

# PROTOCOL FOR PLANNING COMMITTEE

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

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

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

#### Guidelines for Site Inspection Panels.

- v) If any application has been subject to a previous Site Inspection Panel, the Chair will invite those Members who attended including the Ward Member, to speak first, before other Members.
- vi) On other applications, the Ward Member will be invited to speak first.
- vii) Members will be limited to a maximum of five minutes speaking in accordance with standing orders.
- viii) Once a Member has spoken, the Member shall not speak again unless seeking clarification on a point arising from the debate and only once all other Members have had the opportunity to speak and with the agreement of the Chair.
- ix) Following the debate the Chair will ask Officers to respond to any questions and sum up any issues arising from the debate including advice on a potential resolution in conflict with Officer recommendation.
- x) The Chair will make it clear that the debate is concluded and that voting is to commence. No further debate or questions will be permitted on the item. The Officers will prepare the electronic voting system and advise the Chair when voting can commence.
- xi) The Chair will put any motions to the vote. The electronic voting system allows a 15 second period for voting to take place during which period Members must cast their vote.
- xii) The Chair will not tolerate any interruptions by Members without his agreement or audible conversations between Members or Officers which do not form part of the debate.
- xiii) Failure to abide by the above protocol will lead in the first instance to a warning from the Chair. Further failures may result in a motion under Standing Order 18.3 that the member be not heard further, leading ultimately to a motion under Standing Order 18.4 that the member leave the meeting in the event of continued improper behaviour.
- xiv) The Chair will state clearly the decision once the resolution is made.

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

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

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

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

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<b>ITEM NO:</b>	1
<b>WARD NO:</b>	Denbigh Upper / Henllan
<b>APPLICATION NO:</b>	01/2007/0750/ LB
<b>PROPOSAL:</b>	Listed Building consent for partial demolition of former hospital buildings
<b>LOCATION:</b>	Former North Wales Hospital Nantglyn Road Denbigh
<b>APPLICANT:</b>	Freemont (Denbigh) Ltd.
<b>CONSTRAINTS:</b>	Listed Building
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

#### **CONSULTATION RESPONSES:**

1. DENBIGH TOWN COUNCIL  
" I am instructed to write to inform you that the Council whilst not wishing to object to the application would wish to comment upon the application. Members, whilst accepting that there was a need for the project to move on, did express regret regarding the proposal to demolish building no. 10, the former Main Hall".
2. DENBIGH CIVIC SOCIETY  
No comment.
3. GEORGIAN GROUP WALES  
Do not wish to comment on this application.
4. ROYAL COMMISSION ON THE ANCIENT AND HISTORICAL MONUMENTS OF WALES  
Comment only on the historic significance and context of a monument or structure and the adequacy or otherwise of the record. Suggest in view of the scope/extent of the works, if consent is granted, a comprehensive record of the structures to be demolished is needed, e.g. a Level 2 survey and Level 3 photographic survey by an approved archaeological contractor or historic building consultant, with results to be sent to NMRW.
5. ANCIENT MONUMENTS SOCIETY  
No response.
6. COUNCIL FOR BRITISH ARCHAEOLOGY  
No response.
7. SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS  
No response.
8. DENBIGHSHIRE HISTORIC SOCIETY  
No response.
9. THE VICTORIAN SOCIETY  
(Initial response)  
Strongly object to the application. The works would have a detrimental impact on

the special architectural and historic interest of the site. There is no adequate justification for the demolition in accordance with a national policy in Planning Guidance Wales or Circular 61/96. Accept the importance of action to secure the future of the hospital and the concept of conversion to mixed residential and business use with some enabling development, but retain concerns over the extent of demolition and the lack of assessment of buildings to be demolished (e.g. significance of buildings in Area 3, why the Assembly Hall can not be retained and converted, why a more sustainable long term approach can not be taken to the retention of significant buildings until a new viable use can be found).

(The Victorian Society have been forwarded additional information from the applicants, and any further response will be reported to the Committee).

10. CADW

(Comments of Conservation Architect, made without prejudice to any future involvement of Welsh Assembly Government in the matter).

(Initial response)

Express disappointment at the quality of the application, as proposals are confusing and difficult to follow and drawings are barely legible. Notes the emphasis is on demolition, on an alarming scale, but that proposals are generally in accord with earlier discussions on the future of the former hospital (other than with the exception of Erddig Ward which CADW understood was to remain). Considers justification for demolition of Erddig Ward is required, how and why large scale demolition is part of the larger picture, how the site as a whole is to be treated, how the loss of supposedly less important buildings is balanced by firm proposals to protect those buildings that are to be retained. Proposals to undertake urgent repairs should be the highest possible priority.

(CADW have been forwarded additional information from the applicants, and any further response will be reported to the Committee).

11. CLWYD POWYS ARCHAEOLOGICAL TRUST

Note that a number of 19<sup>th</sup> Century buildings would be lost. These should be fully recorded by a written/measured and photographic survey.

12. DENBIGHSHIRE COUNTY ARCHAEOLOGIST

No response received.

13. DENBIGHSHIRE CONSERVATION ARCHITECT

Offers no objections, taking all factors into account. Comments primarily on the impact of proposals on the main block, a Grade II\* building. Outlines in detail the recent history of the hospital, so the context is understood for the demolition application. Draws attention to the King Sturge and Phoenix Trust studies carried out since the current owner acquired the site in 2002 (see main report summary), and accepts the rationale therein which have led to the outline planning application and the acceptance of proposals to retain key buildings and to demolish others, i.e. the financial liability in the existing buildings needs to be reduced to a manageable size, and the repair of the remaining buildings needs to be subsidised by the release of equity through 'enabling' development. The Phoenix Trust Conservation Management Plan forms the basis for determining which buildings should be retained (the main front block, Ogwen and Hafan Wards, the nurses home, Isolation Ward and Chapel), which include examples from all the major phases of development on the site. Notes the proposals are consistent with the outline planning consent and Section 106 agreement which secured funding for the repair or mothballing of buildings to be retained. Accepts the scale of demolition is significant and affects part of the Grade II\* buildings, and that there are no fully

detailed plans for redevelopment at the time of considering the application, but concludes that there is a strong case made for demolition, as without it and the enabling development, there is little chance of saving the more important parts of the building.

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

Letters of representation received from:-

1. Alex Cheasley, 95, Woodside Road, Guildford, Surrey (via e-mail)
2. Mr B Kenny, 35 Elm Grove, Buckley. CH7 2LU.
3. Mr S L Rees, 26 Oaktree Court, Brackla, Pen Y Bont, Morganwg CF31 2BH
4. Mr. A. Cheasley, 95, Woodside Road, Guildford, Surrey
5. Mr. P. Stafford, 22, Manor Way, Dunholme, Lincoln
6. Helen File (via email)
7. Chris Pieroni , 16, Esk Drive, Paisley, Renfrew (via email)

Summary of planning based representations:-

- i) Scale of demolition excessive.
- ii) Main Hall is an excellent example of its type/look at alternative ways of saving Britain's history/more Grade II buildings should be retained.

**EXPIRY DATE OF APPLICATION: 15/11/2007**

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

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

#### **PLANNING ASSESSMENT:**

##### **THE PROPOSAL:**

1. The application is for Listed Building Consent to demolish a number of buildings within the complex at the former North Wales Hospital, Denbigh. The plans at the front of the report outline the extent of the proposed demolition works.
2. The proposals are put forward in the context of the recent outline planning permission granted by the County Council for the restoration, partial demolition and change of use of the building complex to residential, business and community uses, with associated housing development.
3. The history of developments at the Hospital site was set out at length in the reports to Committee on the outline planning application in 2005. It is not necessary to repeat all this background information for the purposes of this listed building application, but there are key elements which are relevant to the proposals.
  - i) The site was developed as a purpose built Mental Hospital, first opened in 1848. The original range of buildings was extended considerably over time, the final main phase of expansion being completed in the 1950's. The building complex is massive, and includes a number of listed buildings of Architectural and Historic Interest, graded II and II\*
  - ii) A reorganisation in the provision of adult Health Services in the former county of Clwyd culminated in the Health Authority approving plans in 1987 for the phased closure of the entire Hospital complex. Welsh Office funding approval enabled an acceleration of the proposed 10 year closure programme, and the



hospital was finally vacated in late 1995.

- iii) The former Health Authority made strenuous efforts to secure alternative uses for the building complex, and to market the site. The failure of these efforts reflects the difficulties which have arisen from the sheer scale of the complex of Listed Buildings, and the practicality of adapting buildings to new uses to meet modern standards.
- iv) There have been a series of planning applications submitted from 1996 onwards, primarily for residential development, some involving the conversion of the hospital buildings into residential, industrial/commercial uses. None were considered acceptable in principle on policy grounds and on the basis that there were inadequate safeguards to secure the restoration and long term use of the key listed buildings.
- v) In recognition of the significance of the group of listed buildings, and the potential contribution to the viability and vitality of the town, a specific policy was included in the Denbighshire Unitary Development Plan (MDA4) to encourage proposals for the future development of the site, primarily to secure a viable alternative use, or mix of uses to secure the future of the buildings.
- vi) The site was purchased by Acebench Limited in 2002. Acebench sought to progress matters by setting up a steering group with the Prince of Wales Phoenix Trust, representatives of Denbighshire County Council, the WDA, and CADW. The group appointed King Sturge (property Consultants) and Butress Fuller Alsop Williams (Architects) to undertake a further feasibility study to assess the potential re-use options for the site in order to restore and preserve the principal Listed Buildings and Parkland. The King Sturge appraisal and a follow up Conservation Management Statement produced by the Phoenix Trust highlighted the need to rationalise the buildings to be retained, and the need for demolition. These documents formed the backbone of the 'mixed use' planning application submitted to the County Council in November 2004.
- vii) The application was finally determined by Full Council in March 2005, which resolved to grant outline planning permission subject to completion of a legal agreement covering amongst other things, the creation of a Restoration Fund for works on the key listed buildings. The legal agreement was finally completed in September 2006, and allowed the outline planning permission to be released.

4. The outline planning application was for the following developments:-

"Restoration and partial demolition and change of use of former North Wales Hospital to residential, business and community uses, and development of adjacent land and buildings for residential, commercial and parkland uses, including change of use to B1 (Business Use), creation of new access and landscaping (outline application)".

5. The elements of the outline application form a critical background to the consideration of the listed building application. The basis of the outline permission is to ensure the principal listed buildings are retained and their setting is protected through a carefully planned mixed development comprising the elements outlined in a 'Master Plan', the main elements of which are illustrated on the plan at the front of the report, and as detailed in the following paragraphs. These include an agreed area for new housing as 'enabling development' to generate moneys for

the Restoration Fund for safeguarding the key listed buildings, and the demolition of a number of buildings at the rear of the main buildings:

Area 1 – Main Listed Buildings (3.5 hectares)

- Restoration and renovation of the original framework of the hospital buildings, for use as residential units, care home facilities, and commercial accommodation.
- Associated reinstatement of tennis courts, bowling green and pavilion (for use by the local community), the original courtyards, driveways and forecourts.
- Use of former airing courts as secure parking.

Area 2 - Land to the north of the main buildings incorporating former Nurses home, workshops and pavilion

- Renovation of former Nurses home for business use, with new parking area to west.
- Conversion of workshops to residential use
- Landscaping and management of remaining pastureland to retain natural appearance.

Area 3 – Buildings to rear of the main listed buildings (mixture of old wards and service buildings 7.9 hectares)

- Retention of two buildings for business use
- Demolition of 20th century buildings, silos, chimneys, weighbridges and boiler rooms, old Assembly Hall
- Redevelopment for mixed uses including apartments, and affordable housing for the local market

Area 4 – Former Erddig Ward, Chapel, 3 Isolation Wards (2.3 hectares)

- Demolition of Erddig Ward
- Retention and restoration of the former chapel for use as community centre, as a focal point of the new residential area
- Retention and restoration of former Isolation wards for residential use
- Development of low density, high quality residential area
- Linkage of footpaths

Area 5 – Land to the south of the main buildings previously occupied by a number of buildings which have been demolished (3.0 hectares)

- Development of low density high quality residential area, with associated tree management and replanting.

Area 6 – Woodlands and grasslands along the western, southern and south eastern boundaries (3.1 hectares)

- Maintained as open land/grassland to restore the setting of the complex.

6. Also of relevance to this listed building application is the inclusion as part of the outline planning application, is the Conservation Management Plan from the Phoenix Trust which interpreted the detailed King Sturge Feasibility report and other appraisals, and set out a basis for determining which buildings should be identified for demolition, and which should be retained. CADW raised no objections to this approach to the management of the site. The Victorian Society

were consulted on the outline planning application, but offered no response.

7. The listed building submission includes:-
  - i) A justification statement
  - ii) A schedule of buildings to be retained and demolished
  - iii) A range of plans and schedules relating to demolition and phasing
  - iv) A design and access statement
  - v) Copies of relevant documents from the outline planning application
  - vi) A CADW letter supporting the approach of the Phoenix Trust Conservation Management Plan
  
8. The application seeks to pull together the approaches adopted in the key documents which formed the outline planning submission. The justification statement highlights the key elements of these documents, and concludes by emphasising that the 2006 permission:
  - i) Recognises the presumption that the main buildings could be saved from decay and demolition and have a future role which respects them and their setting.
  - ii) Has stringent conditions thought necessary to safeguard that role.
  - iii) Contains a clear presumption that certain buildings within the complex severely detract from, rather than enhance the whole. The King Sturge and Cassidy Ashton reports together specify which buildings detract rather than enhance – and both have been accepted by the County Council, Phoenix Trust, and CADW.

and that:

  - iv) The application is solely for demolition of buildings previously specified.
  
9. Additional information has been provided by the applicants since the submission of the application in September 2007, in response to comments on the level of detail and justification for the extent of demolition proposed. This includes an updated Condition Survey of the main buildings and related commentary on the CADW and Victorian Society responses quoted earlier in the report.
  
10. The updated Condition Survey has been undertaken by Cassidy and Ashton, in January 2008. This supplements and partly supersedes previous reports, which included:
  - i) 'Recommendations on how to prevent further deterioration to the main hospital buildings' – November 2004
  - ii) 'General Condition and Health and safety Report – January 2006
  - iii) A full specification and schedule of works, with plans and elevations of all buildings to be retained within the site – March 2006, amended September 2006.
  
11. The 2008 Condition Survey concludes that all properties proposed for retention are in a 'very serious state of disrepair' and that unless remedial works and safety measures described in the report are carried out, there could be 'dire' consequences. These consequences include spiralling costs to eradicate the problems, further and additional collapse of floors, roof, and wall structure, legal liability from health and safety issues, and ongoing security issues. The main defects arise from water ingress into the buildings, which has led to major wet and

dry rot throughout, as a result of theft of lead from the roofs and extreme neglect since the hospital closure. The survey identifies a range of urgent works which are considered necessary on the buildings.

12. Members are reminded that the local planning authority has the power only to refuse listed building consent. In the event that the Committee was to resolve to grant listed building consent, the application would then be forwarded to CADW for consideration, and to determine whether to authorise the County Council to grant the consent.

**RELEVANT PLANNING HISTORY:**

13. The main application of relevance to this application is the outline planning consent granted in September 2006 for the following:-

Restoration and partial demolition and change of use of former North Wales Hospital to residential, business and community uses, and development of adjacent land and buildings for residential, commercial and parkland uses, including change of use to B1(Business Use), creation of new access and landscaping (outline application)

**PLANNING POLICIES AND GUIDANCE:**

14. The main considerations relevant to proposals for demolition of listed buildings are:-

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

Planning Policy Wales March 2002

Planning policies in the DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002) which relate to listed buildings/North Wales Hospital area:-

- Policy MDA 4 - Major Mixed Development – Denbigh Hospital
- Policy CON 1 - The setting of listed buildings
- SPG 14 - Listed Buildings

**MAIN PLANNING CONSIDERATIONS:**

15. The considerations are set out in Welsh Office Circular 61/96 and are:-

- i) Impact on the character and appearance of the listed buildings/their setting.

16. In relation to the main consideration:-

- i) The basic requirement is to assess the impact of the proposed demolition on the character and appearance of the listed buildings, and the impact on their setting. The listed building application is not an opportunity to re-visit the land use planning issues and principles which have been dealt with by the Council previously when determining the outline planning application, although these are relevant considerations and set an important context for the listed building application.

In most circumstances, a proposal to carry out demolition works on this scale would be difficult to justify and support, as the basis of the planning system is to protect and enhance the country's heritage assets. However, the

background to these proposals is a significant material consideration, and has to be taken fully into account in weighing the case. The report highlights this background and how the strategy to save the key buildings and to accept a degree of demolition has been developed over a number of years, and has been accepted by the County Council in granting the outline permission.

In officers' opinion, the listed building consent proposals are consistent with the principles established through the King Sturge appraisal, the Phoenix Trust Conservation Management Plan, and the outline planning permission.

In terms of detail, the proposals confirm the intention to retain the original Fulljames and Waller block, the Ogwen and Hafan Wards, the Nurses Home, Isolation Ward, and the Chapel. These are examples from all the major phases of development on the site. In the context of the strategy for the site, the County Conservation Architect supports this approach to retaining the key listed buildings. Whilst accepting parts of the Grade II\* main block are shown for demolition, its architectural and historic interest varies from one part to another. The parts shown for demolition are all early to mid 20<sup>th</sup> Century additions and are considered to have less architectural merit than the earlier phases. The basic view is that the King Sturge appraisal establishes a strong case for demolition, because without it and the enabling development, there is little chance of saving the more important parts of the building. Consequently, in acknowledging the guidance/advice in sections 91 and 92 of Welsh Office Circular 61/96 that "The demolition of any Grade I or II\* listed buildings should be wholly exceptional and require the strongest justification" it is suggested that the proposals developed here recognise and address the issues raised in Circular 61/96, in investigation of alternative uses, the cost of repair, grants, and the potential for sale.

Issues raised by consultees over the quality of the application have been addressed through the submission of additional information, including an updated Condition Survey of the buildings. Hence with respect to the comments/reservations expressed by consultees over the extent of demolition and the level of justification for buildings to be demolished, it is considered there is sufficient information to allow a determination to be made on the particular merits of the proposals.

The demolition of the Main Assembly Hall and Erddig Ward were clearly shown as part of the outline planning proposals, which have been accepted by the Authority as part of the strategy for the future of the site. Whilst acknowledging concerns over the loss of these buildings, officers remain of the opinion that a pragmatic stance has been taken in granting the outline consent and that this has addressed the difficult issue of the economic viability of repair, restoration and conversion of these buildings.

A separate consideration on listed building consent applications is whether it is appropriate to consent to demolition in circumstances where there is no detailed redevelopment proposal in place. In this case, officers would argue that there are reasonable grounds to support the demolition proposed in that:

- a) The outline planning permission has already established an alternative use/uses for the key listed buildings to be retained.
- b) The buildings have been vacant for early 13 years and there have been significant problems of vandalism and theft, a significant deterioration in their condition, and there is rampant dry rot

throughout.

- c) Agreement to demolition works is an essential pre-requisite to the submission of the detailed proposals for redevelopment to the rear of the main buildings.

Whilst demolition is to be considered as undesirable in most situations, it is suggested there is a case to concede in the circumstances here to support the strategy for the site, to reduce the size of the target for vandals and thieves, to reduce the security problem, and to encourage developer interest, which is undoubtedly affected by the sheer size and scale of the building complex.

In relation to other issues raised:-

- in the event that a consent were to be granted, conditions could be attached to oblige the retention of stone and slate for reuse in the 'making good' works on parts of buildings exposed by demolition, and for use in new build development; and for the detailing of such 'making good' works;
- conditions can also be attached to ensure appropriate surveys/photographic surveys of the buildings.

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

17. The application proposes substantial demolition works, but these are considered to be acceptable and consistent with the principles established through the King Sturge feasibility study and the Phoenix Trust Conservation Management Plan which underpin the masterplan for the site, approved by the Council as part of the outline planning permission. The objective of these proposals is to secure a future for the key listed buildings at the North Wales Hospital.
18. The recommendation is to GRANT listed building consent subject to a number of conditions which follow, and to referral of the application to CADW, to determine whether to authorise the County Council to grant consent.

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

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. No demolition works shall be permitted to commence until the written approval of the local planning authority has been obtained to the phasing of the works and the precise treatment of those parts of each of the retained buildings which are left exposed by demolition. The making good works shall be carried out strictly in accordance with the approved details, within 6 months of the carrying out of these demolition works requiring making good works on individual buildings.
3. No demolition works shall be permitted to commence until there has been carried out a comprehensive survey of the buildings to be demolished, in the form of a Level 2 survey and a Level 3 photographic survey, to be carried out by an archaeological contractor or historic building consultant and in accordance with a design brief approved by the local planning authority; and copies of the resulting report and photographic survey shall be deposited with the local planning authority, Clwyd Powys Archaeological Trust, and the National Monuments Record Wales.
4. No demolition works shall be permitted to commence until a contract for the carrying out of the making good works has been made, and confirmation of that contract has been

given to the local planning authority.

5. No demolition works shall be permitted to commence until the written approval of the local planning authority has been obtained to proposals for the retention on the site of stone and slate from the demolished buildings for reuse in the making good works and on new build development.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. To ensure the local planning authority retains control over the detailing of works on the listed buildings and the making good of the buildings.
3. To ensure a proper record is made of the buildings.
4. To ensure the exposed sections of retained buildings are not left open to the weather and damage.
5. To ensure making good works are undertaken by using suitable existing materials and in the interests of sustainability to reuse materials in any new development close to the retained listed buildings.

**NOTES TO APPLICANT:**

You should contact the County Council Archaeologist, Fiona Gale to discuss the design brief required by Condition 3 of this consent.

**ITEM NO:** 2

**WARD NO:** Denbigh Central

**APPLICATION NO:** 01/2007/0933/ PF

**PROPOSAL:** Demolition of existing building, erection of 8 no. self-contained apartments, construction of new vehicular/pedestrian access and basement parking area

**LOCATION:** Old Cinema Site Highgate Denbigh

**APPLICANT:** Mr Andrew McCready

**CONSTRAINTS:** Town Heritage Area  
Conservation Area  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

14. DENBIGH TOWN COUNCIL  
'The council does not wish to raise any objections to the application'
15. DENBIGH CIVIC SOCIETY  
Concerned that the roof is too shallow a pitch. A slate roof would need a minimum of 25° and the plan shows 10°. A green roof could be a possible alternative.
16. HIGHWAYS  
Taking into consideration the size of the apartments and the type of development, recommend that one parking space per apartment is provided. The six spaces offered is considered too low and is likely to lead to more on-street parking on Love Lane and exacerbate the existing parking problem.
17. CONSERVATION ARCHITECT  
No objection in principle and the proposal would not be detrimental to the character of the conservation area. However, there are concerns in relation to the use of slate on the roof for a roof of such low pitch and in particular as it is hipped.
18. HEAD OF HOUSING SERVICES  
Require 2 affordable, 2 bedroom units on this site to be sold as LCHO via a RSL. The affordable price for each would be £74,400.
19. PUBLIC PROTECTION  
There is a chance of contamination on the site; suggest a condition to deal with this.
20. WELSH WATER  
No objection but subject to usual conditions.
21. CLWYD POWYS ARCHAEOLOGICAL TRUST  
Recommend the use of a condition to allow for a watching brief during site works.



## 22. VALUATION & ESTATES MANAGER

The development would not generate sufficient capital value to cover the construction costs, land acquisition, financing costs or profit, to justify a requirement for provision of any affordable units.

### RESPONSE TO PUBLICITY:

None

**EXPIRY DATE OF APPLICATION: 19/09/2007**

### REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations on additional information

### PLANNING ASSESSMENT:

#### THE PROPOSAL:

1. The application site is in the centre of the town, within the development boundary of Denbigh and is located in the conservation area. The site has the main frontage onto Love Lane and comprises of a two storey building of stone, render and slate construction with a hipped roof. The building is vacant at the moment and is need of repair. Its last use was as a cinema. Tan y Gwalia is located to the rear of the site with residential terrace properties on a higher level than the application site. The site slopes upwards towards Tan y Gwalia from Highgate/Love Lane and slightly in an east to west orientation. There is no off-street parking.
2. The proposal is to demolish the existing building and to erect a building comprising of a basement with 6no parking spaces and 8 no self contained apartments over the remaining 4 floors. It is proposed that 6no apartments will provide 2 bedroom accommodation and the remaining 2 providing 1 bedroom accommodation. Private patio and amenity space is proposed for apartments 1, 2, and 3, with the boundary of these garden areas walled by the side passage steps leading up to Tan y Gwalia to the rear of the site. Terrace/ balcony areas are also provided for apartment 6 and 8 to the front of the building overlooking Highgate Road/ Love Lane. A bin store is proposed on the lower ground floor within the car park area.
3. The application is referred to Committee on the request of a local Member, for reasons in relation to the design of the building.

#### RELEVANT PLANNING HISTORY:

4. Planning application ref no: 01/2005/0664/PF – Demolition of existing building, erection of 13 flats for the elderly and construction of new vehicular/ pedestrian access. Resolved to GRANT on 31<sup>st</sup> August 2005 subject to signing of s106 for the provision of 30% affordable housing for the elderly and the payment of a commuted sum for off space open space provision. S106 HAS NEVER BEEN SIGNED

Planning application ref no: 01/2005/665/CA – Demolition of cinema building (conservation area consent). Resolved to grant subject to the signing of the S106 for the erection of 13 flats (above).

01/2004/0545/PF – Demolition of existing building and erection of 15 flats for the elderly, construction of new vehicular and pedestrian access. Refused on 24<sup>th</sup>

November 2004.

01/2004/0714/CA - Demolition of cinema building (conservation area consent).  
Refused on 24<sup>th</sup> November 2004.

Appeal against refusals 01/2004/0714/CA and 01/2004/0545/PF – DISMISSED.  
Main issue was impact of development on character and appearance of  
conservation area and size and scale of proposed building.

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

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

Policy GEN1 – Development within development boundaries  
Policy GEN6 – Development control requirements  
Policy CON5 – Development within conservation areas  
Policy CON 11 Areas of Archaeological importance  
Policy CON7 – Demolition in conservation areas  
Policy HSG2 – Housing Development in main settlements  
Policy HSG10 – Affordable housing within development boundaries  
Policy TRA6 – Impact of new development on traffic flows  
Policy SPG 7 – Flats and houses in multiple occupation  
Policy SPG13 – Conservation areas  
Policy SPG21 – Parking requirements in new developments  
Policy SPG22 – Affordable housing

#### **NATIONAL PLANNING GUIDANCE**

TAN12 – Design  
TAN18 - Transport

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

##### **6. The main issues are considered to be:**

- i) Principle
- ii) Impact on visual amenity/ conservation area/ design
- iii) Impact on residential amenity
- iv) Highways
- v) Archaeology
- vi) Affordable housing

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

- i) Principle:  
The application site is within the development boundary of Denbigh, where there is a presumption in favour of development subject to compliance with other policies in the Unitary Development Plan and site specific issues. The planning history in relation to this site establishes the principle of the demolition and re-build of a building of a similar size and scale to that currently proposed. In principle, the development is acceptable.
- ii) Impact on visual amenity/conservation area/design:  
The size and scale of the proposed building, although taller than what exists on site, has been designed to take into account the comments made by the Planning Inspector in respect to the proposals under applications ref. no. 01/2004/0545/PF and 01/2004/0714/CA. The size and scale of the proposed building is also comparable to the scheme which has been more recently approved on the site for sheltered accommodation to house the elderly (ref no

01/2005/0664/PF). The design of the building is modern, however, the careful use of traditional building materials (stone render and glass) ensures that visually the building fits with the context of the conservation area. The use of subtle breakages in the roofline, different roof slopes and the setting back of apartments 6 and 8 from the main front elevation manages to further reduce the prominence of the upper floor levels, which reduces the dominance of the building on the street scene and more importantly the potential overbearing feel to the residents of 1 – 5 Troed y Rhiw. No objections have been raised to the proposal from the Conservation Architect/THI Officer in relation to the use of modern design in the conservation area. In relation to concerns over the roof pitch being too shallow for the use of slates, following discussions between officers and the agent, it is proposed to use zinc as a material for the roof. This has been confirmed as acceptable by the Conservation team subject to a sample of the proposed material being provided as part of a planning condition. The proposal is considered to be acceptable based on Policy CON 5 and GEN 6 criteria i), ii), iii) and iv).

iii) Impact on residential amenity:

The issues here are the impact of the development on existing residents and the provision of amenity space for the potential future occupants of the flats. In relation to the impact of the development on the residential amenity of existing occupants surrounding the application site; careful consideration has been given to the design of the building, location of windows and land levels to maintain existing levels of residential amenity. None of the proposed apartments have any amenity space to the rear of the building (Tan y Gwalia) and those dwellings to the rear on Tan y Gwalia are both set back from the rear elevation of the building (20m between the units at the higher level and those dwellings on Tan y Gwalia). The properties adjacent on the west side (1-5 Troed y Rhiw) have rear amenity space running parallel with the west elevation of the building. 2 windows are proposed on this elevation, one an oriel window (only allows a view towards the rear of the site – not directly overlooking amenity space) to the 2<sup>nd</sup> bedroom of apartment 2 on the 1<sup>st</sup> floor and the other to the 2<sup>nd</sup> bedroom of apartment 5 on the 2<sup>nd</sup> floor. The garden of Stonehouse also abuts the site to the west elevation, no windows are proposed along this part of the development, therefore there will be no overlooking. In relation to the levels of amenity of future occupiers of the building, 5 out of the 8 apartments have separate private amenity space, which can be used as a clothes drying area. Waste bin storage facilities are provided in the lower ground floor. This is in accordance with criterion v) of Policy GEN 6 and advice contained in Policy SPG 7.

iv) Highways:

Highways officers express concerns on the grounds of the number of off street parking spaces. The proposal is for 8 no. apartments, 6 of which propose 2 bedrooms and the other 2, 1 bed units, which SPG 21 would require a total of 15 spaces. However, given the town centre location, this is an instance where serious consideration has been given to reduce standards in order to achieve a satisfactory redevelopment. This approach is consistent with the advice in TAN 18 – Transport. Few, if any properties in the vicinity of this site have any off-road parking spaces. The premises have been in use as a cinema, which previously attracted high numbers of users. Insistence on full parking provision would make the scheme unviable. Officers would support the proposal to provide 6 spaces in this instance.

v) Archaeology

Records held by the Clwyd-Powys Archaeological Trust (CPAT) indicate that

there may be archaeological remains on this site. Any approval should contain a condition to enable a watching brief as part of the site clearance works. This is in accordance with Policy CON 11.

vi) Affordable housing:

The location of the application site within the development boundary requires consideration of provision for affordable housing. 2 affordable units were initially put forward by the applicant, which were proposed for affordable private rent. The Housing Officer has indicated that 2 units would be acceptable but given the need in the area, would need to be for low-cost home ownership through a registered social landlord. The price for each unit (2 bed flat) would be £74,400. A development appraisal has therefore been provided as part of the application and this has been assessed by the Council's Valuation and Estates Manager. The conclusion is that the development would not generate sufficient capital value to cover the construction costs, land acquisition, financing costs or profit. Based on this, it can be concluded that it is unreasonable in this instance to ask for the provision of 2 affordable housing units.

**SUMMARY AND CONCLUSIONS:**

8. The proposal is to demolish the existing former Cinema building and erect an apartment block containing 8 no. apartments with basement level car parking. The proposal is acceptable in principle and complies with policies relating to visual amenity, design, conservation area enhancement and impact on residential amenity. A development appraisal has demonstrated that the development would not generate sufficient capital value and as such it would be unreasonable to insist on affordable provision. The provision of 6 no car parking spaces is considered acceptable. The proposal is recommended for approval.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of the erection and application of any external stonework and render a sample panel of the type of stonework, mortar, pointing and render on the building 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, pointing and render to be used on the building shall be strictly of the same type, texture and colour as the approved sample panel.
3. Prior to the commencement of development, a sample of the type of zinc material to be used on the roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and on the sample subsequently approved shall be used on site.
4. No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interest of the character and appearance of the conservation area.
4. In the interests of archaeological investigation and recording.

**NOTES TO APPLICANT**

None

<b>ITEM NO:</b>	3
<b>WARD NO:</b>	Denbigh Central
<b>APPLICATION NO:</b>	01/2008/0088/ PF
<b>PROPOSAL:</b>	Erection of 3 no. dwellings and alterations to existing vehicular access (site area 0.1ha)
<b>LOCATION:</b>	Land Adjacent To Waterworks House Love Lane Denbigh
<b>APPLICANT:</b>	GAM Construction Ltd.
<b>CONSTRAINTS:</b>	Town Heritage Area Conservation Area Article 4 Direction
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. DENBIGH TOWN/ COUNCIL  
".... the council whilst not wishing to object to the application would wish to make the following observations. Concerns were raised that the proposed buildings on this site could overlook neighbouring properties and also that there could be an overspill with regard to parking."
2. WELSH WATER  
Suggests the inclusion of standard conditions requiring separation of foul and surface water discharges.
4. CONSERVATION OFFICER  
Advises that the main issues to assess with the scheme focus on;
  - The likely effect on the character and appearance of the designated conservation area.
  - The potential effect on the setting of the grade 1 scheduled ancient monument of Denbigh Castle and its contribution to the historic landscape of the Vale of Clwyd.

Provides a detailed response, briefly advising;

- The 'L' shaped layout of the proposed houses will reduce the impact of the buildings when viewing the conservation area, castle and site itself from noted viewpoints. This, combined with lowering finished floor levels by two metres will greatly reduce the impacts when viewing from the West. The buildings will also 'sit' better on the site when seen from Castle Lane.
- Notes limited curtilage for Plot 1
- the reduction in floor levels (with removal of the existing tank), the decrease in the number of units, the amended building platform and the effect of the arrangement of stone walls has improved the proposal significantly. The proposal now relates better in terms of height, massing and scale to the adjacent existing houses in the area.
- With the use of appropriate traditional materials the impact on Denbigh Castle and the historic landscape is much reduced with minor

amendments, does not consider the setting of the castle will be adversely affected.

(The set of suggested revisions relate to matters of design detail and relationship with existing trees.)

6. HEAD OF TRANSPORT AND INFRASTRUCTURE

No objections subject to the inclusion of conditions and Notes to applicant, relating to adoption requirements for new footway.

7. HEAD OF HOUSING

– Confirms the following:

- 1 affordable unit required on this scheme
- Revised CACI data confirms £ 84,039.

8. CADW

(The advice relates only to those aspects of the proposal which fall within Cadw's remit as a Consultee on planning applications – the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens. Comments do not address any potential impact on the setting of any listed building, which is properly a matter for the County Council.)

Confirms that;

- the development is located in the vicinity of the scheduled ancient monument – Denbigh Castle & Medieval Town ( DE 156) and Denbigh Town Wall 9 DE 002)
- revised application for the 3 dwellings is a 'considerable improvement' from the previous scheme for 4. – roof lines, height and position less intrusive on the castle setting. Ridges set to be no higher than the adjacent Waterworks House- reducing the impact of the castle from the west.

Requested further details relating to views out from the Castle. (subsequently undertaken and submitted to CADW).

9. CLWYD POWYS ARCHAEOLOGICAL TRUST

Previously advised that:

- Land lies within the medieval historic core of Denbigh
- The proximity to the Castle and early town defences as well as the street frontage location suggests a high potential for archaeology of medieval and later date.
- The site has however been previously developed for underground tanks and there is therefore no requirement for pre-determination evaluation on this occasion.
- However, potential remains for intact ground where archaeology could be present.
- Recommends that an archaeologist is contracted to be present throughout duration of topsoiling, foundation trench cutting and service trench excavation works. The archaeologist should be a recognised professional.

10. DENBIGHSHIRE COUNTY COUNCIL THI OFFICER

Advises that:

- In terms of the site layout and relation to surrounding buildings, is satisfied that the impact of the revised scheme on the surrounding conservation area and castle has been reduced from that originally proposed, particularly by the reduction in height and orientation of one dwelling towards the junction with Love Lane/Castle Lane, the vehicular approach to the castle area.
- Agrees that appropriate development of this site would be acceptable within the context of the street pattern and streetscape.
- Notes a variety of building footprint; street pattern; visual importance of the site and accepts that the elevational treatment aims to provide a traditional appearance by use of slate, render, local stone and cottage style windows; complying with policy and generally accepted practice in conservation areas.

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

Letters of representation received from:

1. Mr C & Mrs L Evans, Maes Onnen, Love Lane, Denbigh LL16 3LT
2. C. & T. Devany, Mayfield, 84, Love Lane, Denbigh
3. G. MacCormack, Groeslon, 86, Love Lane, Denbigh
4. Mr. J. Jones, 82, Love Lane, Denbigh

Summary of representations:

- i) Over development  
Should be developed in line with the outline permission for 1- a bungalow ideal
- ii) Amenities  
Effect on existing privacy levels, with overlooking and insufficient distances involved  
Overdominate neighbouring residential properties  
Too close to neighbouring property
- iii) Design  
Inappropriate for the Conservation Area.  
Site needs a high architectural quality approach
- iv) Highway and traffic  
Will add to existing congestion and traffic problems with Love Lane

**EXPIRY DATE OF APPLICATION: 25/03/2008**

#### **PLANNING ASSESSMENT:**

##### **THE PROPOSAL:**

1. The application relates to 0.1 ha of land, at the junction of Love Lane and Castle Lane, some 0.3 km to the south west of the town centre. The proposal is for the erection 3 no., two storey houses. Members may recall that an application for 4 units on the site was refused permission at the October 2007 Committee.
2. The site lies within the Denbigh Town Conservation Area and THI. To the east, and elevated above Castle Lane is Denbigh Castle and the Denbigh Town Walls; designated as Scheduled Ancient Monuments. At the Castle and Love Lane junction is a detached two storey property, the Lodge. Adjoining the site to the north, lies the detached property 'Maes Onnen', with the detached and semi-detached properties 78-88 Love Lane to the west. The existing site levels are higher than Maes Onnen and Love Lane. Love Lane is a 'one way' highway system from the town centre up to the junction with Castle Lane.
3. The planning application submission includes the following documentation:-
  - i) Context letter, outlining changes following the refusal for 4 no. dwellings.



- ii) Design Access & Planning Submission ( with addendum to previous submission)
- iii) Affordable Housing Questionnaire.
- iv) Engineer's letter concerning underground tanks ( no longer in use)

Briefly, the context letter and design addendum identifies the following changes in relation to the previously refused scheme

- Reduction in scale, massing and form, with 3 units in lieu of 4.
- Dwellings sited/confined to the north-east.
- Finished dwelling floor levels reduced by 2m; and 1 m below finished floor level of Waterworks House; with ridge line matching ridgeline of Waterworks House.
- Large proportion of site remains open/free of buildings
- Includes additional site sections and elevational details, illustrating relationship with Castle setting and adjacent properties.
- Eliminates potential for overlooking.
- External materials sympathetic to the conservation area. – stone; smooth coloured render

Plan A in this report includes the previously refused site layout plan together with that of the current planning application.

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

- 4. 1/15297 - Outline for dwelling and stabilisation of water tanks - GRANTED February 1996

01/378/99/PO - As above – GRANTED 30<sup>th</sup> July 1999

01/2002/0910/PO - As above - GRANTED 6<sup>th</sup> November 2002

01/2005/0874/PO- Renewal of application ref no. 01/2002/0910/PO comprising redevelopment of land by the erection of a dwelling, alteration of vehicular and pedestrian access, and stabilisation of two underground water storage tanks (outline application) - GRANTED 12/09/2005

01/2007/0094/PF - Erection of 4 no. dwellings and alterations to existing vehicular access (site area 0.1ha) - REFUSED 10 October 2007

The refusal reasons included:-

1. The Local Planning Authority considers that the detailing of the proposed development in terms of the scale, massing and form, siting and height relative to existing ground levels within and adjacent to the site would adversely affect the special character and appearance of this part of the designated Denbigh Conservation Area and would thereby be contrary to Policy GEN 6 criterion (ii) and Policy CON 5 of the adopted Denbighshire Unitary Development Plan, and the accompanying SPG 13 'Conservation Areas', the aims of which require new development to preserve or enhance the character or appearance of conservation areas.
2. In the absence of sufficient information to properly assess the potential impact on near and distant viewpoints and on its effect on the setting of the designated historic sites in the area, the development is likely to prove significantly detrimental to important viewpoints and the essential setting of Denbigh Castle (a grade I listed building and Scheduled Ancient Monument), and associated walls, and of Denbigh Castle and town and thereby the Vale of Clwyd

Landscape of Outstanding Historic Interests. The proposal would be contrary to the aims of Policies GEN 6 (iii), CON 1, CON 10 and CON 12 of the adopted Denbighshire Unitary Development Plan and accompanying SPG's 13, 15 and 25, the aims of which require proposals to preserve the setting of listed buildings and Scheduled Ancient Monuments and avoid unacceptable harm on the character, setting and views into and out of a Historic Landscape.

3. The Local Planning Authority considers that the development would be overbearing in terms of scale, massing, height and form, siting and height (including the car parking area relative to the existing ground levels within and adjacent to the site) in relation to Nos. 80, 82, 84, 86 and 88 Love Lane, leading to potential overlooking into main habitable rooms, detrimentally affecting the current levels of residential amenities and privacy. The proposal would be contrary to the aims of Policy GEN 6, criteria (i) and (v) which aims to respect and safeguard existing levels of amenity of local residents.

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

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

- Policy GEN 1 Development within Development Boundaries
- Policy GEN2 – Development of un-annotated land
- Policy GEN6 – Development control requirements
- Policy Gen 10 Supplementary Planning Guidance
- Policy ENV 7 - Landscape/Townscape features
- Policy CON5 – Development in conservation areas
- Policy CON11 – Development at scheduled ancient monuments
- Policy ENP7 – Unstable land
- Policy HSG 10 Affordable housing within development boundaries
- Policy ENP 4 Foul and Surface Water drainage
- Policy TRA 9 – Parking and Servicing Provision
- Policy HSG 2 - Housing Development in Main Centres

#### Supplementary Planning Guidance

- SPG 2 – Landscaping
- SPG 6 – Trees and development
- SPG 13 – Conservation Areas
- SPG 14 – Listed Buildings
- SPG 15 – Archaeology
- 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)

Draft Planning Policy Climate Change, December 2006

Ministerial Planning Policy Statement s;

01/2006 Housing

01/2008 Planning for Good Design

#### Technical Advice Notes

2 Affordable Housing

12 Design

18 Transport

Circular 60/96 Planning and the Historic Environment ;Archaeology.

**MAIN PLANNING CONSIDERATIONS:**

6. The main considerations in this case are:
- i) Principle of development
  - ii) Impact on character and appearance of conservation area, scheduled ancient monument and listed building
  - iii) Impact on residential amenity
  - iv) Highway, parking and traffic
  - v) Archaeology
  - vi) Affordable Housing
  - vii) Trees and Landscape

7. In relation to the main considerations in paragraph 6:

- i) Principle of development  
The site is currently not in use, lies within the development boundary; with the benefit of an extant outline planning permission for one dwelling. The principle of residential development is acceptable, subject to site specific considerations, such as design and amenity.
- ii) Impact on character and appearance of conservation area, scheduled ancient monument and listed building  
The site location is highly sensitive and any development should have :-
  - special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
  - the desirability of preserving a listed building or its setting when assessing development proposals.
  - No adverse implications on the effects and setting on ancient monuments ( Denbigh Castle and Town Walls )

The previous scheme for 4 houses for the site did not meet these conservation principles.

In officers opinion the current scheme addresses previous concerns and merits support. The Conservation Officer, together with the THI Officer, (subject to detailed amendments) confirms that the revised scheme complies with conservation principles.

- iii) Impact on residential amenity  
The current scheme includes changes in dwelling orientation/design and layout, including finished floor levels.

The scheme shows an improved relationship with adjacent properties in terms of avoiding direct overlooking into main habitable rooms, and is proportional in scale, massing, siting and height.

- iv) Highway, parking and traffic  
The site is within easy walking distance to services and public transport.

Love Lane has parking restrictions along much of its length. Six car parking spaces would be provided within the application site, with vehicular access from Castle Lane; with an improved visibility splay and a new footway wrapping around the south east corner with Love Lane. The existing boundary stone wall along a limited length of Castle Lane would be lowered

to help visibility, etc.

As with the previous application for the 4 houses, the Head of Transport and Infrastructure is aware of the ongoing parking situation along Love Lane and the locality, including objections raised with this current proposal, and having considered all the issues, no objections are raised.

v) Archaeology

Clwyd Powys Archaeological Trust have previously highlighted the ‘potential sensitivity of the site’. It is understood that the water tanks are included on early O.S. maps. The site appears to have remained intact. SPG 15 highlights that at times, archaeological remains are only discovered once development has started, and that developers may wish to consider insuring themselves against the risk of loss.

The proposal includes an engineer’s summary letter of underground tank issues. It confirms:

- a) Assessment based on probable construction of tanks.
- b) The excavation of a trial hole, with one of the tanks built off bedrock
- c) If both tanks built off bedrock, there are foundation design factors to consider.
- d) If base slab of tank is concrete, dependent on condition, could be used as foundation of the substructure. Alternatively, it should be excavated and the bedrock used.
- e) A methodology would need to be included to build off filled in tanks, to near ground level.

The current proposals reduce the existing above tanks ground level’, with limited infilling of the remaining tank structure.

In line with the planning history, a watching brief condition should be included to allow suitable opportunity to observe and record works.

vi) Affordable Housing

The situation with regards to affordable housing is as follows :

POLICY GUIDANCE	Application site area Site density requirements@ 30 per ha. No of AH units requirements	0.1ha 3 units 1 unit
SUBMITTED SCHEME	No. of units in submitted scheme No. of AH units proposed as part of scheme AH plot no. Type of AH unit involved Floor area	3 units 1 unit Plot 3 2 bedroomed house 91 m <sup>2</sup>
SUBMITTED SCHEME DETAIL	Tenure Phasing Timing of AH availability in relation to market value units Details of Housing Association contacts/discussions.	To be agreed with Cymdeithas Tai Clwyd, or sell to qualifying persons All houses together All houses together Contact with Cymdeithas Tai Clwyd

The combined rented waiting list for the Denbigh is currently:-

	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
<b>G</b>	303	8	57	163	201	39	159	2	51	983
<b>S</b>	39	0	46	33	0	50	0	1	0	169
										1152

**Key G= General Housing; S- Sheltered Housing**

The current Low Cost Homeownership Record identifies a total of 10 householders.

The 2007 CACI income data for this Electoral Division (Denbigh Central) identifies an average household income of £28,013

The proposal to provide one affordable unit complies with the current policy requirements. The floor measurement area meets the current, minimum standard.

vii) Trees and Landscape

The plans indicate existing trees and shrubs along the northern boundary would remain.

**SUMMARY AND CONCLUSIONS:**

8. It is considered that this revised scheme, subject to minor design revisions, addresses the previous reasons for refusal. The proposal is therefore considered acceptable, with conditions.

The recommendation is subject to the completion of a S.106 obligation under the 1990 Planning Act to secure affordable housing provision in accordance with the details outlined in Section 7 (vi) of the report.

In the event that the obligation is not completed within 12 months of the date of the 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. 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.

3. 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.

4. 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.

5. 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.

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

7. The fenestration detailing shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted and approved in writing by the Local Planning Authority.

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. All stonework proposed for use in the construction of the building(s)/walls shall be local natural limestone of uniform colour to match the existing building(s)/walls in texture, type, colour, mortar and pointing.

10. Foul and surface water drainage systems shall be drained separately.

11. The access and footway shall be laid out strictly in accordance with the submitted plan.

12. The access shall be completed to the satisfaction of the Local Planning Authority before the use hereby permitted is commenced.

13. The car parking accommodation shall be laid out and constructed strictly in accordance with the submitted plan and completed to the satisfaction of the Local Planning Authority before the use hereby permitted is commenced.

14. No external wall materials shall be applied until a sample panel of the type of materials to be used has been submitted to and approved in writing by the Local Planning Authority.

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

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

2. In the interests of residential and visual amenity.

3. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To ensure the details are satisfactory in relation to the character and appearance of the building
8. In the interests of visual amenity.
9. In the interests of visual amenity.
10. To protect the integrity of the public sewerage system.
11. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
12. In the interest of the free and safe movement of traffic on the adjacent highway.
13. To provide for the loading, unloading, turning and parking of vehicles clear of the highway.
14. In the interests of visual amenity.

**NOTES TO APPLICANT:**

In relation to land / wall stability you should be aware that the responsibility for the extent and effects of instability or other risks remains with the developer / landowner by ensuring that the land is suitable for the proposal, in accordance with the standard code of practice.

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

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.

The Clwyd-Powys Archaeological Trust based at 7a Church Street, Welshpool, Powys, SY21 7DL (Tel. No. 01938 553670) are the relevant archaeological body for this area.

**ITEM NO:** 4

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2007/1533/ PF

**PROPOSAL:** Erection of two-storey community facility providing 4 no. changing rooms and first floor fitness suite

**LOCATION:** Land adjacent to Llanfwrog Community Centre Lon Fawr Ruthin

**APPLICANT:** Llanfwrog Community Association

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

23. RUTHIN TOWN COUNCIL  
"No objection".
24. RUTHIN & DISTRICT ASSOCIATION  
No response received.
25. WELSH ASSEMBLY GOVERNMENT – TRANSPORT WALES  
Directs that any permission granted should include a condition requiring the provision of parking spaces within the site, to the satisfaction of the local planning authority.
26. CADW – Welsh Historic Monuments Section  
No response received.
27. DENBIGHSHIRE HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection subject to a condition requiring the provision of parking and turning facilities prior to the commencement of the use.
28. DENBIGHSHIRE LANDSCAPE ARCHITECT  
Refers to previous comments on the potentially detrimental impact on the essential setting of the Ruthin Castle Historic Park and Garden.
29. DENBIGHSHIRE CONSERVATION ARCHITECT  
Notes the site is partly within the Conservation Area and the essential setting of the Ruthin Castle historic garden but there is nothing of heritage value immediately adjacent to it. No objections were raised to the Community Centre building as this was a distinctly separate building set apart from others in the area, but this would be close to it, and would represent an accretion of development which may detract from it. Suggests if consent is granted, that the silver cladding should be avoided as it has no relevance to the site or locality.
30. DENBIGHSHIRE ARCHAEOLOGIST  
No response received.



31. CLWYD POWYS ARCHAEOLOGICAL TRUST  
No known features would be affected, so do not wish to offer further comment.
32. ENVIRONMENT AGENCY WALES  
Are satisfied that the flood risk at the site is minimal and do not require the submission of a Flood Consequences Assessment.
33. DWR CYMRU/WELSH WATER  
No objections subject to conditions requiring separate foul and surface water drainage systems.

**RESPONSE TO PUBLICITY:**

**EXPIRY DATE OF APPLICATION: 09/03/2008**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application seeks permission to erect a 340m<sup>2</sup> building immediately to the west of the existing Tennis Centre/Llanfwrog Community Centre, for use as a changing facility in connection with proposed sports fields on land to the south along Lon Fawr. A first floor room is shown on the plans for use as a 'Fitness Suite/Studio'.
2. The Tennis Centre/Community Centre was finally granted planning permission in January 2006, on completion of a Section 106 agreement to secure highway works and tree planting along Lon Fawr. The courts have been in use for some time, and the main building is nearing completion.
3. Members may recall granting permission in April 2007 for the use of land to the west of Lon Fawr as junior soccer fields, a hockey training pitch, and the creation of additional parking facilities to serve the development.
4. The proposed changing rooms and fitness suite would be located between the main building and the boundary with Llys Marchan. The plans show this would be a broadly rectangular shaped building, partly clad in vertical timber boarding (similar to that the main building) and partly clad in 'silver metal cladding'. The support statement explains the design principles, and the desire not to compete with the existing circular building, but to "complement it whilst retaining its own identity".
5. The new building would be located on the edge of, but within the development boundary of the town, as identified on the Unitary Plan proposals map. This part of the site is within a Conservation Area, and within an area safeguarded in the Unitary Plan for Community Facilities. Land immediately to the south, where the sports pitches are located, is a Local Landscape Area, a Green Barrier, and an area shown as the 'essential setting' to the historic parkland and gardens of Ruthin Castle in the CADW/ICOMOS Register of Historic Parks and Gardens for Wales. The parkland and gardens have a Grade 2 designation in this Register. (ICOMOS is the International Council on Monuments and Sites, which collaborated with the CCW and CADW to produce the Register in 1995, which identifies parts of the

historic environment of the Country which should be protected). This includes the park and gardens of Ruthin Castle.

**RELEVANT PLANNING HISTORY:**

6. 02/2003/0813/PF

Development of land by the construction of a new tennis centre, incorporating 6 tennis courts with associated floodlights and fencing, erection of clubhouse/community building, new parking areas and two new pedestrian/vehicular accesses and associated highway works – GRANTED 30 January 2006

02/2006/0796/PF

Change of use of agricultural land to playing fields, construction of new parking area and access, and extension to existing parking area – GRANTED 23 May 2007

**PLANNING POLICIES AND GUIDANCE:**

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

Policy GEN 5-	Green Barrier
Policy GEN 6-	Development Control Requirements
Policy ENV 3-	Local Landscape Areas
Policy ENV 7-	Landscape and Townscape Features
Policy CON 5 -	Development within Conservation Areas
Policy CON 12 -	Historic Landscapes, Parks and Gardens
Policy CF1 -	Community Facilities – general
Policy CF 4 -	Community Facilities
Policy REC 4-	Recreation Facilities within development boundaries

ASSEMBLY GUIDANCE

Planning Policy Wales March 2002

TAN 16 - Sport and Recreation

**MAIN PLANNING CONSIDERATIONS:**

8.

- i) The principle of the development
- ii) Design/detailing and the impact of development on the character of the area:
  - a) Impact on Llanfwrog Conservation Area
  - b) Impact on Green Barrier, Local Landscape Area and historic landscape, parks and gardens
- iii) Highway and parking issues
- iv) Amenity issues
- v) Accessibility issues

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

i) The principle of the development

The principle of developing the sports facilities/community centre in this location has been established through the grant of the original permission for the tennis centre, and for the sports pitches, in 2006 and 2007. The addition of small scale, complementary developments would be in accord with the basic principles.

- ii) Design/detailing  
The impact on the character of the area  
 The issue here is whether the design/detailing of the building is acceptable in the particular location. Whilst noting the comments of the Conservation Architect, the plans show a building of modern style, which it is considered would be seen as clearly subsidiary to the 'modern', circular shaped tennis centre/community centre, and would not be out of place in this location on the edge of the Conservation Area. For similar reasons, it is not considered the building would have any adverse impact on the Local Landscape Area, Green Barrier, or the essential setting to the historic parkland and gardens of Ruthin Castle, which lie to the south. It would, however, seem reasonable in the event of a planning permission being granted to attach a condition requiring the further approval of the external wall materials to avoid the use of the silver cladding.
- iii) Highways and parking issues  
 It is considered the completion of the access and parking arrangements already approved as part of the two previous permissions would be adequate to serve the development with the changing rooms and fitness suite now proposed. These parking areas would provide a total of 82 spaces for users of the facilities, along with an 'overflow' parking area on land south of Llys Marchan. The Head of Highways has no objections to the proposals.
- iv) Amenity issues  
 There are no residential properties close to the proposed building, which would 'side on' to the access/parking area on the eastern side of the Llys Marchan residential home.
- v) Accessibility issues  
 The Access Statement with the application outlines specific measures geared at assisting disabled users. These include appropriate external and internal surfacing, level accessways, an internal lift, and designated disabled parking bays close to the building.

**SUMMARY AND CONCLUSIONS:**

10. The proposed building would sit comfortably alongside the main tennis centre/community centre, and provide facilities to complement the sports complex which is being developed here.

**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. None of the development or uses hereby approved shall be permitted to commence until the written approval of the local planning authority has been obtained to details of the hard and soft landscaping around the building including the final levels, surfacing materials and surface water drainage proposals, direction signage for users of the facility, and the timing of the completion of these works. The development shall be completed strictly in accordance with the details approved prior to the bringing into use of the changing facility and fitness suite.
3. Any trees or shrub planting in accordance with Condition 2, which within a period of 5 years from planting die, become diseased or are removed, shall be replaced with specimens of similar species and size in the next planting season.
4. Notwithstanding the submitted details, no development shall be permitted to take

place on the external faces of the walls and roof of the proposed building until the written approval of the local planning authority has been obtained to the materials and finishes thereof, which shall not include the 'silver cladding' shown on the plans.

5. None of the uses proposed for the building shall be permitted to commence until all the access and car parking works shown on plan ref. 0071/07 Drwg. No. 002 have been completed, and the parking facilities are available for use by visitors.

6. All foul and surface water drainage discharges shall be drained separately from the site.

7. No surface water or land drainage run off shall be allowed to connect, either directly or indirectly to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

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

2. In the interests of visual amenity.

3. In the interests of visual amenity.

4. In the interests of visual amenity.

5. In the interests of the safety of all users of the facilities and the adjacent highway.

6. To ensure a satisfactory means of drainage and to prevent hydraulic overloading of the public sewerage system.

7. To ensure a satisfactory means of drainage and to prevent hydraulic overloading of the public sewerage system.

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

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

**ITEM NO:** 5

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2007/1062/ PF

**PROPOSAL:** Change of use and alterations to existing outbuildings to create 3 no. dwellings

**LOCATION:** Outbuildings At Plas Yn Pentre Bryn Howell Lane Trevor Llangollen

**APPLICANT:** Mr J Sumnall Winnington Homes Limited

**CONSTRAINTS:** Conservation Area  
Listed Building

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

**CONSULTATION RESPONSES:**

34. LLANGOLLEN TOWN COUNCIL  
'Members raised no objections to this application'.
35. HEAD OF TRANSPORTATION & INFRASTRUCTURE  
No objection subject to conditions.
36. PUBLIC PROTECTION – Senior Scientific Services Officer  
No objection subject to the inclusion of condition(s) to deal with Existing Septic Tank and Private Water Supply.
37. CONTAMINATED LAND OFFICER  
There is the possibility for agro – chemical spillages to have occurred in the vicinity of the outbuildings. Recommend a condition to deal with any permission granted
38. BUILDING CONTROL  
The structural report is an accurate reflection of the condition of the building, the building is capable of conversion and it can be implemented without demolition/ reconstruction in excess of that shown on the plans.
39. ENVIRONMENT AGENCY  
Low environmental risk - standard advice to developers applies.
40. WELSH WATER  
There are no public sewers in this area. It may be possible for the developer to requisition sewers from Welsh Water under sections 98 to 101 of the Water Industry Act 1991.
41. COUNTRYSIDE COUNCIL FOR WALES  
Awaiting response.
42. COUNTY ECOLOGIST  
Awaiting response.

#### 43. CONSERVATION ARCHITECT

The outbuildings are curtilage listed to the main dwelling of Plas yn Pentre and whilst they are deemed to be part of the listed building, they have been subject to significant changes in the past and they do not have the architectural or historic interest of the principal house. Has no objection to the principle of conversion in order to give the buildings a long term viable future. Does not believe that the conversion will be detrimental to the setting of Plas yn Pentre or the character of the Conservation Area.

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

Letter of representation received from:

1. Anne Lloyd Morris, 35 Osborne Street, Rhos, Wrexham (Heritage Planning Consultancy) on behalf of:  
Mr. Shaun Jones, The Granary, Trevor, Llangollen  
Mr. Philip Brown, Trevor Old Mill and Trevor Cottage, Trevor, Llangollen  
Mr. Godfrey Williams, Plas yn Fron, Pontcysyllte

Summary of planning representations:

- i) Impact of the development on the setting, economic viability and character of Plas yn Pentre.
- ii) Impact of the development on the Plas yn Pentre Conservation Area.
- iii) Impact on the amenity of existing residents.
- iv) Density and design of development.
- v) Detailed design issues – location of electric boxes, external lighting etc.
- vi) Consider that a maximum of 2 units could be accommodated leaving sufficient floorspace within the oldest outbuildings closest to the Plas unconverted for garaging/stabling/storage and the driveway. The 2 remaining bays of the older barn could be given to the 2 units as garage/storage space.
- vii) Concerns about adequacy of existing septic tank and water supply.

**EXPIRY DATE OF APPLICATION: 14/11/2007**

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

- negotiations resulting in amended plans
- re-consultations necessary on amended plans

#### **PLANNING ASSESSMENT:**

##### **THE PROPOSAL:**

1. The application site is in the open countryside in close proximity to the village of Trevor, Llangollen. The site lies in the Area of Outstanding Beauty and within the Plas yn Pentre Conservation Area. The Conservation Area is a loose assembly of buildings which have been constructed westwards from the former grange to Plas yn Pentre itself. Plas yn Pentre is a grade 2\* listed building, which along with its associated outbuildings, Trevor Old Mill (grade 2 listed building), Trevor Mill and the Granary form the buildings within the Conservation Area.
2. The site is accessed along Bryn Howell lane which is a single lane that runs through the conservation area, to the south of the A539 Llangollen to Trevor Road.
3. The proposal is to convert the outbuildings associated with Plas yn Pentre into 3 no. dwellings. The outbuildings are curtilage listed to Plas yn Pentre and are subject to a separate application for listed building consent which is also included as an item on this Committee agenda.

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

4. 03/2007/1063/LB  
Change of use and alterations to existing outbuildings to form 3 no. dwellings (listed building application). Recommended for approval subject to consultation with CADW.
- 03/2006/0527/PF  
Change of use and alterations to form 4 dwellings – WITHDRAWN on advice of Officers on 24/01/2007
- 03/2006/0528/LB  
Change of use and alterations to outbuildings to form 4 no. dwellings – listed building application – WITHDRAWN - on advice of Officers on 24/01/2007
- 37/4125  
Conversion of disused agricultural building to 9 holiday flats, including rebuild and demolition, car park and installation of septic tank. Planning (Outline) GRANTED on 11/03/1980
- 37/5765  
Conversion of existing disused agricultural building to dwelling (Dovecote building) GRANTED on 08/06/1982

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

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
- Policy GEN 3 - Development outside development boundaries
  - Policy GEN 6 - Development Control Requirements
  - Policy ENV 2 - Development affecting the AOB
  - Policy ENP 4 - Foul and surface water drainage
  - Policy HSG 9 - Residential Conversion of rural buildings to dwellings
  - Policy ENV 4 - International/National Sites of Nature Conservation Value
  - Policy CON 1 - The setting of listed buildings
  - Policy CON 3 - Change of use of listed buildings
  - Policy CON 5 - Development within Conservation Areas
  - Policy TRA 6 - Impact of new development on traffic flows
  - Policy ENV 6 - Species Protection
- SPG 13 - Conservation Areas
- SPG 14 - Listed Buildings
- SPG 16 - Conversion of Rural Buildings
- SPG 18 - Nature Conservation & Species Protection
- SPG 21 - Parking Requirements in new Developments
- Guidance – Plas yn Pentre Conservation Area Appraisal (July 1991)
- NATIONAL PLANNING GUIDANCE – Circular 61/96
- Planning and the historic environment
- Listed buildings and conservation areas

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

- 6.
- i) Principle
  - ii) Impact on visual amenity/Plas yn Pentre Conservation Area/AOB
  - iii) Highways

- iv) Drainage/water supply
- v) Nature Conservation/Protected species
- vi) Impact on residential amenity

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

- i) Principle  
The application site is in the open countryside where Policy GEN 3, Criterion iii) is applicable. This refers to conversion, adaptation, re-use and extension of existing rural buildings and is further guided by advice contained in Policy HSG 9. As part of the planning submission, a structural report on the structural capability of the outbuildings to undergo conversion has been submitted. The Building Control section have stated that the buildings are capable of conversion without major or substantial reconstruction. This is in accordance with criterion i) of Policy HSG 9. In principle, the conversion of the outbuildings into 3 no. residential units is acceptable.
- ii) Impact on visual amenity/Plas yn Pentre Conservation Area and the AOB  
The application site forms part of a group of outbuildings associated with the Grade II\* Plas yn Pentre. The outbuildings are still currently used as storage and garage/warehouse space in connection with Plas yn Pentre. The site also forms part of the Plas yn Pentre Conservation Area and lies within the AOB. The outbuildings are a mix of stone and brick construction covered with a slate roof. The varying use of building materials forms part of the overall character of the building. The existing windows to the courtyard elevation are not traditional to the building and will be replaced using double glazed timber windows. Minimal new openings will be formed (one window on west elevation) as part of the proposal, and an existing door opening on the north elevation will be widened. Overall, the scheme of conversion respects traditional local building styles and materials and the interest features identified (use of materials, retention of vents, steel ties and existing openings) are retained in accordance with criterion ii) of Policy HSG 9 and advice contained in SPG 16. Policies CON 5 and ENV 2 relate to the impact of the development on the conservation area and the AOB. The conversion scheme makes minimal alterations to the scale and form of the buildings, which does not alter the character and appearance of the Conservation Area. Concerns have been raised by the adjoining occupiers in relation to the overall conversion of the buildings into residential space. This has been overcome by the erection of 3 no. small storage areas (newly built on the north elevation to serve unit 3) and reconstructed on the south elevation to serve proposed units 1 and 2. This reconstruction is historically correct as evidence of this structure is evident on site. The impact of the development on the Conservation Area and AOB is considered to be acceptable and in accordance with Policies CON 5 and ENV 2.
- iii) Highways  
The outbuildings and Plas yn Pentre are currently served by 2 separate points of access. The access proposed to serve the 3 dwellings is the existing access between the outbuildings and Plas yn Pentre. Parking is proposed in the courtyard area enclosed by the outbuildings, with 2 spaces each allocated to each of the proposed units. 2 spaces are also provided for the Dovecote, along with 2 additional visitor spaces. Highways raise no objection, subject to conditions. Therefore the proposal is in accordance with Policy TRA 6 of the Denbighshire Unitary Development Plan.
- iv) Drainage  
This is proposed to be connected to the existing septic tank which is located



to the rear of Plas yn Pentre. Advice from the Senior Scientific Officer suggests that the capacity needs to be checked to establish if a larger tank will be required. This can be controlled via a suitably worded condition.

v) Nature Conservation/Protected Species

The River Dee SSSI and SAC is in close proximity to the site. At the time of writing the report, comments have not been received from the Countryside Council for Wales and the County Ecologist. Notwithstanding this, it is unlikely that the proposal would have any adverse impact on the SAC and a suitably worded condition can deal with the potential presence of protected species.

vi) Impact on residential amenity

The overall scheme of conversion provides amenity space to the rear and front of the units. The space provided for unit 3 is ample and raises no concerns to officers. The space attached to proposed units 1 and 2 is much smaller. However, it does provide private garden space, and given the historical importance of the buildings, it is considered that finding a suitable re-use for the buildings outweighs the limited amenity space in this instance. The buildings surrounding the Granary and Plas yn Pentre itself have ample existing amenity space which is not overlooked by the position of the existing buildings. The residential conversion will not impact on the level of amenity currently enjoyed by neighbouring occupants and is in accordance with criterion iv) of Policy HSG 9 and criterion v) of Policy GEN 6.

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

8. The proposal is to convert the outbuildings into 3 no. dwellings. The outbuildings are listed and are subject to a separate application for listed building consent. In principle, the development is acceptable, as is the impact on visual amenity, the character and appearance of the Conservation Area, the AOB, highway grounds and residential amenity. Suitably worded conditions can be attached to any granting of permission order to deal with protected species and drainage.

#### **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 works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of protected species. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of protected species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.
3. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority."
4. Prior to the commencement of development, the capacity of the septic tank and existing soakaway systems shall be checked to determine if as part of the proposed development the capacity of the existing systems is adequate to deal with the increased number of dwellings. If not, details of the replacement systems, including porosity test results shall be submitted to and approved in writing by the Local Planning Authority and only those details subsequently approved shall be completed on site.
5. Facilities shall be provided and retained within the site for the parking and turning of

vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought in to use.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of any protected species on the site.
3. To ensure the protection of species listed under the Habitat Regulations 1994
4. To ensure the proper drainage of the site and to minimise the risk of flooding.
5. To provide for the parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interests of traffic safety.

**NOTES TO APPLICANT:**

Private Water Supply - For the information, the agent and applicant should contact Mrs E Barlow - 01824 706046, Senior Scientific Officer of Planning & Public Protection Services, who enforce the legislation on private water supplies - THE WATER INDUSTRY ACT 1991 and THE PRIVATE WATER SUPPLIES REGULATIONS 1991 and is required to ensure that all water supplies (including public water supply - mains water) are both wholesome and sufficient. The legislation regarding water supplies and the BUILDING ACT 1984, Section 25 and the BUILDING REGULATIONS would apply regarding the water supply to the conversions.

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.

<b>ITEM NO:</b>	6
<b>WARD NO:</b>	Llangollen
<b>APPLICATION NO:</b>	03/2007/1063/ LB
<b>PROPOSAL:</b>	Change of use and alterations to existing outbuildings to create 3 no. dwellings (Listed Building application)
<b>LOCATION:</b>	Outbuildings At Plas Yn Pentre Bryn Howell Lane Trevor Llangollen
<b>APPLICANT:</b>	Mr J Sumnall Winnington Homes Limited
<b>CONSTRAINTS:</b>	Conservation Area Listed Building
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. LLANGOLLEN TOWN COUNCIL  
'Members raised no objections to this application' .
2. CONSERVATION ARCHITECT  
The outbuildings are curtilage listed to the main dwelling of Plas yn Pentre and whilst they are deemed to be part of the listed building, they have been subject to significant changes in the past and they do not have the architectural or historic interest of the principal house. Has no objection to the principle of conversion in order to give the buildings a long term viable future. Does not believe that the conversion will be detrimental to the setting of Plas yn Pentre or the character of the Conservation Area.

**RESPONSE TO PUBLICITY:**

Letters of representations received from:-

1. Anne Lloyd Morris, 35 Osborne Street, Rhos, Wrexham (Heritage Planning Consultancy) on behalf of:
  - Mr. Shaun Jones, The Granary, Trevor, Llangollen
  - Mr. Philip Brown, Trevor Old Mill and Trevor Cottage, Trevor, Llangollen
  - Mr. Godfrey Williams, Plas yn Fron, Pontcysyllte

Summary of planning based representations:

- viii) Impact of the development on the setting, economic viability and character of Plas yn Pentre.
- ix) Impact of the development on the Plas yn Pentre Conservation Area.
- x) Density and design of development.
- xi) Detailed design issues – location of electric boxes, external lighting etc.
- xii) Consider that a maximum of 2 units could be accommodated leaving sufficient floorspace within the oldest outbuildings closest to the Plas unconverted for garaging/stabling/storage and the driveway. The 2 remaining bays of the older barn could be given to the 2 units as garage/storage space.

**EXPIRY DATE OF APPLICATION: 14/11/2007**

**REASONS FOR DELAY IN DECISION:**

- negotiations resulting in amended plans
- re-consultations necessary on amended plans

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

9. The application site is in the open countryside in close proximity to the village of Trevor, Llangollen. The site lies in the Area of Outstanding Beauty and within the Plas yn Pentre Conservation Area. The Conservation Area is a loose assembly of buildings which have been constructed westwards from the former grange – Plas yn Pentre itself. Plas yn Pentre is a grade 2\* listed building, which along with its associated outbuildings, Trevor Old Mill (grade 2 listed building), Trevor Mill and the Granary form the buildings within the Conservation Area.
10. The site is accessed along Bryn Howell lane which is a single lane that runs through the conservation area, to the south of the A539 Llangollen to Trevor Road.
11. The proposal is to convert the outbuildings associated with Plas yn Pentre into 3 no. dwellings. The outbuildings are curtilage listed to Plas yn Pentre. There is a separate application to deal with the planning merits of the proposal also on the agenda.

**RELEVANT PLANNING HISTORY:**

12. Application ref no: 03/2007/1062/PF- Change of use and alterations to existing outbuildings to form 3 no. dwellings (listed building application). Recommended for approval by officers
13. Application ref no: 03/2006/0527/PF - Change of use and alterations to form 4 dwellings – WITHDRAWN on advice of Officers on 24/01/2007
14. Application ref no: 03/2006/0528/LB - Change of use and alterations to outbuildings to form 4 no. dwellings – listed building application – WITHDRAWN - on advice of Officers on 24/01/2007
15. Application ref no: 37/4125 - Conversion of disused agricultural building to 9 holiday flats, including rebuild and demolition, car park and installation of septic tank. Planning (Outline) GRANTED on 11/03/1980
16. Application ref no: 37/5765 – Conversion of disused former agricultural building to dwelling (dovecote building). Granted on 08/06/1982

**PLANNING POLICIES AND GUIDANCE:**

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

Policy CON1 – The setting of listed buildings  
Policy CON2 – Extension or alterations to listed buildings  
Policy SPG14 – Listed buildings

NATIONAL PLANNING GUIDANCE

**MAIN PLANNING CONSIDERATIONS:**

18.

- i) Impact of the development on the listed outbuildings and the setting of Plas yn Pentre

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

- i) Impact of the development on the listed outbuildings and the setting of Plas yn Pentre: Plas yn Pentre is a grade II\* listed building and forms part of the Plas yn Pentre Conservation Area. The associated outbuildings are listed as curtilage structures to the main dwelling and it is thought that they were once used for agricultural purposes in connection with Plas yn Pentre. Currently they are used as storage buildings in connection with the Plas. Comments received from the conservation architect indicate that the outbuildings have undergone significant changes in the past and they do not have the historical or architectural interest of the main house. The scheme will provide a viable re use for the buildings and there are no objections raised to the number of units proposed overall. Details of the scheme (location of meter boxes, lighting and gas boxes etc) have been refined by officers in discussions with the architect and the proposals are now considered acceptable. In relation to the impact of the development on the setting of Plas yn Pentre, the conservation architect states that the conversion will not be detrimental to the setting of Plas yn Pentre or the character of the Conservation Area. This is in accordance with policy CON1 and 2 of the Denbighshire Unitary Development Plan.

**SUMMARY AND CONCLUSIONS:**

20. Plas yn Pentre is a grade II\* listed building and forms part of the Plas yn Pentre Conservation Area. The associated outbuildings are listed as curtilage structures to the main dwelling. This application is for listed building consent to for the conversion and alteration of the outbuildings into 3no dwellings. The proposal is considered to be acceptable based on the impact of the development on the listed outbuildings as is the impact on the setting of Plas yn Pentre itself. The proposal is considered to be in accordance with policy CON1 and CON2 of the Denbighshire UDP, and the tests of Welsh Office Circular 61/96 and is recommended for approval (subject to, referral and confirmation from CADW).

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

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. Prior to the commencement of development, details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.
3. Prior to the installation of any new or replacement windows, doors and boarding, a schedule of materials and finishes proposed shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include reference to which windows, doors and boarding shall be softwood and painted and which shall be untreated oak.
4. Prior to the commencement of development, a sample of the slate and brick proposed to reconstruct and build the storage areas shall be submitted to and approved in writing by the Local Planning Authority.
5. The proposed meter boxes shall be clad in oak and left untreated and the precise

location of which shall be further agreed in writing with the Local Planning Authority prior to the commencement of development.

6. No external burglar alarms, satellite dishes, aerials, garden sheds / greenhouses or oil tanks shall be fixed, erected or constructed on the site without the further granting of planning permission.

7. Further details of the paving and gravel including samples to be used shall be submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of preserving the historical character and appearance of the outbuildings.
3. In the interest of preserving the historical character and appearance of the outbuildings.
4. In the interests of preserving the historical character and appearance of the outbuildings.
5. In the interests of preserving the character and appearance of the outbuilding.
6. To preserve the historical character and appearance of the outbuildings.
7. In the interest of preserving the character and appearance of the outbuildings.

**NOTES TO APPLICANT:**

None

<b>ITEM NO:</b>	7
<b>WARD NO:</b>	Llanarmon Yn Ial / Llandegla
<b>APPLICATION NO:</b>	15/2007/0676/ PF
<b>PROPOSAL:</b>	Structural repairs to Airey PRC house types. Replacement of pre-cast concrete cladding panels and structural pre-cast concrete column with a timber frame structure clad with mineral fibre insulation and render finish.
<b>LOCATION:</b>	3 and 4 Maes Garmon Llanarmon-Yn-Ial Mold
<b>APPLICANT:</b>	Denbighshire County Council
<b>CONSTRAINTS:</b>	AONB
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - No Press Notice - No Neighbour letters - Yes

#### CONSULTATION RESPONSES:

1. LLANARMON YN IAL COMMUNITY COUNCIL (5 July 2007)  
*“Strongly object to the application on the basis that it goes against Policy GEN 6 Development Control Requirements in that it does not respect the **site and surroundings in terms** of the siting, layout, scale, **form, design, density, materials, aspect, micro-climate** and intensity of use of land/buildings and spaces between buildings. Some of these Airey houses are now clad in brick, and it would be more appropriate and in-keeping to use brickwork for any further cladding work. As an alternative concrete blocks could be used with a rendering or pebble dash finish which is again in-keeping with the style of the area. Councillors believe that this type of house was designed/built with a roof overhang to incorporate remedial brick or block cladding when necessary in the future. Councillors are also of the opinion that the use of this prefabricated style of cladding is not suitable for the high windows and rainfall experienced in this area and are doubtful that this form of cladding will stand up to the weather and will need replacing again in the not too distant future. The use of brick or block for this work would alleviate these fears.”*

Subsequent to these initial comments, the applicant submitted supporting information (see Section 5 of this report below) and the Community Council made further comments on 5 September 2007 as follows:

*“The Community Council continue to strongly object to this planning application for the following reasons:*

*The houses in Maes Garmon consist of:*

*1-2 have a red brick finish;*

*3, 4, 5 and 6 Airey PRC house types;*

*7, 8, 9, 10, 17, 18, 19 and 20 half brick/half pebbledash finish;*

*11, 12, 13, 14, 15 and 16 built in brick.*

*None of these houses have a render finish similar to that proposed. It would be more appropriate and in-keeping to use brickwork for any further cladding work.*

*We as a Council believe this application fails to match the surrounding building materials which as stated in the UDP, it must do. **Therefore this Community Council cannot support and once again register our strong objection to this application.**”*

2. LLANARMON & DISTRICT CONSERVATION SOCIETY  
"No objections"

**RESPONSE TO PUBLICITY:**

None.

**MEMBERS' COMMENTS:**

None.

**EXPIRY DATE OF APPLICATION: 02/08/2007**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site relates to a pair of semi-detached properties standing in the middle a run of three pairs of the original Airey house types. Both of the houses are Council owned and the site lies within the Development Boundary and within the AONB. A pair of existing houses (nos. 1 and 2) have already been refurbished but clad in brickwork which has resulted in an attractive and improved visual appearance.
2. The application is aimed at renovating the standard pre-cast Airey house types which are currently finished with concrete panels and columns and upgrading them using more modern materials with insulation and a rendered finish based on a new timber frame. No increased in width, height or depth of the houses will be required.
3. In response to concerns raised by officers at the proposed external appearance of the houses with regard to the use of the rendered finish, the agent for the scheme (Housing Project Team Leader, Denbighshire CC) provided further information via e-mails on 7 August 2007 and 23 August 2007. These e-mails stated that:
  - (i) The tenants at the houses will benefit from external renovation works which will in the future enable them to purchase their homes should they wish to do so with the benefit of a specialist warranty to enable a mortgage to be obtained;
  - (ii) The properties have other dwellings at or nearby which have a painted render finish which is typical of rural dwellings in this hilly locale;
  - (iii) There is a limited budget to carry out the works. If brick has to be used it would cost an extra £9850 per dwelling which exceeds the budget;
  - (iv) In terms of visual amenity, the proposal would mean that the appearance of the property does not change – a photograph has been provided to show this – as the colour is the same with the removal of the concrete planks being the only visual change;
  - (v) Other properties in the area vary in respect of finish types and include painted random stone, natural random stone, facing brickwork, pebbledash render and facing brickwork combined, pebbledash render, Tyrolean render and facing brickwork.

**RELEVANT PLANNING HISTORY:**

4. None.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 6 - Development Control Requirements  
Policy ENV 2 - Development affecting the AONB  
GOVERNMENT GUIDANCE  
Planning Policy Wales March 2002



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

6. The main issues are considered to be:

- i) Visual appearance
- ii) Impact on adjacent occupiers
- iii) The objection of the Community Council
- iv) Impact on the AONB

7. In relation to the considerations as noted in paragraph 8:

(i) Visual appearance

The changes proposed are considered to have a positive visual impact via the replacement of the somewhat unsightly concrete sections. However, the precedent for the external finish to be applied to the houses has already been established by the works undertaken to nos. 1 and 2 Maes Garmon where the cladding has been replaced by brickwork. It is therefore considered that it would be ideal for the finish applied to the subject houses to be of the same form and appearance in the interests of the visual amenities of the street scene. However, it is not uncommon for more modern estates to have houses in the same street which are subject to a range of different finishes and as such this issue is not considered to represent a ground on which it would be reasonable for the Council to withhold permission for the subject site given the variety of finished already present in the area and the minimal change proposed to the colour of the property;

(ii) Impact on adjacent occupiers

The works proposed no changes to the properties other than upgrading their appearance and as such no additional overlooking or loss of amenity is proposed.

(iii) The objection of the Community Council

The objection raised by the Community Council is noted. However, for the reasons stated in paragraph (i) of this section of the report it is not considered that the Council could substantiate a refusal of permission solely on visual appearance grounds.

(iv) Impact on the AONB

Policy ENV 2 requires development not to detract from the appearance of the AONB. The subject proposal is considered to be relatively small scale and does not therefore represent any harm to the setting of the AONB.

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

10. On balance, it is not considered that a refusal of permission can be substantiated given its location and the context of the surrounding properties. Accordingly the application 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.

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

<b>ITEM NO:</b>	8
<b>WARD NO:</b>	Llanarmon Yn Ial / Llandegla
<b>APPLICATION NO:</b>	15/2007/1281/ PF
<b>PROPOSAL:</b>	Conversion of, and erection of extension to, redundant store and garage to form dwelling
<b>LOCATION:</b>	Raven Inn Ffordd Rhiw Ial Llanarmon-Yn-Ial Mold
<b>APPLICANT:</b>	Mr R Long
<b>CONSTRAINTS:</b>	PROW Conservation Area AONB
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

#### **CONSULTATION RESPONSES:**

##### 44. LLANARMON YN IAL COMMUNITY COUNCIL

"The Raven is the 2<sup>nd</sup> most important building in the village. It faces St Garmon's Church - a listed building - both are at the centre of Llanarmon-yn-Iâl Conservation Area. It is the focus of the village as it is THE ONLY VILLAGE PUB. It is therefore essential that the proposed five full length windows should be changed to a conservation type to match the existing windows. The car park will be reduced by about half of its current capacity by the introduction of the domestic car park and garden area. Recent experience has shown that the current car parking facilities are inadequate at peak times. It is essential that visitors to the Raven park off road. Parking alongside the church wall immediately after a right angled blind bend is a clear highways safety issue. The height of the church wall prevents car drivers from seeing round the right angled bend. The Council understood that the Manager's Flat was covered in the last planning application in 2006. Additional points:

- (i) The Council are very concerned that the proposed change of use of part of the public house to a private dwelling which would include conversions and extensions and a reduced beer garden area which would seriously affect the long term viability of this valued village public house (the pub was apparently a thriving business up until several years ago) which at present contains a restaurant and did provide B&B up until the last tenants arrived.
- (ii) The village within the AONB has many visitors and walkers, as well as local people who would greatly appreciate having/ regaining the use of an historic public house with all facilities expected of such a building, and along with a thriving shop and post office, it would add to the sustainability of the community. Please refer to Policy RET12.
- (iii) The reduction in size of the car parking area would have repercussions, causing vehicles to be parked on the road which is narrow and hazardous in this area, this has already been the case when The Raven has been busy. There is a serious concern that vehicles parked on the road will impede the passage of emergency vehicles.
- (iv) The council would like to see the reinstatement of the boundary to the east of the site where the public footpath lies.

- (v) For many years, the restaurant room at the Raven has been used as the community polling station, its location is central and provides easy access for everyone. The loss of this room would not be beneficial for the community, and its availability for the above use was greatly appreciated.”

45. LLANARMON & DISTRICT CONSERVATION SOCIETY

“Thank you for giving the Society an opportunity to comment on the above application. We have no major objection to this development, but are concerned that the proposed style of the windows are not in keeping with those existing on the main part of the building i.e. not leaded, and the patio doors especially to the front detract from the character of the building as a whole, it is appreciated that there is a need for light, would a large leaded window at same height from the ground as existing work?”

3. CONSERVATION ARCHITECT

“I consider that the French doors will compliment the appearance of the building as a whole if they are small Georgian style panes to match all the others. Please can we attach a condition requesting details at 1:20 of the window and door joinery and Conservation style rooflights flush to plane of roof.”

4. JAC AONB COMMITTEE

“The JAC welcomes the revised fenestrations which better compliments the existing building and Conservation Area. However, the JAC still considers that the front boundary should be enclosed by a traditional local stone wall.”

5. HEAD OF TRANSPORT & INFRASTRUCTURE

No objection subject to a condition relating to parking/turning facilities.

6. FOOTPATH OFFICER

Public footpath no 80 abuts the application site, standard advisory notes are suggested.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 27/02/2008**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is within the development boundary of Llanarmon yn Ial and occupies a central position within the village and within the Conservation Area. The site is also located within the Clwydian Range AONB. Public footpath no. 80 runs along the side of the building. The site comprises of a two storey public house with a single storey link to an outbuilding/ store. A walled beer garden is located to the front and side of the building with the car park beyond separated from the main road through the village by a dwarf wall. The building itself has white render elevations with a slate roof with all windows and door details of painted timber. The current use of the building is as a public house on the ground floor with 6 rooms for B&B above. The existing ground floor arrangement comprises of bar areas, dining room, kitchen, beer cellar and attached storage

outbuildings.

2. The proposal follows the previous granting of consent ref 15/2006/0584/PF (see below) which allowed the conversion of the first floor into a two-bedroom manager's dwelling with part of the public house and the outbuilding/store converted into a four-bedroom unit.
3. The current application seeks to amend the previous consent by retaining the first floor as existing but with a larger part of the public house retained on the ground floor to allow the restaurant area to remain in place. This means that the conversion of the outbuilding/store will still be undertaken but to provide only two bedrooms and with part of the single-storey extension occupied by a bathroom rather than a kitchen area as previously proposed.
4. The layout of the area to the frontage of the public house was previously allowed to be sub-divided to retain part of the beer garden but with an area sub-divided off to provide amenity space and parking for the dwelling, with the car park to the front of the beer garden providing space for 8 cars. The revised proposal now under consideration takes a lesser area of the beer garden due to the restaurant room being retained and makes provision again for the parking of 8 cars in the same layout as previously approved.
5. The plans have been amended following their initial submission to revise the window detailing to match those on the existing parts of the public house, with re-consultations undertaken.

**RELEVANT PLANNING HISTORY:**

6. 15/2006/0584/ PF – Conversion of the first floor into a manager flat, and conversion of the outbuilding into a dwelling. Parking and amenity space associated with the dwelling was proposed to the front of the existing outbuilding with the existing yard area to the rear maintained but divided between the proposed dwelling and the public house. The existing beer garden to the front of the public house was therefore split to provide amenity space for the proposed dwelling, part to be retained as a beer garden with the parking area in connection with the public house remaining as existing: Granted 4 October 2006.

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 1 – Development within development boundaries  
Policy GEN 6 – Development Control Requirements  
Policy ENV 2 –Development affecting the AONB  
Policy CON 5 – Development within Conservation Areas  
Policy RET 12 – Local Shops and Post Offices  
SPG 21 – Parking requirements in new developments

GOVERNMENT GUIDANCE  
Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

8.
  - i) Principle of development
  - ii) Impact on visual amenity and conservation area
  - iii) Impact on residential amenity
  - iv) Impact on AONB
  - v) Highway Considerations

vi) Comments of the Community Council

9. In relation to the main planning considerations as noted at paragraph 15 above:

i) Principle

Policy RET 12 relates to local shops, post offices and public houses and seeks to retain existing facilities, especially in rural communities and resist development which would result in their loss. The extant planning consent allowed for the conversion of the outbuilding/store into a dwelling along with the manager's flat conversion. This established the principle of the development with a reduced area of public house which was still considered to be viable under the provisions of Policy RET 12. As the current application retains a larger area of the public house, has the same parking layout and seeks to convert the outbuilding/store in a similar manner to that already permitted, the principle of development must remain acceptable.

ii) Visual amenity and impact on Conservation Area

Externally the changes proposed are minimal with no alterations to the external elevations of the existing public house. The adjoining store/outbuilding is to be altered externally with windows and doors inserted into existing openings and a new roof covering of slate to replace the existing corrugated sheeting. Comments received from the Conservation Architect indicate that subject to the control of details, the impact of the proposal on the visual amenity of the area and hence the character and appearance of the conservation area would be acceptable. Therefore, in relation to Policy GEN 6 and CON 5, the proposal is considered to be acceptable.

iii) Residential amenity

Residential properties exist to the east and north west of the application site, with the dwelling known as Trevalyn attached to the side of the public house. No concerns from neighbours have been raised to the application and the proposal is not considered to have any adverse impact on the amenity of nearby residents. In relation to the conversion of the outbuilding/store to provide a dwelling, the main area of private amenity space is to be located to the front, adjacent to the beer garden and provides space which is more than adequate for a dwelling of this size and is separate to the parking area proposed for the dwelling. The proposal is in accordance with criterion v) of Policy GEN 6.

iv) AONB

Comments from the AONB JAC state that they have no concerns in relation to the proposal other than that the scheme is sympathetic to the character and appearance of the Conservation Area. The impact of the development on the AONB is therefore considered to be acceptable and in accordance with Policy ENV 2.

v) Highways

The Highways Officers have no objection subject to a parking/turning condition. The plan indicates a separate parking area from the garden and the beer garden associated with the public house. The parking area associated with the public house is to remain in its current location to the front of the building with the plan forming part of the proposal showing 8 parking spaces, as it was for the extant consent. It is considered that the proposal is in accordance with criteria vii) of Policy GEN 6 and Policy TRA 9.

vi) Comments of the Community Council:

The views of the Community Council as set out earlier in this report are acknowledged. However, as the current application now proposes to retain a greater area of the public house than the extant consent (including the restaurant room) and the external layout retains more of the beer garden area with the parking provision remaining the same as already approved, it is not considered that a refusal based on the objections raised can be substantiated.

**SUMMARY AND CONCLUSIONS:**

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

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of existing buildings.
3. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
4. The proposed roof lights shown on the approved drawings shall be flush fitting conservation types, not projecting above the plane of the existing roofline.
5. No windows or doors shall be installed until detailed scaled plans and elevations (1:20 scale) have been submitted to and approved in writing by the Local Planning Authority showing the proposed frame material, finish and sectional profile, the subdivision of the fixed lights and method of opening the windows, the nature of the glazing, details of the beading and puttying, and the extent of recess of the frames in the openings.
6. Any existing wall opening(s) to be blocked up and/or existing walls/stonework to be restored in accordance with the approved plans shall be carried out with materials which match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing.
7. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
8. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons [following the occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

10. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

11. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interest of visual amenity and to preserve the character and appearance of the Conservation Area.
5. To ensure the fenestration respects the character of the existing building.
6. In the interests of visual amenity.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
10. In the interests of residential and/or visual amenity.
11. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

**NOTES TO APPLICANT:**

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



**ITEM NO:** 9

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

**APPLICATION NO:** 20/2007/1036/ PF

**PROPOSAL:** Alterations to existing vehicular access, construction of 3m wide track with associated hedging/fencing and culverting of stream (partly in retrospect)

**LOCATION:** Land at Pentre Coch Farm Pentre Coch Ruthin

**APPLICANT:** Mr Huw Hilditch Roberts

**CONSTRAINTS:** AONB

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

**CONSULTATION RESPONSES:**

- 46. LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL:  
"Having considered this matter my members only comment was that they were not particularly receptive to this retrospective planning matter, but supported the application"
- 47. HEAD OF TRANSPORT AND INFRASTRUCTURE:  
No objection subject to conditions
- 48. ENVIRONMENT AGENCY:  
Advise applicant to contact their Development Control Team to discuss the culvert as this element is controlled under their separate legislation.
- 4. AONB COMMITTEE:  
The JAC has no observations to make on the principle of this development, but would recommend that the proposed mixed hedges should be of a traditional local species and stock proofed on both sides, and the fence should be post and wire rather than post and rail.

**RESPONSE TO PUBLICITY:**

Letters of representations received from:

- 1. Mrs G P Williamson, Plas Tirion, Llanfair DC
- 2. Mr and Mrs Webb, Ty Ucha, Pentre Coch, Ruthin

Summary of planning based representations:  
i) Impact upon AONB

**EXPIRY DATE OF APPLICATION: 06/01/2008**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:  
THE PROPOSAL:**

1. The application site is located on the north western edge of the hamlet, Pentre Coch. The site is an open field which forms part of the small holding which is Pentre Coch Farm. The field has an existing entrance which has been improved already. This application seeks to regularise the works already undertaken and gain permission for a single track which links the highway and Pentre Coch Farm.
2. The site is open to the west of the site and bound by mature, well established hedgerows and trees to the north and east. A stream is located to the southern edge of the application site, which will be crossed by the track to provide access to Pentre Coch Farm.
3. The track will be made of locally sourced crushed hardcore with the centre left for grass to grow. A new hedge of native species will be planted along the western edge of the track, and a post and rail fence is proposed to the east of the track.

**RELEVANT PLANNING HISTORY:**

4. None

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 3 – Development Outside Development Boundaries
  - Policy GEN 6 – Development Control Requirements
  - Policy ENV 2 – Development Affecting the AONB
  - Policy TRA 6 – Impact of new development on traffic flows

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Impact upon AONB/visual amenity
  - ii) Impact upon highway safety
7. In relation to the considerations in paragraph 6:
  - i) Impact upon AONB/visual amenity:  
The improved access is not considered to impact excessively upon the character of the area. The proposed track would be of local hardcore with a grass centre. In time it is considered that the track will become weathered and well established within the landscape. It is further noted that the AONB committee raise no objection to the proposal. In terms of the proposals impact upon the AONB and visual amenity of the area it is considered that the scheme is acceptable. The points raised by nearby residents are noted, however, having regard to the issues covered in this paragraph they do not warrant refusal of this application.
  - ii) Impact upon highway safety:  
The alterations to the access have increased visibility. No objections have been raised by the Highway Authority. It is concluded that there will be no impact upon the safety of the highway as a result of this application.

**SUMMARY AND CONCLUSIONS:**

8. The proposal is considered acceptable and there are no material planning objections.

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

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

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

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

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

You are advised to contact the Environment Agency on 01248 484021 to discuss the culverting of the stream.

**ITEM NO:** 10

**WARD NO:** Bodelwyddan

**APPLICATION NO:** 40/2007/1473/ PF

**PROPOSAL:** Development of equine treatment and therapy centre, and stud farm including ancillary stabling and educational training facility, use of adjoining pasture land for grazing of horses and sheep, installation of private treatment plant, closure of existing access and formation of new vehicular access

**LOCATION:** Tytynyrch Land Glascoed Bodelwyddan

**APPLICANT:** Mr & Mrs D Taff

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

49. BODELWYDDAN TOWN COUNCIL  
'Object to the application on the grounds of access and egress into the property. The access off Engine Hill is not safe as it is too narrow for the additional traffic. There will be more large vehicles travelling along this road which is currently a 60mph and there are no lights or footpath for pedestrians'.
50. CEFN MEIRIADOG COMMUNITY COUNCIL  
Awaiting response
51. DEVELOPMENT PLAN SECTION  
Policy EMP 5 (Small scale employment development outside development boundaries) is the relevant policy from the Denbighshire UDP. It states that only in exceptional circumstances can new buildings in the open countryside be acceptable
52. LANDSCAPE ARCHITECT  
Strong objection to this proposal for the same reason as previous. The complex of large modern buildings would be located on the hillside in a distinctive and almost unspoilt landscape. The site is very close to the lodge which marks the Glascoed entrance to the Grade II\* Historic Park & Gardens of Kinmel Park, and is also adjacent to the Grade II Bodelwyddan Castle Historic Park & Garden. The two areas of parkland together create a landscape type defined as having a distinct character area within the Denbighshire Landscape Strategy, with the visual quality of this character area assessed as being high.
53. COUNTY ECOLOGIST  
Awaiting response
54. HIGHWAYS  
No objection subject to conditions
55. WELSH WATER  
No comment.

56. COUNTRYSIDE COUNCIL FOR WALES  
CCW does not wish to comment on this proposal
57. BRITISH HORSE SOCIETY  
Awaiting response
58. CAMPAIGN FOR THE PROTECTION OF RURAL WALES  
Are reluctant to make a formal objection. However the buildings would be in a prominent position and are too extensive for that rural location. The views of the wood at the top of Engine Hill, when viewed from lower down the hill are attractive; and the wood itself and the fields below it form a natural barrier between the industry lower down the hill and the countryside at the top. The site is close to Kinmel Park Historic Park and garden, and to Bodelwyddan and the whole area is has the feel of an old parkland landscape. The application appears to breach Policy STRAT6 in the UDP. It certainly breaches Policy EMP5 ii) c) – ‘development ...does not result in...isolated development or disjointed and fragmented development pattern’. Are concerned that if granted, this scheme may set a precedent for further development on the fields between the industrial area below and the equine centre. Feel that there must be more appropriate places in N Denbighshire for such an ambitious and large scale enterprise, perhaps nearer the coast where the integrity of the countryside has already been compromised.
59. MINISTRY OF DEFENCE  
This application relates to a site outside the Ministry of Defence safeguarding areas. Therefore confirm no safeguarding objections to this proposal.
60. ENVIRONNEMNT AGENCY  
The agency requests conditions in relation to safeguarding the water environment.
61. ECONOMIC DEVELOPMENT  
Awaiting response

**RESPONSE TO PUBLICITY:**

Letters of objection received from the following:

1. J.E. & M.E. Harrop, Pen Isa'r Glascoed, Bodelwyddan
2. J. Hutchinson and E. Liddall, Gloddfa, Glascoed, Bodelwyddan

Summary of planning based representations:

- i) In conflict with Denbighshire's Development Plan policies
- ii) Increatease in traffic movements on an already dangerous Engine Hill can not accommodate more large HGV's.
- iii) Isolated, industrial scale developemnt on agricultural land of high quality landscape value
- iv) Establish a precendent for development in the open countryside in other areas of Denbighshire
- v) Deletion of wardens flat does not alter scale and inappropriate nature of the development in any significant way.
- vi) The new elevations resulting from the removal of the flat are now even more industrial in appearance.

Letters of represenatation in support of the proposal from the following:

1. Professor DC Knottenbelt, University of Liverpool Leahurst Neston
2. A Bason, Tan Rallt Isaf, Llanfairfechan.
3. H Jones, Maes Madog, Capel Garmon.
4. Arwel Owen, Foel Gabeiriau, Llangernyw, Abergele.
5. J Singleton
6. D Humphreys, Annedd Wen Glasfryn.
7. Donna Bradshaw, Ty'n Twll, Trefriw Rd, Llanrwst. Conwy.
8. R M Thomas, Nant Isaf, Trefriw, Conwy.
9. J Davies, Bryniog Ucha, Llanrwst.
10. Miss Sian Davies, Bryn Beddan, Llanrwst.
11. Alwyn Jones, Camaes Llangernyw, Abergele.
12. Nia Evans, Glasfryn, Ffordd Glogar, LLansannan, Denbigh.
13. Mrs P A Williams, Siabod, 5 Is y Coed, Dolgarrog, Conwy.
14. Fraser Youngson, Merchyn Forge, Henryd, Conwy.
15. Owner/Occupier, 2 Tan y Bryn, Tremeirchion, St Asaph.

Summary of planning based representations:

- i) Need / requirement in the area for this facility
- ii) The option of Adapting a building to provide these specialist requirements is seriously flawed, given the special facilities. A specialist, purpose built building is required.
- iii) Building is visually attractive

**EXPIRY DATE OF APPLICATION: 09/03/2008**

**REASONS FOR DELAY IN DECISION:**

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

Discussions have been ongoing with the applicant in relation to the location of the development in an attempt to obtain additional information relating to the choice of this site and what attempts have been made to acquire existing buildings or land closer to existing settlements.

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site comprises an open field located within the open countryside in between Bodelwyddan and Glascoed. There are no existing buildings on the site. The site is located approx 460m away from the Bodelwyddan development boundary. The land slopes gently and is currently in agricultural use. Bounding the site to the south and west are the woodlands of Kinmel Park, a Grade II\* historic park and garden, and opposite the site is the Grade II historic park and garden of Bodelwyddan Castle. There is currently a field gate which provides access to the site directly off Engine Hill. The residential properties of 'Gloddfa' and Pen Isa'r Glascoed are located to the north east of the site, with Glascoed, opposite on Engine Hill, and Pen Isa'r Glascoed some 190m directly to the north of the application site.
2. This application is a full application for the development of an equine treatment and therapy centre, stud farm including ancillary stabling and an educational training facility. The application also includes the use of the adjoining pasture land for grazing of horses and sheep, installation of a private treatment plant and the

formation of a new vehicular access some 50m to the north of the current access into the site.

3. The application site comprises a total of approx 10 hectares of agricultural land, which is classed as Grade 3 agricultural land. In support of the application, and having regard to UDP policy GEN 3 and EMP 5, the applicant has asked that the proposal be viewed as an 'exceptions' development on the following grounds:
  - a) Open countryside location essential due to the nature of the proposal
  - b) Supports diversification of the rural economy in a controlled manner in line with top objectives
  - c) Proposal is a non-speculative small scale employment development with up to 14 full time posts identified
  - d) Meets criteria as set out in British Horse Industry Confederation (BHIC) strategy in conjunction with Welsh Assembly Government and DEFRA (Department for Environment, Food & Rural Affairs).
4. Members may recall considering a similar application at planning committee on the 7<sup>th</sup> November 2007. The proposal currently to be decided is a resubmission of the previously refused scheme. The changes to the current application are as follows:
  - a. Omission of the wardens flat
  - b. Use of stonework to the north and east elevations in place of the previously proposed render

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

5. Application ref no: 40/2006/1018/PF – Development of equine treatment and therapy centre, stud farm including ancillary stabling, wardens flat and educational training facility use of adjoining pasture land for grazing of horses and sheep, installation of private treatment plant, close off existing access and formation of new vehicular access. Refused on the 7<sup>th</sup> November 2007 for the following reasons:

1) It is the view of the Local Planning Authority that the proposal is unacceptable in principle, assessed against policies contained within the Denbighshire Unitary Development Plan and Planning Policy Wales. The proposal would be contrary to criteria vi) of Policy GEN 3 as the case for development is not considered to be an 'exception', and would have an adverse impact upon the natural environment; Policy HSG 6, as there is no essential need proven for a dwelling; and criteria ii) c) and d) of Policy EMP 5, as the development does not physically relate to a settlement, would result in an isolated development and a logical new boundary would not be formed. The proposal would be contrary to guidance contained within chapter 7 of Planning Policy Wales in that the site does not adjoin a rural settlement.

2) The site is located adjacent to the Grade II\* Kinmel Park Historic Park & Garden and opposite the Grade II Bodelwyddan Castle Historic Park & Garden. The proposal to form a large complex of modern buildings would be harmful to the character and appearance of the area, resulting in an unacceptable impact on the distinctive character of the open parkland landscape, contrary to Policy ENV 1 and Policy CON 12 of the Denbighshire Unitary Development Plan.

Application ref no: 40/2006/0752/AG - Erection of multi-purpose agricultural building DETERMINE THAT PRIOR APPROVAL IS NOT REQUIRED (14<sup>th</sup> July, 2006).

**PLANNING POLICIES AND GUIDANCE:**

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

Policy STRAT 6 Location  
Policy STRAT 7 Environment  
Policy STRAT 8 Employment  
Policy GEN 3 Development Outside Development Boundaries  
Policy GEN 6 Development Control Requirements  
Policy ENV 1 Protection of the natural environment  
Policy CON 12 Historic Landscapes, Parks & Gardens  
Policy EMP 5 Small Scale Employment Development outside Development Boundaries  
Policy TRA 6 Impact of new development on traffic flows  
Policy SPG21 – Parking Requirements in New Developments

**NATIONAL PLANNING GUIDANCE:**

Technical Advice Note 6: Agricultural & Rural Development (June 2000)  
Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

7. The main issues are considered to be:

- i) Principle of the development
- ii) Impact on visual amenity/character of the area
- iii) Highway considerations

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

i) Principle:

Members are advised that this proposal omits the wardens flat which was included as part of the proposed development on the previously refused application (40/2006/1018/PF). The principle of development as far as this application is concerned therefore only relates to the development of an equine treatment and therapy centre and stud farm, including ancillary stabling and an educational training facility.

Whilst acknowledging the applicant's case, due consideration has to be given first to the issue of compliance with the development plan policies. In this regard: -

Policy GEN 3 states that development will not be permitted outside development boundaries but provides exceptions, including development in connection with the diversification of the rural economy and rural tourism, leisure and recreation, provided that there is no unacceptable impact on the social, natural and built environment.

Policy EMP 5 i) allows for small scale employment development outside development boundaries through the conversion of existing buildings.

Policy EMP 5 ii) allows consideration of 'exceptional circumstances' to allow for genuine, non-speculative and small scale employment development outside, but adjoining development boundaries. It states that in exceptional circumstances, where no land or buildings are available within the development boundaries of main or minor villages, small scale development



on the edge of settlements will be permitted, subject to various criteria, with particular relevance to this application, provided that the development relates physically to the settlement and does not result in insensitive ribbon or isolated development or disjointed and fragmented development pattern, and a logical new boundary is formed and accompanied by sensitive landscape measures.

In relation to Policy GEN 3, it is not considered that the proposal can be considered as an exception as there would clearly be an adverse impact on the natural environment. The site is located in the open countryside, with no existing buildings on the site, it is unrelated to any existing settlement and therefore development of the site would result in an unacceptable impact on the natural environment.

In essence, Policy EMP 5 allows for small scale employment development through the conversion of existing buildings or where this is not possible, specifically refers to small scale employment development being permitted in exceptional circumstances on the **edge** of settlements, physically relating well to the existing built up area so as not to result in a poor or harmful pattern of development.

The basic thread of policy EMP 5 is reflected in paragraph 7.3.2 of Planning Policy Wales states '*Whilst some employment development can be created in rural locations by the re-use of existing buildings, new development will be required in many parts of rural Wales. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply, should generally be located within defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small scale rural enterprise **in or adjoining small rural settlements***' (officers emphasis).

Local and national planning guidance therefore supports the development of small scale employment development, however it is clear that developments must be sited on the edge of or adjoining settlements. In this case, the application site is located approximately 460m away from the nearest development boundary, at Bodelwyddan, and the site is clearly separated from the development boundary by open countryside/fields.

It is appreciated that the proposed use requires a location which is rural in nature, and requires open land for grazing purposes, however the development clearly does not relate physically to a settlement, and would result in an isolated development in the open countryside and would not form a logical 'new' boundary to a settlement.

The applicant has been advised by officers both during the course of this application and that which was previously refused, to provide evidence of other sites with existing buildings or land closer to an existing settlement which could have been used for the intended use and to provide reasons why these have been discounted. To date, this information has not been forthcoming and as such it is difficult to know whether a serious attempt has been made to secure alternative sites. Accommodation for horses and equine activities can be an ideal new use for redundant farm buildings, offering diversification opportunities for existing farm enterprises.

The principle of the development is therefore considered unacceptable and in conflict with Policy EMP 5 of the Denbighshire UDP and Planning Policy Wales.

ii) Visual amenity/ character of area:

In comparison to the previously refused scheme, the alterations made to the elevations of the proposed complex include the use of stone in place of render to the north and east elevations and in addition, the reduction of the central part of the east elevation from two storey to single storey (due to the omission of the wardens flat). No other alterations to the size and scale of the complex have been put forward as part of the proposal.

The site would be located on the hillside adjoining a woodland which is part of the grade II\* Kinmel Park historic park and garden. It is located opposite the grounds of the grade II historic park and garden at Bodelwyddan Castle. Within the register of parks and gardens, the site itself is not within an area considered important as an essential setting or significant view in relation to the historic park. However, the site is located in between two areas of parkland that together create a landscape which constitutes a distinctive character area in the Denbighshire Landscape Strategy. The character area description refers to the rolling wooded estate farm landscape established on the north facing slopes as deriving its character from the parkland surrounding the two important houses of Bodelwyddan Castle and Kinmel.

The application has been submitted with a detailed landscaping plan, and it is proposed to remodel the ground to provide an earth bank with extensive planting. This would be on the northern boundary adjacent to where it is proposed to site the buildings, in an attempt to soften views on the approach to the site from Bodelwyddan, along Engine Hill, as the site is located on a hillside. The concern here is that the development would stand out within what is a very simple unspoiled parkland landscape. The proposed building would also be located in close proximity to the Kinmel Park woodland, and concerns are expressed by the Landscape Architect relating to the growth of the trees within the wood, which should grow very large in time and make a strong contribution to the landscape quality. The Council's Landscape Architect objects to the proposal. It is therefore considered that the proposal would have an adverse impact on the character of the area, with an unacceptable effect on the distinctive character of the open parkland landscape.

Even though attempts have been made to alter the visual impact of the building on the landscape, the fact remains that the proposal is still not acceptable in principle. Whilst attempts have been made to reduce the scale of the east elevation by the removal of the wardens flat and change both the north and east elevations to include stone in place of render, the cumulative impact of the changes without overcoming the objections with regards the principle of the proposal still make this development unacceptable on landscape grounds.

iii) Highways:

Concerns have been raised by neighbours in close proximity to the application site that the proposed use will have an adverse impact on highway conditions along Engine Hill, particularly with regards to the increased volume of traffic and the type of vehicles travelling along the road. There is an existing access into the site which is currently located in the south east corner of the field. This is proposed to be permanently closed off and a new access created to the north along the boundary of the site with Engine Hill some 50m from the existing access point. The Head of Highways has assessed the site and is

satisfied that a new access, with acceptable visibility splays can be achieved on site subject to the submission of appropriate details. It is therefore not considered that the proposal would result in an adverse impact on highway safety.

**SUMMARY AND CONCLUSIONS:**

9. The principle of the development is considered unacceptable in this location, and would result in an isolated development within the open countryside. The development would have an unacceptable impact on the rural character of the area and on the distinctive character of the open parkland landscape. There would be no unacceptable impact on highway safety subject to the submission of appropriate details. Whilst the comments relating to employment generation and the need for such a facility are noted, it is not considered that these issues outweigh the policy conflicts.

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

1. It is the view of the Local Planning Authority that the proposal is unacceptable in principle, assessed against policies contained within the Denbighshire Unitary Development Plan and Planning Policy Wales. The proposal would be contrary to criteria vi) of Policy GEN 3 as the case for development is not considered to be an 'exception', and would have an adverse impact upon the natural environment; and criteria ii) c) and d) of Policy EMP 5, as the development does not physically relate to a settlement, would result in an isolated development and a logical new boundary would not be formed. The proposal would be contrary to guidance contained within chapter 7 of Planning Policy Wales in that the site does not adjoin a rural settlement.

2. The site is located adjacent to the Grade II\* Kinmel Park Historic Park & Garden and opposite the Grade II Bodelwyddan Castle Historic Park & Garden and the proposal to form a large complex of modern buildings would be harmful to the character and appearance of the area, resulting in an unacceptable impact on the distinctive character of the open parkland landscape, contrary to Policy ENV 1 and Policy CON 12 of the Denbighshire Unitary Development Plan.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 11

**WARD NO:** Tremeirchion

**APPLICATION NO:** 41/2007/1198/ PF

**PROPOSAL:** Continuation of use of land as car park for church and alteration of existing vehicular access

**LOCATION:** Part OS Field No. 2320 The Glebe Bodfari Denbigh

**APPLICANT:** Bodfari Church Council

**CONSTRAINTS:** PROW  
Conservation Area  
AONB

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

**CONSULTATION RESPONSES:**

62. BODFARI COMMUNITY COUNCIL:  
Awaiting response
63. CONSERVATION OFFICER:  
Awaiting response
64. HEAD OF TRANSPORT AND INFRASTRUCTURE:  
Awaiting response
65. FOOTPATH OFFICER:  
No objections, note to applicant suggested
66. AONB COMMITTEE:  
No objection to the principle but requested consideration to be given to the details of the new stone walls and landscaping.
67. COUNTY ARCHAEOLOGIST  
Awaiting response.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. Ms. G. Denman, 3, Church Terrace, Bodfari
2. S. Beaumont (via e-mail), 4 Church Terrace, Bodfari

Summary of planning based representations:

- i) Impact upon highway safety
- ii) Impact upon amenity of the area
- iii) Concerns over retrospective nature of application

**EXPIRY DATE OF APPLICATION: 24/12/2007**

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

- delay in receipt of key consultation response(s)

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. Retrospective permission is sought for the change of use of land to form a church car park and alterations to the existing access.
2. The application site is located on the northerly edge of the village of Bodfari, outside the defined settlement boundary. The southerly boundary adjoins the rear of the dwellings at Church Terrace and the easterly boundary adjoins St Stephens Church.
3. The scheme involves a splayed access onto the Tremeirchion to Bodfari road. The entrance is to be flanked with random stone walling. The parking area would be surfaced and laid out for the parking of 26 cars. The northerly boundary would be post and wire fence, supplemented by a hawthorn hedge. A gated access is retained to the adjoining field.
4. To the south and east of the car park, public footpath No. 23 is to be retained through the site. Whilst the principle use of the car park would be to serve the Church, it would also be available to the community.

### **RELEVANT PLANNING HISTORY:**

5. 41/2000/0912/PF – Change of use of land from agricultural to form car park for church and alteration of existing vehicular access. GRANTED with conditions 15<sup>th</sup> December 2000.
6. The above planning application expired 15<sup>th</sup> December 2005. Pre-commencement conditions relating to drainage, structural integrity of boundary wall, landscaping, levels and gates were approved in November 2001. Work on the development commenced after 15<sup>th</sup> December 2005, and thus a partially retrospective application has been submitted. The landscaping and stone walling is still to be completed.

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

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 3 – Development Outside Development Boundaries
  - Policy CON 7 – Development Adjacent to Conservation Areas
  - Policy ENV 2 – Development affecting the Area of Outstanding Natural Beauty
  - Policy TRA 9 – Parking and Servicing Provision

GOVERNMENT GUIDANCE  
Planning Policy Wales, March 2002

### **MAIN PLANNING CONSIDERATIONS:**

8.
  - i) Principle
  - ii) Comment on neighbour representations
  - iii) Impact upon archaeology

9. In relation to the main planning considerations identified in paragraph 8 above::
- i) Principle  
It is considered that the application as submitted is identical to that which gained approval in 2000. Since the approval of the previous application there has been no change in circumstances. The same considerations are applicable now as on the previous application and it is considered therefore that the application is acceptable subject to conditions.
  - ii) Comment on neighbour representations  
Much of the neighbour representations involve concerns over the work commencing on this scheme prior to any formal application being submitted. Whilst this is regrettable and never condoned by the Local Planning authority given the planning history of the site and there being no significant change of circumstances in this area of land the retrospective nature of this application is not a reasonable ground in itself to refuse the application. Subject to controls over the detailed finish to walls and landscaping along with conditions to ensure the marking out and public use of the car park the provision of this facility outweighs any concerns raised.
  - iii) Impact upon archaeology  
With regard to the impact the development has upon the potential archaeology of the site it is noted that the ground levels have only been moderately re-graded. No significant excavation has taken place, and therefore it is unlikely that any potential archaeology under the site has been disturbed. It has been discussed with the County Archaeologist, and whilst not condoning the applicants approach to developing the site, it is considered that it is not expedient for the Council to pursue the matter further.

**SUMMARY AND CONCLUSIONS:**

10. Complies with policy; no material planning objections

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of the development, a sample panel of the type of stonework, mortar, and pointing it is proposed to use on the external surfaces of the walls, shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the stonework, mortar and pointing to be used on the walls shall be strictly of the same type, texture and colour as the approved sample panel.
3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used for the kerbs to the car park.
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following 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.

5. The new stone splayed walls to the frontage of the site access shall not exceed 1 metre in height above the level of the adjoining highway and the boundary hedge to the north of the access shall be reduced to 1 metre in height for a distance of 33m prior to the commencement of use of the car park and thereafter retained at a height not exceeding 1 metre.
6. The use of the car park hereby permitted shall not commence until the parking spaces shown on the approved plan have been surfaced and marked out.
7. The car park shall be available for public use at all times.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of highway safety.
6. In the interests of visual amenity.
7. To give effect to part of the justification for the proposal.

**NOTES TO APPLICANT:**

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

**ITEM NO:** 12

**WARD NO:** Dyserth

**APPLICATION NO:** 42/2007/1521/ PF

**PROPOSAL:** Renewal of Application Ref. No. 42/2002/1270/PF comprising erection of detached dwelling and garage and construction of new vehicular access

**LOCATION:** Land At Pentre Bach Farm Lower Foel Road Dyserth Rhyl

**APPLICANT:** Rich Brothers Limited

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. DYSERTH COMMUNITY COUNCIL  
No objection
2. DWR CYMRU/WELSH WATER  
No response
3. HIGHWAYS DEVELOPMENT TEAM  
No response

**RESPONSE TO PUBLICITY:**

Letters of representations received from the following:

1. Keith Sanderson, Y Garth, Lower Foel Road, Dyserth. LL18 6AU.
2. Susann Wadcock, Cobweb Cottage, Lower Foel Road, Dyserth (via e-mail)
3. S. Lovibond, 77, Cwm Road, Dyserth (via e-mail)

Summary of planning based representations:

- i) Concerns over loss of privacy
- ii) Concerns over loss of light

**EXPIRY DATE OF APPLICATION: 20/02/2008**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

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

1. The application is for the renewal of Planning Permission reference no. 42/2002/1270/PF for the erection of a detached dwelling and garage, and construction of new vehicular access on land at Pentre Bach Farm, Lower Foel Road, Dyserth.
2. The site is a former builder's yard within the development boundary of Dyserth measuring approx. 0.07ha. The site comprises a variety of red brick storage



buildings. The surrounding area is characterised by residential dwellings set at different levels.

3. There has been no change in circumstances pertaining to the site and surrounding area since the grant of the last permission.

**RELEVANT PLANNING HISTORY:**

4. 42/2002/1270 – Renewal of application ref: 42/983/97/PF comprising erection of 1 detached dwelling and garage and construction of new vehicular access – GRANT – 28<sup>th</sup> January 2003.

42/983/97/PF – Erection of 1 no detached dwelling and garage and construction of new vehicular access – GRANT – 8<sup>th</sup> January 1998

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 1 – Development within development boundaries  
Policy GEN 6 – Development control requirements  
Policy HSG 3 – Housing Development in Main Villages

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of development
  - ii) Visual amenity impact
  - iii) Residential amenity impact
7. In relation to the main planning considerations:
  - i) The site is located within the development boundary of Dyserth. As such, the proposal complies with Policy HSG 3, which states that housing development should be kept within main village centres. Furthermore, the principle of developing the site has been established in the previous permissions and there have been no change in circumstances or planning policy in the area since January 2003.
  - ii) The site currently consists of red brick storage buildings which it is proposed to demolish. It is considered that the demolition of these buildings and the erection of a dwelling of this design and character would improve the visual appearance of the area.
  - iii) In general terms, spacing between existing dwellings nearby and the proposed dwelling is acceptable and there are no issues of concern relating to the impact on the privacy of existing residents in the area. The proposed dwelling has been provided with sufficient amenity standards and overall would not result in an adverse impact on the visual amenities of the area or street scene. The land around the site varies in terms of levels, however, the intended dwelling levels, as indicated on the original scheme, generally follow the topography of the site blending in with those around.

It is considered that the proposal complies with criteria contained in Policy GEN 6 of the Unitary Development Plan.

**SUMMARY AND CONCLUSIONS:**

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

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of the development hereby permitted the written approval of the Local Planning Authority shall be obtained in respect of siting and design of new vehicular access to the site, the access to be designed to serve both the application site and the adjacent land indicated in the applicants ownership. The access details shall include for improvements to visibility across the whole of the site frontage including both the application site and the remaining land in the applicants ownership to include for a modified stone wall to the frontage and improved visibility. The new access and associated improvements shall be completed prior to the occupation of the dwelling hereby permitted.
3. All existing accesses to the site which are capable of use by vehicles shall be closed immediately the junction between the proposed access road and the highway has been constructed to the standard agreed pursuant to other conditions of this permission. Prior to the closure taking place details of the method of closure shall be submitted to and agreed in writing with the Local Planning Authority.
4. No entrance gates shall be hung across the proposed access within 6 metres of the edge of the nearside carriage way and any that are provided shall be arranged to open only inwards into the site.
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 the 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. The dwelling shall not be occupied until its parking space and the access thereto have been laid out in accordance with the approved plans.
8. 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.
9. There shall be no discharge of surface water to the combined sewer system.

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 in the interests of highway safety the Local Planning Authority may

control the matter referred to.

3. In the interests of highway safety.
4. In the interests of highway safety.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. In order that adequate parking facilities are available within the curtilage of the site.
8. In the interests of visual amenity.
9. There is insufficient capacity in the existing drainage system to cater for additional surface water flow.

**NOTES TO APPLICANT:**

You are advised to contact Dwr Cymru/Welsh Water in relation to this proposal. They can be contacted on 01443 331155.

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

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

The applicant is advised to seek separate consent under Highway Regulations for the stopping up of any highway land adjacent to the existing access to the site.

**ITEM NO:** 13

**WARD NO:** Prestatyn South West

**APPLICATION NO:** 43/2007/1305/ PC

**PROPOSAL:** Retention of balcony at rear of dwelling

**LOCATION:** 33 Alexandra Drive Prestatyn

**APPLICANT:** Mr T.J Myatt

**CONSTRAINTS:** Article 4 Direction

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

**CONSULTATION RESPONSES:**

68. PRESTATYN TOWN COUNCIL  
No objection

**RESPONSE TO PUBLICITY:**

Letters of representations received from:

1. Mrs. B. Mellor, 35, Alexandra Drive, Prestatyn (occupier)
2. Mr J. M. Mellor, 35 Alexandra Drive, Prestatyn (owner)

Summary of representations:

- i) Loss of privacy
- ii) Inappropriate design
- iii) Impact on the character of the area

**EXPIRY DATE OF APPLICATION: 10/03/2008**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

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

1. No. 33 Alexandra Drive is a large detached bungalow located on the eastern side of Prestatyn. The surrounding area is characterised by similar bungalows with front gardens and side driveways, to the rear is open agricultural land which lies outside the development boundary.
2. Permission is sought for the retention of a balcony at the rear of the property. The balcony measures 4.15m in width and 2.2m in depth formed by utilising the flat roof over the existing dining room which projects to the rear. Stained timber balustrades form the balcony area. Access to the balcony is from a door located to the first floor bedroom.
3. This application has been generated as a result of an enforcement investigation.

**RELEVANT PLANNING HISTORY:**

4. None.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2003)  
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.
- i) Principle of the proposal
  - ii) Residential amenity
  - iii) Visual amenity
7. In relation to the main planning considerations above:
- i) Principle of the Proposal  
In relation to the principle, policies HSG 12 and SPG1 allow for extensions or alterations to dwelling houses providing the proposal follows set criteria. The specific impacts are assessed in the following paragraphs.
  - ii) Residential amenity  
Due to the close proximity of the balcony to the boundary of no's. 33 and 35 Alexandra Drive it is considered that overlooking will occur to an unacceptable level which will impact upon the private amenity space of the residents of no. 33 Alexandra Drive. Therefore the proposal is contrary to policy GEN6 criteria v) and criteria iii) of Policy HSG 12 of the Denbighshire Unitary Development Plan which seek to minimise impacts upon neighbouring dwellings.
  - iii) Visual appearance  
The introduction of a balcony in an area characterised by bungalows is not acceptable. The materials are of a low standard, out of keeping with the dwelling and the character of the area. Although located at the rear of the dwelling, the side of the balcony is visible from the street. This wider visual impact further exacerbates the concerns over the appearance of the balcony. As such the proposal is contrary to criteria i) of Policy GEN6 and criteria ii) of Policy HSG12 of the Denbighshire Unitary Development Plan as well as guidance contained within SPG1.

**SUMMARY AND CONCLUSIONS:**

8. The proposal does not comply with policy and is considered unacceptable, as such the proposal is recommended for refusal

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

1. It is considered that the proposal to retain the balcony is unacceptable. It is considered that the proposal will have an adverse impact upon the residential amenity of the neighbouring occupiers. Furthermore, the design and materials of the balcony do not respect the site and surroundings. As such the proposal is contrary to policies GEN6 criteria i) and v) and HSG 12 criteria ii) and iii) of the Denbighshire Unitary Development Plan along with guidance contained within SPG1.

**NOTES TO APPLICANT:** None

**ENFORCEMENT REPORT FOLLOWS**

**PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2008/00030  
**LOCATION:** 33 Alexandra Drive Prestatyn  
**INFRINGEMENT:** Unauthorised developments (balcony)

**RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
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  
Technical Advice Note Wales (9) – Enforcement of Planning Control

**HUMAN RIGHTS CONSIDERATIONS**

The provisions of Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development and other related matters. In this instance the matters under consideration relate to the right of an owner to erect an unauthorised balcony. It is considered that these rights are outweighed by policy considerations that seek to ensure any development is controlled.

**1. BACKGROUND INFORMATION**

- 1.1 On the 12<sup>th</sup> September 2007 it was drawn to the Local Planning Authorities attention that a balcony had been constructed to the rear of No. 33 Alexandra Drive, Prestatyn.
- 1.2 On the 17<sup>th</sup> September 2007 a site visit was undertaken to establish the case details.
- 1.3 On the 18<sup>th</sup> September 2007 a letter was sent to the owner stating that a planning application be submitted to retain the unauthorised balcony as it did not constitute permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
- 1.4 A valid application was received on the 15<sup>th</sup> January 2008. The application was deemed to have a detrimental impact upon the residential and visual amenity of the dwelling house and surrounding area.
- 1.5 Given the circumstances of the case, it is now necessary to pursue enforcement action in order to remove the balcony in question.

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

- 2.1 The unauthorised development has been carried out within the last four years.
- 2.2 Planning permission has been applied for but is recommended to be refused.
- 2.3 It is considered that the proposal to retain the balcony is unacceptable. The proposal will have an adverse impact upon the residential amenity of the neighbouring residents by reason of overlooking. Furthermore, the design and materials of the balcony do not respect the site and surroundings. The balcony fails to comply with criteria ii) and iii) of Policy HSG12 as well as criteria i) and v) of Policy GEN6 of the Denbighshire Unitary Development Plan.

### **3. RECOMMENDATION**

- 3.1 That authorisation to be granted for the following:
  - i) Serve an Enforcement Notice to secure the removal of the unauthorised balcony located to the rear of the dwelling
  - ii) Instigate prosecution proceedings, or the appropriate action under the Planning Act against the person or persons upon whom an Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
  - iii) Period of compliance: 6 months

**ITEM NO:** 14

**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 0800-0130 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:**

4. PRESTATYN TOWN COUNCIL  
"Objection – Present hours considered satisfactory".
5. COMMUNITY SAFETY OFFICER  
Awaiting comment.
6. DENBIGHSHIRE LICENSING SECTION  
Confirm that in the absence of any informal representations from responsible authorities, the application was granted as applied for on 23<sup>rd</sup> January 2008. This effectively extended the licensable activities to 0100 hrs on Friday / Saturday leading to a 0130 hrs closing on these days.

**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. The application is brought before the committee due to an error in the original description of the opening hours for Friday and Saturday.
2. No. 29- 33/33A High Street now known as The Clwydian is located to the east side of High Street on the lower end and is currently in use as a public house / restaurant. The general area is characterised by a mix of commercial uses.
3. 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.*

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

*0800 – 0030 Sundays – Wednesdays*

*0800 – 0100 Thursdays*

*0800 – 0130 Fridays and Saturdays*

**RELEVANT PLANNING HISTORY:**

5. 43/2006/0965/PF- Change of use from Class A1 to A3 Café Bar. Granted 26<sup>th</sup> 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 21<sup>st</sup> August 2007.

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> 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 commercial 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 establishments in the area, the proposal is considered acceptable. It is noted that other premises on the High Street with similar uses have licensing and opening hours in line with the current proposal.
  - ii) Crime and disorder.  
It is to be noted that a Licensing application was submitted on the 17<sup>th</sup> December 2007 for the variation of the licensable activities (10.00 – 00.00 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. The opening hours are 30 minutes later than those for licensable activities, such as purchasing drinks. As such for Sunday – Wednesday (1000hrs –

0000hrs) and Friday – Saturday (1000hrs – 0100hrs) the licence is in line with the proposed opening hours. However, the only day where the current licence does not tie in with the proposed hours is Thursday. The licence for this day goes up to 0000hrs which would allow opening until 0030hrs. The applicant seeks an opening until 0100hrs for this day. Given the location of the site as described and the agreed hours for the other days there is no objection to this variation in principle. However, a further variation to the licence would be required should the applicant wish to undertake licensable activities until 0030hrs on a Thursday.

**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 only be open to the public between the following hours:

0800 Sunday	-	0030 Monday
0800 Monday	-	0030 Tuesday
0800 Tuesday	-	0030 Wednesday
0800 Wednesday	-	0030 Thursday
0800 Thursday	-	0100 Friday
0800 Friday	-	0130 Saturday
0800 Saturday	-	0130 Sunday

1. The premises shall only be open to the public between the following hours

08.00 Sunday - 00.30 Monday  
08.00 Monday - 00.30 Tuesday  
08.00 Tuesday - 00.30 Wednesday  
08.00 Wednesday - 00.30 Thursday

08.00 Thursday - 01.00 Friday

08.00 Friday - 01.30 Saturday  
08.00 Saturday - 01.30 Sunday

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

1. In the interests of amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 15

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2008/0100/ TP

**PROPOSAL:** Crown reduction of horse chestnut tree subject to Tree Preservation Order No. 1, 2004

**LOCATION:** 15 Tirionfa Rhuddlan Rhyl

**APPLICANT:** D Lee

**CONSTRAINTS:** Tree Preservation Order  
Section 106

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

**CONSULTATION RESPONSES:**

## 69. RHUDDLAN TOWN COUNCIL

Object – “It was further agreed that the following application be refused as it is considered that the proposed works would seriously damage the condition of the tree and works are not considered necessary because the tree is already above the height of the nearest property and does not pose a threat to its safety.”

## 70. PRINCIPAL COUNTRYSIDE OFFICER

No objections to the proposed works

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 24/03/2008**

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

1. The application seeks permission to crown reduce 1no. Horse Chestnut tree by approximately 25%. The reasons given for the proposed works are to maintain the tree at an appropriate size and to maintain the required clearance height for vehicles on the adjacent carriageway and access.
2. The tree is located to the front of no. 15 Tirionfa in Rhuddlan. No. 15 is a large detached dwelling located on the west side of the new residential development.

**RELEVANT PLANNING HISTORY:**

3. 44/2003/0006/PF – Demolition of school and erection of 20no. dwellings – GRANTED – 31/03/04

**PLANNING POLICIES AND GUIDANCE:**

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

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Visual amenity impact / principle
6. In relation to the main planning consideration noted in paragraph 5 above:
  - i) The proposed 25% crown reduction of the Horse Chestnut will not have any significantly negative impact upon the visual amenity of this tree. The Principal Countryside Officer does not consider the works would damage the tree in any way and it is considered the proposal complies with Policies GEN 6 and ENV 7.

**SUMMARY AND CONCLUSIONS:**

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

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

1. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.
2. No more than 25% crown reduction shall take place on the Horse Chestnut tree.

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

1. In the interests of good arboricultural practice.
2. In the interests of good arboricultural practice.

**NOTES TO APPLICANT:**

None

<b>ITEM NO:</b>	16
<b>WARD NO:</b>	Rhyl South East
<b>APPLICATION NO:</b>	45/2007/1233/ PR
<b>PROPOSAL:</b>	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
<b>LOCATION:</b>	Land at Rhyl South East between Bro Deg and Dyserth Road Rhyl
<b>APPLICANT:</b>	Anwyl Construction Company Ltd.
<b>CONSTRAINTS:</b>	C2 Flood Zone Article 4 Direction
<b>PUBLICITY UNDERTAKEN:</b>	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 objections to proposals as revised, for 26 affordable units as part of this phase.
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. Consideration of the application was deferred at officer's request at the February 2008 meeting to allow opportunity for clarification of issues including the distribution of affordable houses within this and subsequent phases of the development.
2. 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.
3. 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.

4. 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.
5. 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:**

6. 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 22<sup>nd</sup> November 2006 with Section 106 agreement.

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> 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:**

8.

- 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

9. 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. Issues such as impact on local schools cannot, respectfully be taken into account at reserved matters stage.
- 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 50<sup>th</sup> dwelling:**
  1. Complete LEAP and associated public open space and landscaping
- **Prior to the occupation of the 100<sup>th</sup> 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

The questions of phasing and the staged completion of the works outlined above are not for consideration as part of this application, which involves solely the details of siting, design, external appearance, and landscaping of the Phase 1 development.

iii) Amenity impact on existing residential development

The proposed dwellings within phase 1 would be located to the north eastern part of the site (see plans at the front of the report). The only existing residential development affected by the proposal are properties 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. The principles and details of these arrangements can not be revisited at this stage.

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 conjunction with the Head of Housing and the Registered Social Landlords, the affordable need for the whole site was calculated at 60 units as part of the outline consent, and the split of units is agreed as part of the Section 106 agreement:-

- 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.

The number and distribution of affordable units within phase 1 has been clarified with the applicants. It is now proposed to include a total of 26 units within this phase, in the form of 17 units rented from Pennaf, and 9 low cost home ownership units, located in 6 clusters within the site. The remaining 34 units would be spread across subsequent phases of the Rhyl South East development, which will accommodate in the order of 140 further dwellings. The arrangements are acceptable to Pennaf and the Housing Strategy Manager, and meet the aim of integrating the Affordable Housing into the scheme.

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.

ix) 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.

x) 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.

xi) 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 100<sup>th</sup> dwelling, the land for the community centre/school would be transferred to the Council prior to the occupation of the 150<sup>th</sup> dwelling, the linear park would be completed prior to the occupation of the 275<sup>th</sup> 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.

xii) 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.

10. In clarification of a question raised at the February 2008 Committee, there are no existing buildings on the site. It is understood that an old bungalow was demolished some time ago following a fire, along with nearby outbuildings.

**SUMMARY AND CONCLUSIONS:**

11. 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:** 17

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2007/1396/ PC

**PROPOSAL:** Continuation of use of land for pheasant rearing and retention of pens

**LOCATION:** Fields at Pen-y-Mynydd Bach Rhualt St. Asaph

**APPLICANT:** Mr E G Cunnah

**CONSTRAINTS:** Wildlife Site  
AONB

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

**CONSULTATION RESPONSES:**

1. TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL:  
"As the pens are highly visible within an AONB and Offa's Dyke, we recommend that planning only permitted if suitable screening is planted as soon as possible."
2. AONB JOINT ADVISORY COMMITTEE:  
"The JAC deplores the fact that this is a further retrospective application in this area, and considers this prominent site when viewed from the Offa's Dyke Path and A55 to be completely inappropriate for this development. The JAC has no objection to the principle of the development but would strongly recommend that the pens be relocated to a less visibly prominent location and that additional screen landscaping be carried out. If the planning authority is minded to approve this development, the JAC would strongly recommend a comprehensive scheme of landscaping to screen the pens and a more appropriate roof colour."
3. PRINCIPAL COUNTRYSIDE OFFICER:  
"I have looked at this site. Whilst the pens and other structures have no adverse effect on trees or on the adjacent woodland there is clearly a landscape issue. They are prominent when seen from the Offa's Dyke National Trail which passes close by and also when viewed from the roads on the south side of the A55 especially in the vicinity of Toledo farm. Whilst on site I noted three elevated lines with coloured plastic bags attached, one near the pheasant pens and the others further west and a little lower down the slope. Standing at around 5 metres high and maybe 30-40 metres long these are unsightly, the more so alongside the National Trail. Maybe Compliance could investigate these?"

**RESPONSE TO PUBLICITY:**

None.

**MEMBERS' COMMENTS:**

None.

**EXPIRY DATE OF APPLICATION: 14/01/2008**

## **REASON FOR DELAY IN DECISION:**

### **PLANNING ASSESSMENT:**

#### **THE PROPOSAL:**

1. The site is located in a remote location which is reached via a partly made track along which runs the route of the Offa's Dyke National Trail. The siting of the pens is up a slope from the footpath at a point to the front of the woodland. The range of visibility of the pens is significant to all directions, standing as they do on a hillside.
2. The application seeks retrospective consent to retain the pens and sheds which have been erected across a 200 metre wide strip of land fronting the woodland, with the woodland itself utilised for the rearing of pheasants. Each of the sheds abut a pen which is formed by wire fencing, with each shed having a freestanding gas bottle adjacent to it facing the footpath utilised for heating the sheds.
3. The details submitted with the application is comprised only of a 1:2500 scale location plan along with four black and white photographs. A letter was sent to the applicant on 10 January 2008 requesting the submission of elevations of the sheds, details of materials, a site layout indicating the position of the sheds and pens and the total number of sheds proposed. Two further plans have been submitted in response to this letter, a drawing has been received of the elevations of a shed and a 1:10000 scale plan showing the pheasant rearing area fronting the woodland. A letter has also been received detailing the materials and confirming 28 huts are proposed.

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

4. 47/2004/0181/PC - Retention of grain silo (retrospective application): Refused on the grounds of adverse visual impact on the AONB and the Offas Dyke National Trail.

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

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 3 - Development outside Development Boundaries  
Policy ENV 2 - Development affecting the AONB  
Policy ENV 5 – Sites of Nature Conservation Importance

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales March 2002

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

6. The main issues raised by the proposal are:
  - i) Visual appearance and impact on the appearance of the AONB
  - ii) Lack of information
7. In relation to the considerations listed in paragraph 6:
  - i) Visual appearance and impact on AONB  
Policy ENV 2 does not allow any development which is adjudged to detract from the character and appearance of the AONB. In terms of visual appearance, the pens and sheds are not attractive and given that they stand within an open area up the hillside from the Offa's Dyke National Trail they are considered to detract significantly from the area. In addition, given the strong objection made by the JAC and the Principal Countryside Officer the structures are considered to be wholly unacceptable.

ii) Lack of Information

The application is devoid of any justification for the development and notwithstanding the additional information submitted on 14<sup>th</sup> February lacks sufficient detailed plans showing the positions of the sheds, pens and accompanying paraphernalia for permission to be granted.

**SUMMARY AND CONCLUSIONS:**

8. The application is unacceptable and is recommended to be refused on the grounds of detriment to the AONB and a lack of information.

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

1. The pens, sheds and accompanying paraphernalia stand in a prominent location within the AONB and close to the Offa's Dyke National Trail. Accordingly, the structures are adjudged to cause substantial harm to the visual amenities and character of the AONB and the Offa's Dyke National Trail and is therefore contrary to Policy ENV2 of the Denbighshire Unitary Development Plan.
2. Insufficient information has been submitted to provide any justification for the development and the application lacks sufficient detail showing the positions of the sheds, pens and accompanying paraphernalia for permission to be granted.

**NOTES TO APPLICANT:**

None

**ENFORCEMENT REPORT FOLLOWS**

**PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2008/00029  
**LOCATION:** Land at Pen-y-Mynydd Bach, Rhualt, St. Asaph  
**INFRINGEMENT:** Unauthorised Development - Pheasant Rearing Huts

**RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 3 – Development outside Development Boundaries

Policy ENV 2 – Development affecting the AONB

Policy ENV 5 – Sites of Nature Conservation Importance

**GOVERNMENT GUIDANCE**

Planning Policy Wales March 2002

**HUMAN RIGHTS CONSIDERATIONS**

The provisions of the Human Rights Act 1998 are taken into account when considering taking action against breaches of planning control. In this instance the matters under consideration relate to the rights of an individual to erect pheasant rearing huts in the open countryside. These rights are outweighed by policy considerations that seek to ensure that any new development takes place within development boundaries and without detrimentally affecting the AONB.

**1. BACKGROUND INFORMATION**

- 1.1 This site was drawn to the attention of Planning Services as a result of a complaint that pheasant rearing huts had been erected in a prominent location on land within the AONB to the north-east of the village of Rhualt. The site is located a hillside on open agricultural land accessed by a track which also carries the Offas Dyke Path.
- 1.2 A site visit revealed that 20 no. pheasant rearing huts and a keeper's hut had been erected in a field bordered by woodland to the north and facing the A55 route, which lies to the south. The line of huts extends to a distance of some 200 metres and is clearly visible for some distance from the south aspect including the A55 route.
- 1.3 On the basis that the land is agricultural and that pheasant rearing is not classed as an agricultural use in planning terms, an application for planning permission for a change of use of the land to pheasant rearing would be required.
- 1.4 Following communication with the person responsible and his agent an application was eventually forthcoming. The application included a proposal to increase the number of pheasant rearing huts to 28 no. This has been processed with a recommendation to Planning Committee for refusal.



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

- 2.1 The unauthorised change of use of the land has taken place within the last ten years.
- 2.2 The land in question is located within the AONB and is adjacent to the Offas Dyke Path. The location and design of the pheasant rearing huts detracts from the visual amenity of the area contrary to Policy ENV 2.
- 2.3 It is considered that the imposition of conditions, in relation to screening, attached to any planning permission, would not alleviate the concern.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the removal of the pheasant rearing huts and keeper's hut from the land.
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
  - (iii) Period for compliance; 4 months.

**ENFORCEMENT MATTERS**

- (i) **ENF/ 2007/00097 :**  
Moreville Hotel, East Parade, Rhyl  
Unauthorised smoking canopy
  
- (ii) **ENF/2008/00023:**  
School House, Prion, Denbigh  
Unauthorised engineering operation/excavation of material

Heading:

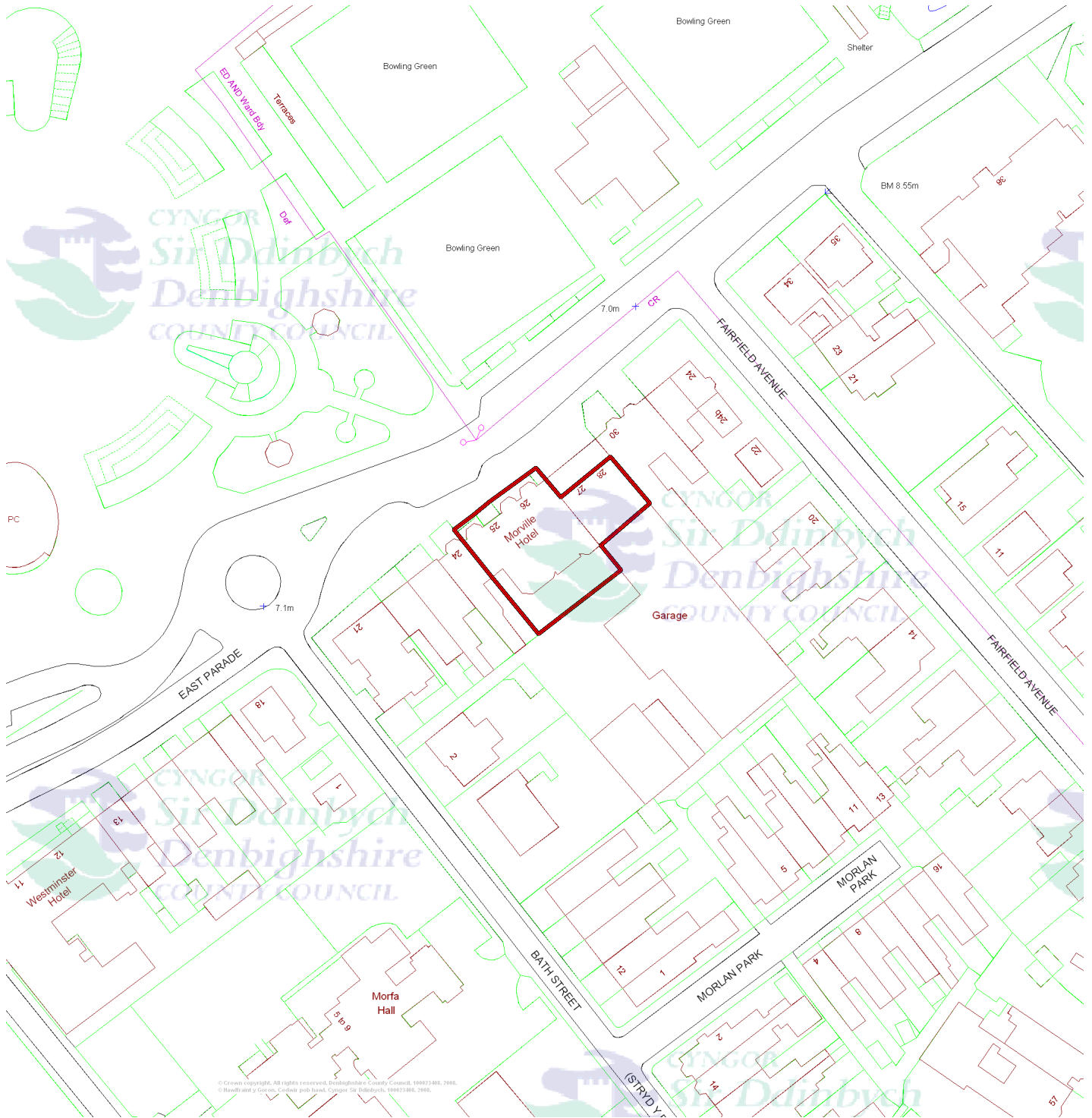
ENF/2007/00097  
MORVILLE HOTEL  
25 EAST PARADE, RHYL

Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ  
Tel: 01824 706800 Fax: 01824 706709



Date 3/3/2008  
Centre = 300939 E 381756 N

Scale 1/1250



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© Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2008.

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2007/00097  
**LOCATION:** Morville Hotel, 25 East Parade, Rhyl  
**INFRINGEMENT:** Unauthorised smoking canopy

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

#### **DENBIGHSHIRE UNITARY DEVELOPMENT PLAN**

Policy GEN 1 – Development within development boundaries  
Policy GEN 6 – Development control requirements

#### **GOVERNMENT GUIDANCE**

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

#### **HUMAN RIGHTS CONSIDERATIONS**

The rights of a person(s) to erect a smoking canopy 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 consists of a long established public house and hotel located on East Parade, North Rhyl. It is a three storey premises set slightly back from the road.
- 1.2 The unauthorised erection of a smoking canopy was reported to an Enforcement Officer in October 2007. Subsequent visits have been made to the premises and the owner has been advised that it is unacceptable for the smoking canopy to be permanently sited at the premises.

### **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 controls, in this instance, would not overcome the harm of the smoking shelter on the adopted UDP policies, which seek to control development.
- 2.2 Furthermore, the permanent siting of the smoking shelter would represent a visually harmful development in the street scene. It does not respect the surrounding area in terms of siting, design and materials.

- 2.3 The erection of the smoking shelter is considered to be contrary to the planning policies referred above.

### **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a **3 month** compliance period, ordering for the removal of the smoking shelter.
- 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.

Heading:

ENF/2008/00023  
SCHOOL HOUSE  
PRION, DENBIGH

Graham Boase  
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Denbighshire County Council  
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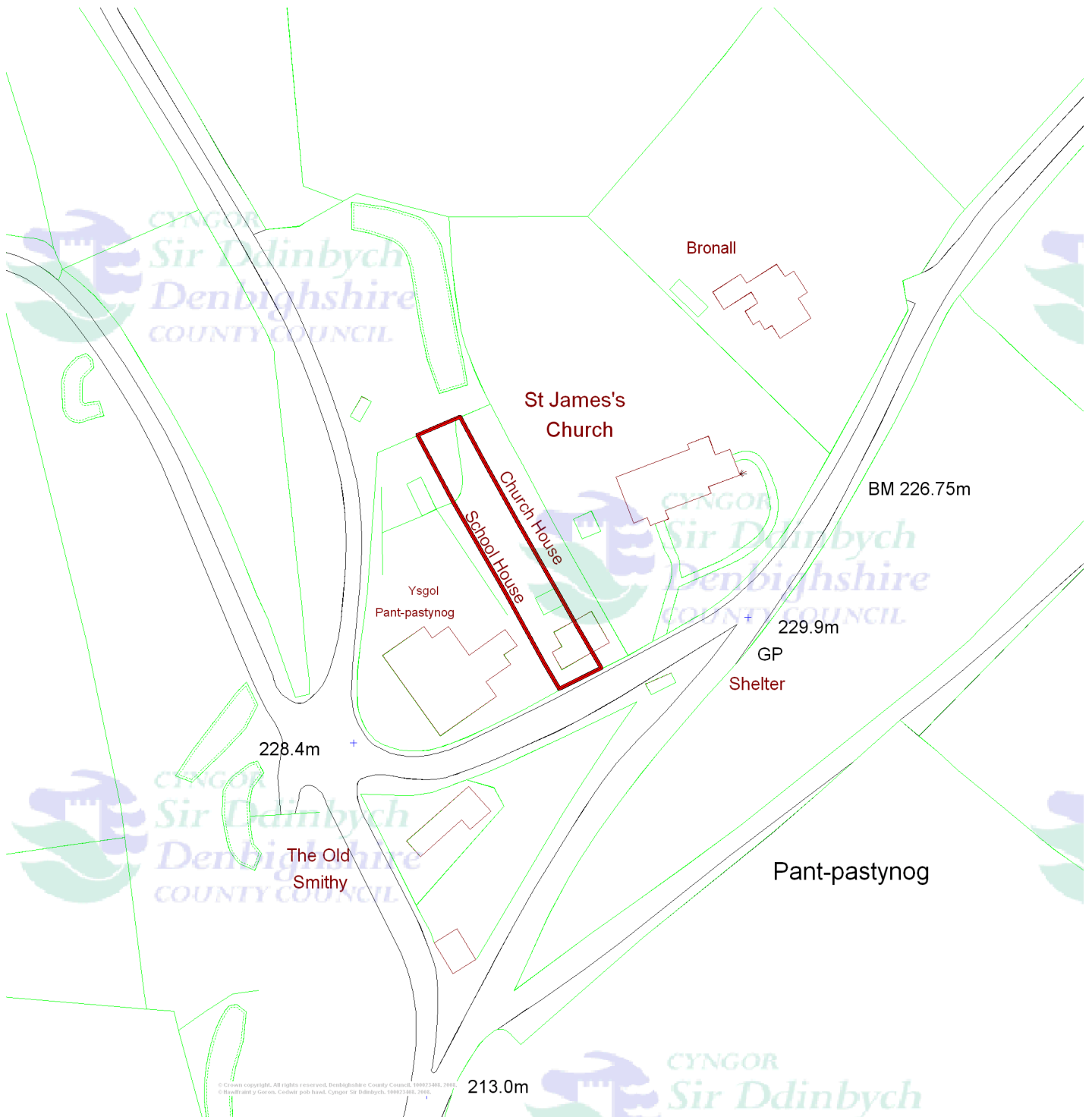
The Site



Date 5/3/2008

Scale 1/1250

Centre = 304673 E 361817 N



**PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2008/00023  
**LOCATION:** School House, Prion, Denbigh  
**INFRINGEMENT:** Unauthorised Engineering Operation / Excavation of Material

**RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 6 – Development Control Requirements  
Supplementary Planning Guidance Note No. 2 – Landscaping

**GOVERNMENT GUIDANCE**

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

**HUMAN RIGHTS CONSIDERATIONS**

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development and other related matters. In this instance these matters relate to the rights of a land owner to undertake an unauthorised engineering operation to the extent that it adversely impacts upon the amenity of the area. It is considered that these rights are outweighed in that the unauthorised engineering operation is unacceptable in the general public interest, as it is contrary to the relevant planning policies.

**1. BACKGROUND INFORMATION**

- 1.1 School House, Prion is a semi-detached property neighbouring Church House to the east and the local primary school to the west. During July 2007 concern was expressed regarding an on-going engineering operation to the rear of School House.
- 1.2 Following a site visit it appeared that the owner of School House was in the process of creating a vehicular access at the rear of the property. Subsequent visits were made to the address in an attempt to discuss the concerns with the occupants; there was no response at the property, but the work appeared to have ceased.
- 1.3 Following further failed attempts to contact the property owner, on the 20 September 2007, a Planning Contravention Notice was served at the address by recorded delivery. The questionnaire was subsequently returned detailing the work undertaken was 'general garden maintenance'.
- 1.3 During October 2007 further unauthorised work commenced to the rear of School House, involving a degree of excavation amounting to an engineering operation, which would accordingly require planning permission.
- 1.3 On the 30 October 2007, a letter highlighting the need for planning permission was forwarded to the owner of School House. As no reply was received, further letters seeking a response, dated the 3 December and 18 December 2007, were sent to the address.

- 1.4 As no response has been received, further visits have been made to the address, but unfortunately no contact made with the owner. On the 6 February 2008, a further site visit revealed that additional unauthorised excavation work had been undertaken.
- 1.5 It is clear that an excavation and ground level change to this extent represents an engineering operation and requires planning permission. No such application has been made.

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

- 2.1 The development has been undertaken within the last four years.
- 2.2 The property known as School House is located in a prominent pleasant rural location between St James's Church and Ysgol Pant Pastynog, Prion. The unauthorised engineering operation and such a significant excavation of material, from what is a residential garden area, imposes upon the visual amenity of the site and surroundings causing detriment to the character and appearance of the area.
- 2.3 The excavation work undertaken is contrary to Policy GEN 6 and SPG Note No. 2 as it is not considered to respect the site and surroundings in terms of aspect unacceptably affecting the form and character of the landscape.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the re-instatement of the garden at original ground levels.
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
  - (iii) Period for compliance; 4 months.