foul waste disposal would be via the public sewer, with soakaway provision for rainwater disposal. External materials include render and slate or slate substitute for roof treatment. With the exception of plot 3, detached garages are included for the remaining plots.
5. Neighbouring properties include residential, a builder's yard (across the road, to the north) and a Chapel.
6. The application indicates 1 no. 3 bedroomed house (Plot 3) for Affordable Housing.
7. As part of the application documentation, the following are included:
 - i) Design Statement
 - ii) Affordable Housing Questionnaire
 - iii) Development Appraisal.
8. The design statement acknowledges that:
 - The village housing consists of a variety of style and layouts e.g. traditional stone wall, slate roof properties in village high street to recent estate developments at the periphery.
 - Site is elevated above the main road
 - The proposals incorporate one pair of semi-detached and two detached bungalows – with a consistent style used i.e. same materials = rendered walls, painted timber windows and slate roofs.
 - Site accessible to village centre
 - Plots positioned away from the road, minimising overlooking opposite houses.
 - Layout retains a prominent approach to the adjacent village Chapel
 - Additional hedge planting to site perimeter proposed.
9. The Development Appraisal highlights site viability and specific site constraints.
10. Members may be aware of a recently submitted outline planning application for one dwelling on land adjoining Fedw'r Waun (code 07/2007/1529). This is submitted by a separate applicant and has to be determined by the Local Planning Authority on its own merits, having regard to the usual material considerations.

RELEVANT PLANNING HISTORY:

11. 16/7488
 Development of 0.912 acres of land for residential purposes and alteration of existing vehicular and pedestrian access (outline application)
 GRANTED 02/08/85
- 16/8219
 Development of land for residential purposes (2 dwellings and construction of new vehicular and pedestrian access) (outline application)
 GRANTED 01/08/1986
- 16/8662

Details of dwelling and construction of new vehicular and pedestrian access for which outline planning permission was granted under code no 16/8219
GRANTED 20/5/1987

16/9239

Proposed connection of dwelling to septic tank in lieu of connection to public sewer previously approved under code. no 16/8662
GRANTED 03/02/1988

Erection of 8.no dwellings and construction of new vehicular access
WITHDRAWN 27/03/2007

PLANNING POLICIES AND GUIDANCE:

12. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- Policy GEN 1 Development within Development Boundaries
 - Policy GEN 2 Development of Un-annotated Land
 - Policy GEN 6 Development Control Requirements
 - Policy Gen 10 Supplementary Planning Guidance
 - Policy ENV 7 Landscape/Townscape features
 - Policy HSG 4 Housing Developments in Villages
 - Policy HSG 10 Affordable housing within development boundaries
 - Policy ENP 4 Foul and Surface Water drainage
 - Policy TRA 9 – Parking and Servicing Provision

SUPPLEMENTARY PLANNING GUIDANCE

- SPG 21 Parking Requirements in New Developments
- SPG 22 Affordable Housing in New Developments
- SPG 25 Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

Ministerial Planning Policy Statement 01/2006 Housing

TAN 2 Affordable Housing

TAN 12 Design

TAN 18 Transport

MAIN PLANNING CONSIDERATIONS:

13. The main issues are considered to be:

- i) Principle
- ii) Design
- iii) Highways
- iv) Drainage
- v) Affordable Housing
- vi) Amenity and privacy

14. In relation to the main considerations in paragraph 2:

- i) Principle
The site lies within the defined development boundary, where the principle of residential development is acceptable, subject to site specific and planning policy considerations.

ii) Design

The predominant roof material in the immediate locality includes natural slate, with wall materials generally of pebbledash and stone. House types vary from the small, traditional, terraced properties of Ty'n Y Groes; detached, modern Fedw'r Waun, and a mixture of other, pre-war designs, further east, including a detached dormer bungalow Ardwyn.

The Chapel forms a dominant/prominent visual feature on the approach to the village from Corwen.

The one bungalow design type proposed is of a traditional, simple detailing with one projecting, front gable (to include natural stone work), with comparable overall floorspace/size to surrounding properties.

Existing and proposed site levels demonstrate a reasonable relationship with surrounding properties.

Samples of external materials should be conditioned, including (with the exception of the front. highway boundary), the retention of the existing boundary hedgerows.

The detailing is considered to be in sympathy with neighbouring properties and local character and complies with TAN 12 and GEN 6 tests.

iii) Highways

The site lies within a 30mph limit, with a 75 metre main highway frontage.

The proposal includes the removal of the existing hedge along the site frontage to provide access onto the main B4402 highway for the two bungalows, with the remaining two houses served off the rear, unclassified highway.

The County Highways Officer has been made aware of local concerns, and has advised that provided conditions are attached, satisfactory vehicular accesses and parking can be achieved in this case.

A requirement for a replacement highway hedgerow can be conditioned to ensure use of native species.

iv) Drainage

Local concerns concerning drainage issues have been raised with Welsh Water, and they have confirmed that they are not aware of any major incidents, and do not object to the application.

Additionally, there are other controlling measures enforced by the Environment Agency and Building Regulations which will have to be met by the applicant/developer.

Subject to conditions, the proposal complies with Policy ENP 4.

v) Affordable Housing

Based on a site area of 0.24 ha the current Supplementary Planning Guidance requires provision of 2 no. affordable houses.

During the progression of the application, the applicant's/agent submitted a scheme for part off site provision (rented cottage). In this case however, the option was considered inappropriate, and a Development Appraisal was

subsequently submitted by the agent. This Development Appraisal includes financial details outlining the circumstances to justify a reduction in the total number of Affordable Houses from two to one, on site.

The Appraisal has been assessed by Development Services colleagues. The conclusion reached is that given Highways Officers concerns effectively limiting the total number of units on the application site to four, with one being 'affordable', the proposal is acceptable and also brings forward a viable development.

The submitted questionnaire and other information confirms the following:

Density	1 house per 0.06ha.
No. of affordable houses	1 no.
Plot No	No 3 (out of 4) – on site
Tenure	Private rented
House type	Semii-detached House
No.of bedrooms	3
Floor area	95 m ²
Timing of AH availability in relation to market value units	Two phased approach. AH in phase 1. Phase 2 to commence possibly after phase 1
Details of Housing Association contacts/discussions.	Cymdeithas Tai Clwyd – confirmed no interest in purchasing house on site. DCC Affordable Housing Officer confirmed housing need in the locality quite low, with a reasonable supply of low cost housing in Llandrillo.

Floorspace area complies with the Design Quality Requirements set by WAG.

Current available waiting list (August 2007) indicates the following details for Llandrillo Community:

	1 bed flat	1 bed. House.	2 bed. bungalow	2 bed flat	2 bed. house	2 bed. bungalow	3 bed. house.	3 bed. bungalow	4 or more bed. house	TOTAL
General	0	0	0	1	0	0	2	0	0	3
Sheltered	1	0	1	2	0	2	0	0	0	6
TOTAL										9

The proposed unit should be provided as early as possible in the development process. Plot 3 is acceptable in terms of design, layout, positioning and phasing, as an affordable unit. The current proposal complies with HSG 10 and SPG 22 in this particular case.

ii) Amenity and privacy

Given the juxtaposition; design and floor levels, the impact on neighbouring properties would be minimised, and the scheme is considered acceptable.

SUMMARY AND CONCLUSIONS:

15. The scheme is considered acceptable and overcomes problems which gave rise to the withdrawal of the previous application in 2007.

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

- The provision of one (1 no) affordable house (AH), identified as PLOT 3 on site, initially for private rented housing; fall back for RSL social rent and then low cost market
- The provision of PLOT 3 AH constructed and completed first, within the first phase development, and the second phase completed after completion of plot 3 and the first phase.

16. The permission would only be released on completion of the Obligation. The Obligation must be completed within 12 months of the date of the resolution by the Committee to grant permission; otherwise the application will be reported back to the Committee and determined against relevant policies and guidance at that time.

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 dwelling shall be occupied until the parking space(s)/garage and access thereto have been laid out/constructed in accordance with the approved plans.
3. The surface of the accesses shall be paved with a bound material to the satisfaction of the Local Planning Authority before any of the dwellings that they serve are occupied.
4. Positive means to prevent the run-off of surface water from the site to the highway shall be provided to the satisfaction of the Local Planning Authority and retained so long as the development herewith approved shall remain in use.
5. Facilities shall be provided and retained within the each plot for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior each dwelling is occupied.
6. With the exception of the removal of the B4401 hedgerow, no development shall commence until details of the design, height and materials proposed for the screen walls and/or fences shown on the layout plan have been submitted to and approved in writing by the Local Planning Authority. Such screen walls and/or fences shall be erected before the dwellings to which they relate are completed or occupied whichever is the earlier.
7. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or 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 by the Local Planning Authority.

8. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

(a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

(b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;

(c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.

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

10. The replacement hedgerow along the site frontage with the B4401 shall include a native species to be submitted and detailed as part of the landscaping plan.

11. Foul and surface water systems shall be drained separately from the site.

12. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

13. 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.

14. The development shall be carried out in accordance with the phasing plan and details submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In order that adequate parking facilities are available within the curtilage of the site.
3. To ensure that no deleterious material is carried onto the highway.
4. In the interests of highway safety and to prevent damage to the highway.
5. To provide for the loading, unloading and parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. In the interests of residential and visual amenity.
7. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.
10. In the interests of the visual amenities of the locality.
11. To protect the integrity of the Public Sewerage system.
12. In the interests of visual amenity.

13. In the interests of visual amenity.
14. To ensure an appropriate phasing of the development.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.
Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.
Please see attached guidance notes from the Environment Agency
Please see attached guidance notes from Welsh Water.

ITEM NO: 15

WARD NO: Llandyrnog

APPLICATION NO: 09/2007/1056/ PF

PROPOSAL: Conversion of redundant farm outbuilding to single dwelling and use of part of agricultural land as residential curtilage, installation of new private treatment plant and alterations to existing access

LOCATION: Outbuilding adjacent to Ty Isaf Cottage Bodfari Denbigh

APPLICANT: Mr G Parry

CONSTRAINTS: Public Footpath / Bridleway
AONB

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

CONSULTATION RESPONSES:

1. **ABERWHEELER COMMUNITY COUNCIL**
 "Members are concerned about the outcome for the building in the open countryside as size and condition of this outbuilding for a proposed dwelling should a future extension be required to this conversion as you will then be building on a residential garden. It was also noted that part of this field had already been changed recently from agricultural land to a fenced garden without change of use."
2. **PRINCIPAL BUILDING CONTROL OFFICER**
 Considers that the structural report submitted is an accurate reflection of the condition of the buildings, and they are structurally sound and may be capable of conversion without demolition or reconstruction in excess of that shown on the submitted plans.
3. **HEAD OF HIGHWAYS & TRANSPORTATION**
 No objection subject to conditions relating to the creation of the new access and parking/turning facilities.
4. **CLWYDIAN RANGE AONB JAC**
 "The JAC wishes to reaffirm its previous comments that the Committee has no observations on the principle of conversion provided the building is structurally sound but would recommend that the existing stone elevations be restored rather than rendered. In addition, the boundary to the new garden and the area behind the proposed visibility splay should be a traditional hedge incorporating indigenous species."
5. **HEAD OF TRANSPORT AND INFRASTRUCTURE**
 Note that a public footpath (no. 10) abuts the site and therefore requests that this right of way is not obstructed or impaired.
6. **CONTAMINATED LAND OFFICER**
 Notes that there is the potential for agro-chemical spillages and recommends a suitable condition and advice notes.

7. COUNTRYSIDE COUNCIL FOR WALES
Recommend survey work on wildlife.
8. WELSH WATER
No comments
9. ENVIRONMENT AGENCY
Have assessed the application as having a low environmental risk, but are unable to provide a full response due to workload prioritisation.

RESPONSE TO PUBLICITY:

Representations of objection received from:

1. Stephen R Hellon, The Barn, Ty Isaf, Bodfari
2. David Merrills, Ty Isaf Farmhouse, Bodfari

Summary of planning based objections:

- v) The subject building is in fact a restored garage and not a farm building;
- vi) The field is being lost to residential land and is within the AONB;
- vii) The access is single track and dangerous;
- viii) The area to the front of the building is used by children to play;
- ix) The lane is already overloaded;
- x) A fence of at least 5' in height must be erected around the garden to maintain privacy;
- xi) The character of the building will be lost by the additional windows and use of render;
- xii) The eaves and ridge heights of the building are being increased;
- xiii) No structural report has been provided.

Representations of support received from:

1. Mr Gordon Edwards, Glasdir, Ty Isaf, Bodfari
2. Mike & Pam Ridder, Ty Isaf Farm, Bodfari

Summary of planning based support:

- i) The improvements to the existing access point are welcomed;
- ii) The proposed garden area will improve the appearance of the driveway.

EXPIRY DATE OF APPLICATION: 10/01/2008

REASON FOR DELAY:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The property is currently in use as a single-storey detached storage building for the existing dwelling at the site, and has been subject to renovation works. It has a corrugated roof and has a combination of stone walls and white painted walls. The structure measures 11.4 metres by 5.9 metres and has a pitched roof with a ridge height of 4.0 metres for the front elevation but varying between 4.3 metres and 5.1 metres at the rear due to a change in levels. Adjacent to the building stands a group of four dwellings, comprising of the main farmhouse along with some previous conversions. Other than this the site is surrounded by open fields and woodlands with the nearest other residences being some distance away. The site lies outside of the Bodfari Development Boundary and is within the AONB.

2. The application proposes to convert the structure into a two-bedroom dwelling with a bathroom, lounge/kitchen and hall. The external alterations proposed include the addition of a new roof and the raising of the ridge by 0.6 metres with the addition of a chimney stack to one end. The existing combination of stone walls and white painted walls will be rendered. Other external changes are as follows:

Front elevation – Blocking up of the existing garage doors, entrance door and single window and replacement with a new entrance doors and four windows;
Rear elevation – Insertion of four windows;
End elevations – Blocking up of existing single doors to each end.

3. In addition, the submitted plans show the creation of a new garden area to the west of the building with a parking area for two cars provided within the western end of the garden. The plans do not denote the treatment of the boundary for the garden.
4. The existing access at the road junction is to be improved to provide a visibility splay to the north direction, a matter which has been discussed and agreed with the Highway officers.
5. The septic tank is to be positioned adjacent to the parking area within the garden.
6. The structural report provided by P J Hughes in support of the proposal concludes that “There is evidence of lateral movement to the building which appears to be caused by the roof structure ... which will be removed and replaced with new ... The new roof structure will tie the walls together ... Given the above recommendations it is my opinion that the building will be suitable for use in the new conversion.”

RELEVANT PLANNING HISTORY:

7. The subject building has no relevant history, but investigations by the Council’s enforcement team were being undertaken at the time of this report regarding the apparent sub-division and change of use of the adjacent agricultural land.

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy HSG 9 - Residential conversion of rural buildings to dwellings
Policy ENV 2 - Development affecting the AONB

SUPPLEMENTARY PLANNING GUIDANCE
SPG16 – Conversion of rural buildings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

9. The main issues are:
 - i) Principle
 - ii) Impact on the privacy and amenity of the occupiers of the adjacent dwelling
 - iii) Parking and highways
 - iv) Impact on the AONB
 - v) Comments of the objectors/supporters
10. In relation to the considerations as noted in paragraph 15:

- i) Principle
Policy HSG9 allows for the conversion of rural buildings where the building is structurally sound and the conversion does not have an adverse impact on the character of the building or on the countryside by virtue of the domestic curtilage. SPG16 provides further advice on these requirements. The Principal Building Control Officer has assessed the structural survey which confirms the existing roof will need to be removed and replaced overall it is not considered that the works proposed will harm the integrity of the building, and, the conversion of the building is considered acceptable.
- ii) Privacy and amenity
The orientation of the building and the alterations proposed for its conversion would not impact upon the amenity of the occupiers of the adjacent dwellings given that no habitable room windows are proposed which would face the adjacent dwellings and be in close proximity to them.
- iii) Parking and highways
The comments made by the Highway officers are noted and no objection is raised to the proposal in this regard.
- iv) AONB impact
The conversion of the building and the creation of the residential curtilage would not have any adverse impact on the AONB. There is no objection from the JAC

SUMMARY AND CONCLUSIONS:

- 11. The application is acceptable and is recommended to be granted subject to appropriate conditions.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
3. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no materials other than those approved shall be used.
4. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.
5. No development hereby permitted shall be occupied until the junction between the proposed access road and the highway has been constructed in accordance with the plans hereby approved.
6. Space for the parking and turning of two motor vehicles within the site shall be provided in accordance with a scheme to be submitted to and approved in writing, by the Local Planning Authority; such works as may be approved shall be completed before the building is first brought into use and shall thereafter be retained solely for those purposes.
7. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway
8. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended

immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.

9. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment.

10. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.

11. Before any work commences on site details of the provisions made for an owl hole and nesting box/loft for barn owls, together with details of the timing of the works and the provision of the hole and box/loft shall be submitted to and agreed in writing by the Local Planning Authority. The hole and box/loft shall be provided in accordance with the approved programme and details prior to the occupation of the building or completion of the development whichever is the sooner

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of residential and/or visual amenity.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
9. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
10. To ensure a satisfactory standard of development, in the interests of visual amenity.
11. To protect barn owls.

NOTES TO APPLICANT:

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

ITEM NO: 16

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2007/1428/ PR

PROPOSAL: Details of siting, design and external appearance of dwelling and landscaping of the site submitted in accordance with Condition No. 1 of outline permission Ref. No. 16/2007/0420/PO

LOCATION: Land at (part garden of) Plas Isaf Old Barn Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Urbanbuild (Northern) Limited

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

16. LLANBEDR COMMUNITY COUNCIL
Awaiting response.
17. AONB COMMITTEE
Concerns regarding the original scheme due to hipped roof, balcony fenestration details and materials.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Dr Ian Shaw, Tan y Gruglas, Llanbedr Dyffryn Clwyd, Rhuthun. LL15 1UP.
2. M.F.C. Smith & J. Smith, Maenor Plas Isaf, Llanbedr D.C.

Summary of planning based representations:

- i) Scale and design
- ii) Impact upon amenity of neighbouring dwellings
- iii) Impact upon character of AONB

MEMBERS' COMMENTS:

None

EXPIRY DATE OF APPLICATION: 20/03/2008

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks approval of details of siting, design, appearance and landscaping, as "reserved matters" in accordance with conditions 1 and 2 of outline planning permission 16/2007/0420/PO. Access and the highway impact was

considered as part of the outline application granted permission on August 2007.

2. The site in question forms part of the garden area of Plas Isaf Old Barn, which is to the south east by a well established conifer hedge. To the South West, South East and North West of the site there are 3 two storey dwellings.
3. The proposed dwelling would be located wholly within the development boundary. It would be a two storey, pitched roof unit, with a ridge height of 7 metres. The dwelling would be sunk 0.5 metres into the ground, giving the impression of a ridge height of only 6.5 metres and eaves at 4.5 metres. Internally the dwelling would provide three habitable rooms on the ground floor, and four bedrooms plus a study on the first floor. Windows on the side elevations would be minimal, and in the main obscure glazed. The rear elevation fronting onto open fields would feature extensive glazing to maximise the light internally. Only two windows and hallway glazing are located on the front elevation. A first floor balcony is proposed to the rear elevation.
4. An integral single garage is proposed to the front in conjunction with the proposed parking and turning area. A further garden area is located to the side and rear of the dwelling. It is noted that the land to the North East of the site (outlined in blue on the location plan) is established residential land that originally belonged to Plas Isaf Old Barn, but has been sold to the applicants.

RELEVANT PLANNING HISTORY:

5. 16/2007/0420/PO – Development of 0.05ha of land for residential purposes and alterations to existing vehicular access - GRANTED - 1 August 2007

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN 1 – Development within Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy ENV 2 – Development affecting the AONB

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:
 - i) Impact upon AONB/visual amenity
 - ii) Impact upon residential amenity
8. In relation to the considerations in paragraph 7:
 - i) Impact upon AONB/visual amenity
The proposed design is relatively modern in contrast to its surroundings. It is considered that this approach is acceptable. The revised design and materials take into account the initial concerns of the AONB Committee. Natural slate is now proposed, the fenestration details simplified and the hip roof has been omitted. Further the scale of the building has been reduced as has the height and floor level. It is considered that these alterations overcome the concerns of the AONB Committee and neighbouring residents. It is further considered that the proposal would not harm the character of the AONB and is therefore compliant with Policy GEN 6 and ENV 2.
 - ii) Impact upon residential amenity
It is not considered that there would be a significant impact upon the residential amenity of the neighbouring properties. Adequate Separation

distances have been achieved, and where habitable room windows are involved the distance between properties is 26 metres. Additional privacy would be further ensured by proposed screen planting and the presence of an outbuilding between the proposed dwelling and Plas Isa Manor. In addition, the positioning of the proposed windows is considered to be acceptable as these would not result in any direct overlooking or loss of privacy. The height of the proposed dwelling is not considered to have an overbearing impact upon the neighbouring dwellings.

With regard to garden area, it is considered that the garden area to the North East and in the applicant's ownership is considered to provide sufficient amenity space for the proposed dwelling.

The proposed landscaping scheme incorporates native species as recommended by the AONB Committee and is therefore considered acceptable.

SUMMARY AND CONCLUSIONS:

9. The comments of the consultees and representations from the public have been noted and addressed. It is considered that the proposal is compliant with policy, and is acceptable.

RECOMMENDATION: - APPROVE subject to the following conditions:-

1. Prior to the commencement of the application of any render a sample panel of the type of render it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the render to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.
2. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
3. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.
4. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
6. Notwithstanding the provisions of Class(es) A,B,C,D,E,F,G,H of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development

permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

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

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
4. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
5. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
6. In the interests of residential and/or visual amenity.

NOTES TO APPLICANT:

None

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PLANNING COMMITTEE
MEETING: 20th February 2008
Agenda Item: 3

ENFORCEMENT MATTERS

- (i) **ENF/ 2003/00041 :**
Coral Springs, Ruthin Road, Llandegla

Unauthorised use of land to permanently site a touring caravan used for residential purposes

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2003/00041

LOCATION: Land Known as Coral Springs, Ruthin Road, Llandegla, Wrexham

INFRINGEMENT: Unauthorised use of land to permanently site a touring caravan used for residential purposes.

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 – Development Control Requirements
Policy GEN 3 – Development Outside Development Boundaries

GOVERNMENT GUIDANCE

Planning Policy Wales 2002
Technical Advice Note (Wales) 9 : Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The rights of a person(s) to permanently site a touring caravan, to be used for residential purposes, does not outweigh the right of the Local Planning Authority to protect the amenity of the area. No human rights issues have been raised in this case.

1. BACKGROUND INFORMATION

- 1.1 The site is general agricultural land, being used mainly for the keeping of horses by the occupier(s) of the land. There is no dwelling on the site, no utilities or mains drainage and the occupier(s) utilise the touring caravan on the site for residential purposes.
- 1.2 The permanent siting and residential use of the touring caravan was reported to an Enforcement Officer in October 2007. Subsequent visits have been made to the land and the owner(s) have been advised that it is unacceptable for the touring caravan to be permanently sited and used for residential purposes.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 It would appear that the breach of planning control has occurred within the last 10 years and the imposition of planning conditions, in this instance, would not overcome the harm the permanent siting of the touring caravan and its use for residential purposes has on adopted UDP policies, which seek to control residential development in the open countryside.

- 2.2 Furthermore, the permanent siting of the touring caravan and associated paraphernalia would represent an intrusive feature within this attractive open countryside location. The unauthorised residential use of a caravan in the open countryside has a detrimental impact on the amenity of the area and is therefore not acceptable.
- 2.3 The residential use and permanent siting of the touring caravan in this open countryside location is contrary to the policies referred to above. To allow a residential use outside any designated settlement boundary would be contrary to strategic policies within the adopted Unitary Development Plan and would set an undesirable precedent for other sporadic forms of residential development outside defined settlement limits.
- 2.4 Previously, in January 1998, during a Planning Inspectors determination of an appeal over the site owners failure to remove a residential caravan, (where a temporary permission had expired), the Inspector acknowledged that any residential use of a caravan on this site is not acceptable.
- 2.5 On 4 June 2007, a planning enforcement notice was served on the owner(s) requiring the cessation of residential use of a static caravan on the site and also requiring its removal from the land. To date the owner(s) have failed to comply with the notice and prosecution proceedings are pending.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 3 month compliance period, ordering the cessation of the use of the touring caravan for residential purposes and furthermore, for its removal from the land.
- 3.2 To instigate prosecution proceedings where any person(s) on whom a Notice has been served fails to comply with the provisions of the Notice.

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 12 December 2007.
- 2.2 A Development Team meeting took place with the owner on 14 January 2008, immediately followed by a Member's Steering Group Meeting.

Health and Safety/Site Security

The formal security presence continues on the site. This appears to be discouraging acts of vandalism.

Listed Building Consent Application

Additional information is being submitted by the applicant's agent to supplement the application for consent to demolish a number of the listed buildings. This may include an updated Condition Survey of the buildings. The earliest the application can be reported to the Committee is the 19 March 2008.

Prince's Regeneration Trust

Officers continue to update the Trust on the situation.

Future Meetings

The next Development Team Meeting is scheduled for the 25 February 2008.

3. RECOMMENDATION

- 3.1 That Committee accept this information report.