

# 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.

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 1af Hydref 2008**  
**Eitem: 2**

**PLANNING COMMITTEE**  
**MEETING - 1st October 2008**  
**Agenda Item: 2**

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

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

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

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

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

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

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

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

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



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PLANNING COMMITTEE  
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**ITEM NO:** 1

**WARD NO:** Trefnant

**APPLICATION NO:** 31/2008/0943/ PC

**PROPOSAL:** Retention of existing balcony at rear of dwelling (Retrospective application)

**LOCATION:** 6 Mairwen Cefn St. Asaph

**APPLICANT:** Mr Douglas

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

CEFNMERIADOG COMMUNITY COUNCIL  
"No objections"

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. Mrs. Y. Katrancioq, 4, Mairwen, Cefn, St. Asaph

Summary of planning based representations:

- i) Overlooking and loss of privacy
- ii) Impact on visual amenity

**EXPIRY DATE OF APPLICATION: 12/10/2008**

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

1. This application is a retrospective submission for the retention of a balcony erected to the rear of the dwelling.
2. The balcony measures 2.9m in width and 1.3m deep supported by two supports attached to the ground, and measures 3.1m to its floor level, with an overall height of 4.8m to the top of the balustrade, which has open vertical and horizontal bars on all elevations. The structure has been erected off the extended part of the dwelling and is accessed off a bedroom located on the rear side of the property adjacent to the boundary with 7, Mairwen.
3. The application site comprises a two storey semi detached dwelling located in the open countryside of Cefnmeiriadog. The property is located in a row of 4 pairs of semis of the same design with open fields to the front, sides and rear of the dwellings. The property has a large rear garden, with a projection of approx. 30m to its rear boundary and in the rear garden are two detached domestic outbuildings. The property is bounded to the front by a 1.2 m high hedge and side boundary with no 7 Mairwen, by 1.5 m high hedging. Following the grant of planning permission by the Planning Committee in June 2005, a 2 storey extension has been erected to the side of the property.
4. This application has been generated as a result of an enforcement investigation.

**RELEVANT PLANNING HISTORY:**

5. 31/2005/0391/PF - Erection of extension to existing dwelling GRANTED 22<sup>nd</sup> June, 2005

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 Development Control Requirements  
Policy HSG 12 Extensions to Dwellings

SPG 1: Extensions to Dwellings

GOVERNMENT GUIDANCE  
Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Impact on residential amenity
  - ii) Impact on visual amenity
8. In relation to the main planning considerations above:
  - i) Impact on residential amenity  
Due to the close proximity of the balcony to the boundary of 7 Mairwen and the orientation of the properties it is considered that unacceptable overlooking would arise in relation to the private amenity space of the residents at 7 Mairwen. The proposal is contrary to criteria v) of Policy GEN 6 and criteria iii) of Policy HSG 12 of the Denbighshire Unitary Development Plan which seeks to minimise impacts upon neighbouring dwellings.
  - ii) Impact on visual amenity  
The materials used are sympathetic and in keeping with those on the original dwelling and as the balcony is located to the rear of the property it is not considered that there would be any adverse impact on visual amenity.

**SUMMARY AND CONCLUSIONS:**

9. The proposal does not comply with policy and it is considered that the use of the balcony would result in an unacceptable impact on the residential amenity of neighbours.

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

1. It is considered that the balcony is an inappropriate development, as it creates the potential for unacceptable overlooking of the private amenity space of No. 7 Mairwen, reducing the residential amenity of occupiers, contrary to criteria v) of Policy GEN 6 and criteria iii) of Policy HSG 12 of the Denbighshire Unitary Development Plan along with guidance contained within Supplementary Planning Guidance Note 1.

**NOTES TO APPLICANT: None**



## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2008/00091  
**LOCATION:** 6 Mairwen, Cefnmeiriadog, St. Asaph  
**INFRINGEMENT:** Erection of Balcony

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

#### DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy HSG 12	–	Extensions to Dwellings
Policy GEN 6	–	Development Control Requirements
Supplementary Policy Guidance Note 1	–	Extensions to Dwellings

#### GOVERNMENT GUIDANCE

Planning Policy Wales - March 2002

#### HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action in relation to unauthorised development. In this case the matter under consideration relates to the rights of a land owner to erect a first floor balcony to the rear elevation of a dwelling without the requisite authority to do so. These rights are outweighed by the general public interest and the need to exercise general development control. No claim has been made in respect of Human Rights.

### **1. BACKGROUND INFORMATION**

- 1.1 The property in question is a two storey semi-detached dwelling located in the open countryside of Cefnmeiriadog. The property is located in a row of four pairs of semi-detached houses of the same design with open fields to the front, sides and rear of the dwellings. The property has a large rear garden, with a projection of approximately 30 metres to its rear boundary and in the rear garden are two detached domestic outbuildings.
- 1.2 On the 29 July 2008, a complaint was received within Planning Services to the effect that the owner of 6 Mairwen had erected a first floor balcony, which compromised the privacy of neighbouring houses. A site visit was undertaken on the 4 August 2008, which confirmed the presence of a balcony as described.
- 1.3 On the 5 August 2008, a letter was forwarded to the owner of the property outlining that planning permission was required for the balcony structure and that if the owner wished to retain it, an application for its retention would be required.
- 1.4 On the 18 August 2008, an application for planning permission to retain the balcony structure was received at Planning Services (code 31/2008/0943/PC). This is recommended for refusal.

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

- 2.1 The unauthorised development has been undertaken within the last four years.
- 2.2 Due to the close proximity of the balcony structure to the boundary of the neighbouring property at 7 Mairwen and orientation of the properties, it is considered that 'overlooking' will occur to an unacceptable level which will impact upon the private amenity space of the residents at 7 Mairwen. As such the proposal is contrary to criteria v) of Policy GEN 6 and criteria iii) of Policy HSG 12 of the Denbighshire Unitary Development Plan which seeks to minimise impacts upon the residential amenity of neighbouring dwellings.
- 2.3 The imposition of planning conditions as part of any grant of planning permission would not overcome the highlighted concerns.
- 2.4 The owner's intention to retain the structure is evidenced by the submission of an application for planning permission.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the removal of the balcony and supporting structure.
  - (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 3 months.

**ITEM NO:** 2

**WARD NO:** Tremeirchion

**APPLICATION NO:** 41/2008/0331/ PF

**PROPOSAL:** Substitution of house types, minor re-siting of dwellings and associated garages previously approved under code no. 41/2004/0395/PF

**LOCATION:** Land adjacent to Banc Y Chwarel Bodfari Denbigh

**APPLICANT:** Wraysbury Homes Ltd.

**CONSTRAINTS:** AONB

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

#### **CONSULTATION RESPONSES:**

##### **BODFARI COMMUNITY COUNCIL**

"I think we need to suggest that the path proposed is put forward for adoption by DCC. This would ensure that 1) it would fully comply with the specifications for DCC rights of way and therefore steps would not be allowed, 2) from the outset it would be of the correct specification, rather than it having to be upgraded for later adoption by DCC, 3) it would ensure that in future year's maintenance would be assured. It may prove difficult to determine which persons are responsible for the path otherwise."

##### **HIGHWAYS**

No objection subject to conditions

##### **AONB COMMITTEE**

The JAC welcomes the revised house designs which better reflect the character of the AONB. The roofing material has not been specified but the JAC would recommend that this should be natural slate. The introduction of new hedges is also welcomed, which should be a traditional mixture of 75% Hawthorn, supplemented with Hazel, Field Maple, holly and dog rose. Conditions should be imposed to ensure that existing and new boundary hedges and trees should be appropriately protected and maintained. The JAC is still concerned about the lack of integration between the affordable housing and remainder of the site, particularly the visual impact of the proposed timber close boarded fence to plot 6, which is recommended should also be a timber post and wire fence supplemented with a new hedge.

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

Representations received from the following:

1. MG Harper (via email)
2. Mr/s Barnes, Hafod Tan Eglwys, Bodfari, LL16 4DA.
3. Mr. D. & Mrs. P. Mawdsley, 11, Banc y Chwarel, Bodfari
4. Mr & Mrs P. Wyer, 9 Banc y Chwarel, Bodfari
5. Jennifer Williams, Warren House, Mold Road, Bodfari

Summary of planning based representations:

In objection (3 letters)

- i) Prefer not to see any more houses in this area as the existing ones have taken a long time to sell. A village hall would be more beneficial to the community on the site
- ii) The entry into the village has already changed from a rural aspect to one of suburban with the new estate
- iii) Materials for the roof should be slate
- iv) Not acceptable to remove hedging, as much as possible should be retained as well as the reinstatement of high hedges to hide the buildings from the view of passing traffic and to shield homes from road noise and dust.
- v) The most recent version of the amended plans shows the distance between plot 1 and 11 Banc y Chwarel increased and is now no worse than that shown on the plans forming part of the previous approval. However, the dimensions of the dwelling remain and the side elevation of Plot 1 facing no 11 Banc Y Chwarel is longer than that forming part of the plans on the existing approval.
- vi) Space between plot 1 and 11 Banc y Chwarel is inadequate, the view and light enjoyed by the property will be restricted and there will be a loss of privacy which would otherwise be enjoyed due the window at first floor level on the front elevation of plot 1.
- vii) Steps are not appropriate for the footpath, planning should ensure that is a gradually inclined path

In support (1 letter)

- i) Good to finally see some affordable housing being built in the village. We still need more to keep young families in the village.

**EXPIRY DATE OF APPLICATION: 28/07/2008**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is located in the development boundary of Bodfari and is located in the Clwydian Range AONB. The site comprises of the former Bridge Garage and adjoins a preceding phase of 11 dwellings. The site fronts onto the A541 with substantial mature hedging separating the site from the road. The B5429 Bodfari to Rhualt road runs to the south west of the site. Access to the site is from the existing vehicular access serving the 11 dwellings on the adjoining site off the A541.
2. The proposal is for the substitution of 9 house types previously approved under code no: 41/2004/0395/PF and includes the re-siting of dwellings on plots 1-6 and the relocation of the footpath within the site from the east between plot 1 and 11 Banc y Chwarel to between the dwellings proposed on plot 3 and 7. 4 different house types are proposed as follows:

- i) House type A – Proposed on plots 1, 3 and 5 and comprise of a detached two storey dwelling with a lounge, kitchen, dining room, study utility and W.C on the ground floor and a 4 bedroom including a master en suite and a separate bathroom on the first floor. Floor area is 170m<sup>2</sup> with plot 1 including a detached double garage, plot 5 a detached single garage, and plot 3 an integral single, single storey garage. Materials proposed are render elevations.
  - ii) House type B – Proposed on plots 2 and 4 and comprise of a two storey detached dwelling with a single storey lean to on the rear. Internally, the properties include a lounge, dining room, utility kitchen and family room with 4 bedrooms on the first floor including a master en suite and a separate bathroom. Each property will have access to a detached single garage with the floor area of 150m<sup>2</sup>. Materials proposed are brick.
  - iii) House type C – Proposed on plot 6 comprises of a detached two storey dwelling with a detached single garage. Internally the property comprises of a lounge, study, kitchen, family room, dining room and utility with 4 bedrooms including a master en suite and a separate bathroom on the first floor. The floor area extends to 178.11m<sup>2</sup>. Materials proposed are brick.
  - iv) House type D – Proposed on plots 7, 8 and 9. These form a terrace of two storey dwellings comprising of a lounge, dining room, kitchen and W.C on the ground floor with 3 bedrooms and a separate bathroom on the first floor. Each property extends to 87.36m<sup>2</sup> and has associated parking spaces to the front in a courtyard type arrangement. Materials proposed for plots 7 and 8 are render with brick proposed for plot no 9.
3. Access to the proposed development is provided through the existing access to the adjoining development off the A541 and two new accesses are proposed off the B5429 to serve plot 6 and plots 7, 8, and 9. This arrangement has been previously approved under code no: 41/2004/0395/PF.
4. The latest revisions to the plans include the following:
- i) clarification of the treatment of the footpath (steps)
  - ii) the re- siting of the dwelling on plot 1 creating a distance of 14m between the side elevation and the rear elevation of no 11 Banc Y Chwarel
  - iii) the removal of the bathroom window at first floor level facing the rear of no 11
  - iv) a revised window type at first floor level on the front elevation to a flush widow in place of the oriel window
  - v) the setting back of the dwelling on plot 9 from the main front elevation of plots 8 and 7
  - vi) the submission of a section showing the levels and distance between the propped dwelling on plot 1 and the rear of no 11 Banc y Chwarel
5. Members are advised that this is an application to deal with amended house types and layout including the minor re siting of the dwellings. Issues in relation to the location of affordable housing, access and open space have been previously agreed.

**RELEVANT PLANNING HISTORY:**

6. Application ref no: 41/2004/0395/PF – Erection of 9 dwellings and construction of new vehicular access. Granted with condition on the 29<sup>th</sup> Feb 2008. This application was subject to the signing of a section 106 agreement to secure 3 no affordable dwellings in the location currently proposed and the contribution of £30,000 towards the maintenance (£10,000) and provision of off site open space (£20,000).

## **PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - PolicyGEN1 – Development within development boundaries
  - Policy GEN6 – Development control requirements
  - Policy ENV2- Development affecting the AONB
  - Policy TRA6 – Impact of new development on traffic flows
  - Policy SPG21 – Parking requirements in new developments

## **GOVERNMENT GUIDANCE**

PPW (March 2002) and as amended by MIPPS 01/2006 and 01/2008  
TAN12 - Design

## **MAIN PLANNING CONSIDERATIONS:**

8.
  - i) Principle of proposed development
  - ii) Impact on visual amenity / AONB
  - iii) Impact on residential amenity
  - iv) Footpath
  - v) Other material planning considerations raised by neighbours / consultees
9. In relation to the main planning considerations as noted above:
  - i) Principle

The principle of residential development of this site has been established by the permission identified in the Relevant Planning History section of this report.
  - ii) Visual amenity/ AONB:

The application site is in the Clwydian Range AONB where policy ENV2 is applicable. This policy seeks to conserve and enhance the natural beauty of the area. The comments made by the AONB committee on the latest set of revised plans state that they welcome the revised house designs and the introduction of new hedges which better reflect the character of the area. Their comments also refer to the use of slate on the roof which can be conditioned to approval. The materials proposed for the dwellings are a mix of render and brick for the elevations of which plots 1, 3, 5, 7, and 8 are proposed to be rendered and plots 2, 4, 6 and 9 brick. In terms of policy ENV2, the alterations to the house types are considered to be acceptable and the proposal complies with policy ENV2.
  - iii) Residential amenity:

Concerns have been raised by neighbours in relation to the proximity of the dwelling on plot 1 to the rear of those dwellings on Banc y Chwarel, mainly number 11. The revised plan shows the relocation of the dwelling on plot 1 14m to the rear of number 11 Banc y Chwarel, the removal of the bathroom window at first floor level on the gable end facing the rear of no 11 and the removal of the oriel window which has now been replaced by a window flush with the front elevation. Local supplementary planning guidance suggests a distance of 14m between the side and principal front or rear elevations of adjoining properties in order to allow adequate space between dwellings. This would also serve to safeguard levels of residential amenity. In this instance, the required distance has been met in addition to the window changes documented above. The comments in relation to the increase in the length of the gable elevation on plot 1 facing the rear of no 11 have also been noted however, it is the view of officers that this will not be significantly

detrimental to the residential amenity of the occupants of no 11 Banc y Chwarel as the required distances between properties have been met. In relation to criterion v) of policy GEN6, the proposal is now considered to be acceptable.

iv) Footpath:

The approved plan under code number 41/2004/0395/PF demonstrates a footpath between the rear of no 11 Banc y Chwarel and the side of plot no 1. This has been relocated within the site between plot 3 and plot 7. Members are advised that the approved plan in the previous approval does not allow pedestrian movement from one end of the site to another as it was physically segregated by boundary fencing particularly the boundary of plot 6 and the 3 affordable units of plots 7, 8 and 9. The relocation of the footpath within the site allows greater permeability of pedestrian movement through the site. Further, this would allow a better integration of the affordable units in to the rest of the development as they are not now physically separated by boundary fences. Concerns have been raised in relation to the steps proposed for the footpath. The land levels in this location determine that a gradual incline from the site to the playing field at the rear is not possible. A suitably worded planning condition will ensure that the footpath is surfaced to adoption standard.

v) Other material planning considerations:

The comments in relation to the loss of employment land and the location of the affordable housing units raised by consultees have been noted. However, this application is for the substitution of house types only. Those specific issues have been assessed previously under permission ref: 41/2004/0395/PF.

**SUMMARY AND CONCLUSIONS:**

10. The proposal is for the substitution of 9 house types previously approved under code no. 41/204/0395/PF and includes the re-siting of dwellings on Plots 1 – 6 and the relocation of the footpath within the site from the east between plot 1 and 11 Banc y Chwarel to between the dwellings proposed on plot 3 and 7. Four different house types are proposed. It is considered that all issues in relation to the footpath impact on residential amenity and the AONB have been overcome and the application is recommended for approval.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
3. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
4. 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 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.
6. Notwithstanding the submitted details, the boundary fence surrounding plot 6 shall be further agreed in writing by the Local Planning Authority.
- 7.. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the proposed development being brought into use.
- 8.. The surface of the parking areas and private drives shall be paved with a concrete or bituminous material or as otherwise agreed in writing by the Local Planning Authority before they are brought into use.
- 9.. Full details of the foot way and associated highway works adjacent to the B5429 including the construction, street lighting, any planting or fences adjacent to the foot way and the highway drainage of the B5429 shall be submitted to and approved in writing by the Local Planning Authority before any works start on site and shall be constructed in accordance as the approved details before any dwelling is occupied.
- 10.. The vehicular accesses to plots 6,7,8 and 9 shall not be as shown on the approved plan but shall be further agreed in writing by the Local Planning Authority before any work starts on site and the accesses completed in accordance with the approved details before any dwelling is occupied.
11. 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 to the gable of Unit 7, gables of Unit 1 facing adjoining phase 1 and unit 2, gables of units 2 and 3, and the gable of Unit 4 facing Unit 5, additional to those shown on the approved plans, shall be inserted at any time in the dwelling hereby permitted without the further grant of planning permission.
- 12.. None of the dwellings hereby approved shall be occupied until the roads and pavements have been constructed to base coat level and the footpath links to play area have been completed to adoption standard.
- 13.. The final dwelling of the development shall not be occupied until all the roads and pavements link have been completed to adoption standard or as otherwise agreed in writing by the Local Planning Authority.
- 14.. No dwelling(s) shall be occupied until the driveways and parking spaces within the curtilages have been provided with a drained hard surface, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- 15.. No development works shall be permitted outside the hours of 08.00 - 18.00 Monday to Friday, 08.00 - 15.00 on Saturdays and no work shall be permitted on site on Sundays or Bank Holidays.

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

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



6. In the interests of the visual amenity of the area within the Clwydian range AONB.
7. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
8. To ensure that no deleterious material is carried onto the highway.
9. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
10. To ensure the formation of a safe and satisfactory access.
11. In the interests of safeguarding residential amenity.
12. In the interest of highway safety and to ensure the development is served by a satisfactory form of access prior to completion of the service road.
13. In the interests of highway safety.
14. To ensure that each dwelling is served by a safe and satisfactory access and parking, in the interests of highway safety.
15. In the interests of safeguarding residential amenity.

**NOTES TO APPLICANT:**

You are advised to contact the Highway Authority to discuss the requirements of the foot way and highway improvements at an early stage and also the exact details of any temporary site access before work starts on site. Please Contact Mr Mike Parker - 01824 706977 or [mike.parker@denbighshire.gov.uk](mailto:mike.parker@denbighshire.gov.uk)

The following matters shall be drawn to the applicant's attention as Advisory Notes.

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:** 3  
**WARD NO:** Dyserth  
**APPLICATION NO:** 42/2008/0833/ PF  
**PROPOSAL:** Erection of single-storey pitched-roof extension to rear of dwelling and alterations to roof of dwelling  
**LOCATION:** Ael Y Bryn Bryn Y Felin Dyserth Rhyl  
**APPLICANT:** Mr J A Benbow  
**CONSTRAINTS:** Conservation Area  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

DYSERTH COMMUNITY COUNCIL  
"No objection"

COUNTY CONSERVATION OFFICER  
No objection providing minor changes are made to the proposal, which can be controlled with planning conditions.

**RESPONSE TO PUBLICITY:**

Letters of representation were received from:

1. Mr & Mrs Hall, The Cottage, Bryn y Felin, Dyserth
2. Lesley Ross, No. 2 Old School, High Street, Dyserth
3. Mrs J Holmes, Penrallt
4. Mr and Mrs K & A Hitchen, Brum Einion, Bryn y Felin, Dyserth
5. Bill and Cathie (e-mail)

Summary of planning based representations

- i) Highway concerns – Private right of way / no vehicle access to site / problems for delivery vehicles / impact on footpath users / problems of unauthorised parking on private lane / no access for emergency vehicles.
- ii) Amenity issues – Impacts on adjacent property.

**MEMBERS' COMMENTS:**

None

**EXPIRY DATE OF APPLICATION: 11/09/2008**

**PLANNING ASSESSMENT:**

1. Ael Y Bryn is a small bungalow with one bedroom, a lounge and kitchen situated in an elevated position close to the centre of Dyserth. There is no vehicular access to the site and parking in the immediate area is limited.
2. The application seeks to remove an existing porch and to erect a single storey pitched roof extension on the front (south facing) elevation of the dwelling, to

provide a main bedroom and bathroom. One window would be inserted in the front south elevation, and there would be patio doors and a bathroom window in the west elevation. Walls would be rendered and painted in either cream or magnolia and the roof will be covered with blue slate and have grey ridge tiles.

3. The single storey extension would measure some 5.7 metres by 4.1 metres, with a ridge height of 3.7 metres. The extension will still leave this as a one bedroom unit, but would allow the existing bedroom to be converted into a dining room.
4. In addition to the extension the pitch of the existing roof will be altered so that both sides are symmetrical, which will involve a slight increase in height. Three conservation style velux roof windows will be inserted in the rear north facing elevation. The existing concrete roof tiles will be removed and replaced with slate to match the extension.

**RELEVANT PLANNING HISTORY:**

5. None

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy HSG 12 – Extensions to Dwellings  
Policy CON 5 – Development within Conservation Areas

**SUPPLEMENTARY PLANNING GUIDANCE**

- SPG 1 – Extensions to Dwellings  
SPG 13 – Conservation Areas

**MAIN PLANNING CONSIDERATIONS:**

7. The main considerations are considered to be:
  - i) Principle
  - ii) Visual Appearance and effect on the Conservation Area
  - iii) Residential Amenity/Highway Impact
8. In relation to the main considerations in paragraph 7 above:
  - i) Principle  
The size of the proposed extension is subordinate to the existing dwelling and will not result in the over development of the plot. It is concluded the proposal is consistent with the requirements of GEN6 and HSG12.
  - ii) Visual appearance and effect on the Conservation Area  
The roof of the extension would be lower than that of the main part of the dwelling. The existing roof tiles will be replaced with slate to match the extension. It is concluded the proposal will be visually acceptable and enhance the appearance of the conservation area in accordance with Policy HSG 12 and CON 5.
  - iii) Residential amenity/highway impact  
Comments have been received from neighbours concerned that there is insufficient space for additional vehicles to park near to the site. Considering the dwelling would still have only one bedroom it is concluded the number of vehicle movements seems unlikely to increase. In addition as the floor level of the dwelling is significantly lower than 'The Cottage', it is concluded the proposal will have minimal impact on amenity as occupants will still have views over the roof of Ael Y Bryn. Other neighbouring dwellings are located further from Ael Y Bryn and the amenity impacts would be limited.

**SUMMARY AND CONCLUSIONS:**

9. The erection of the single storey pitched roof extension on the front of the dwelling and roof alterations are acceptable and recommended for approval.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. All additional stonework shall be of the same texture, type and colour as that of the existing stonework.
3. The doors and window frames shall be constructed from timber and not UPVC as indicated on the plans unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To preserve the appearance of the cottage and conservation area.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4

**WARD NO:** Prestatyn North

**APPLICATION NO:** 43/2008/0761/ PF

**PROPOSAL:** Change of use of first-floor flat to form extension to ground-floor nursery and increase in number of child spaces from 43 to 67

**LOCATION:** 133 Victoria Road Prestatyn

**APPLICANT:** Karen Stephenson Little Rascals Day Nursery

**CONSTRAINTS:** C1 Flood Zone  
EA Floodmap Zone 3  
EA Floodmap Zone 2  
Areas Benefiting From Defences

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

"No objection, concerns raised about potential volume of traffic and vehicular access/egress at peak times"

HEAD OF TRANSPORT &amp; INFRASTRUCTURE

No objection

CARE AND SOCIAL SERVICES INSPECTORATE

No objections

ENVIRONMENT AGENCY

No objection

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

1. Mr & Mrs N. Slevin, 135, Victoria Road, Prestatyn

Summary of planning based representations:

- i) Increase in existing parking problems in the area

**EXPIRY DATE OF APPLICATION: 06/10/2008****PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application site comprises 'Little Rascals' Day Nursery, a 2 storey detached property located on Victoria Road in Prestatyn. The property is set back off the main road and has a car parking area to the front, and large amenity space to the rear. The upper floor was previously in use as a flat, however, has been vacant since March 2007. Adjoining the site is a social club and residential development. The day nursery currently has permission to care for 43 children.

2. This application is for the change of use of the first floor flat to form an extension to the existing day nursery and to allow an increase in the number of children from 43 to 67.

**RELEVANT PLANNING HISTORY:**

3. None

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 Development Control Requirements  
Policy CF 1 Community Facilities – General  
Policy TRA 6 Impact of new development on traffic flows

SPG 3: Children’s Day-Care

GOVERNMENT GUIDANCE  
Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of development
  - ii) Impact on residential amenity
  - iii) Highway/parking issues
6. In relation to the main planning considerations are noted above:
  - i) Principle of the development  
Policy CF 1 allows for new and improved community facilities provided they are located to serve the local population; they are accessible to non-car users and wherever possible should be within development boundaries and re-use existing, vacant or underused buildings. Further guidance is contained within SPG 3. Assessed against this policy and SPG 3 the principle of the development is considered acceptable.
  - ii) Impact on residential amenity  
The children’s day nursery use is existing and it is not considered that the change of use of the upper floor to form part of the nursery and increase in numbers would result in an adverse impact on the amenity of the residential properties nearby.
  - iii) Highway/parking issues  
Concerns relating to the impact the proposal would have on the parking problems that already exist in the area have been expressed by a neighbouring resident. The highways section has raised no objection to the increase in numbers following a visit to the site in which the traffic flow was monitored at peak times from 7.45am to 9.15am. The traffic generated from the existing numbers did not cause any problems in the area. In addition to having a private car park to the front of the property, Victoria Road is a residential area located on the main A548 coast road and is accessible to non-car users. It is not considered that the proposal would result in an adverse impact on highway safety.

**SUMMARY AND CONCLUSIONS:**

7. The principle of the development is considered acceptable with no adverse impact on residential amenity. The increase in numbers would not result in a significant impact on traffic flow.

**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 day nursery shall not operate outside the hours of 07.30 - 19.00 hrs inclusive and shall not operate on any Bank Holiday.

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 the residential amenity of neighbouring properties.

**NOTES TO APPLICANT:**

None

SES

**ITEM NO:** 5

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2008/0927/ PO

**PROPOSAL:** Development of 0.05 hectares of land by erection of single dwelling (Outline application including siting)

**LOCATION:** Land at (Part garden of) 12 Bryn Hafod Rhuddlan Rhyl

**APPLICANT:** Mr Geoffrey Williams

**CONSTRAINTS:** B Flood Zone  
Nitrate Vulnerable Zone  
Groundwater Vulnerability 2  
EA Floodmap Zone 3

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

**CONSULTATION RESPONSES:**

RHUDDLAN TOWN COUNCIL  
"Recommended for permission"

HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection

DWR CYMRU WELSH WATER  
No objection subject to conditions

ENVIRONMENT AGENCY  
No objection

**RESPONSE TO PUBLICITY:**

Letters of representations received from:  
1. Anonymous Resident

Summary of planning based representations:  
i) Impact on the character of the area

**EXPIRY DATE OF APPLICATION: 03/11/2008**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application is seeking outline planning permission for the development of 0.05ha of land by the erection of 1 no. dwelling. The application includes details of the siting of the building, and all other matters are reserved for further approval.
2. The site comprises the side garden of 12, Bryn Hafod which is a single storey detached bungalow located at the bottom of the road where it curves into a cul de sac. The site adjoins open countryside and has a variety of trees, shrubs and fencing forming its boundaries.



3. The site is located within the development boundary of Rhuddlan within an area characterised predominantly by single storey dwellings.

**RELEVANT PLANNING HISTORY:**

4. 44/840/98/PO Development of 0.04ha of garden area for 1 dormer bungalow (outline) GRANTED 26<sup>th</sup> November, 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  
Policy ENP 6 Flooding  
Policy TRA 6 Impact on new development on traffic flows

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of the development
  - ii) Impact on residential amenity
  - iii) Impact on visual amenity/character of the area
  - iv) Highway issues
7. In relation to the main planning considerations noted above:
  - i) Principle of the development  
The application site is within the development boundary of the main village of Rhuddlan where the principle of residential development is considered acceptable subject to the compliance with all other relevant planning policies.
  - ii) Impact on residential amenity  
Subject to an appropriately designed property, which should be single storey in this area, it is not considered that there would be any adverse impact on the amenities of the residents at 12 Bryn Hafod. The property would still have a sufficient amenity area following the loss of its side garden, and the property to the rear of 16, Highlands Close is well spaced from the site. There are no other properties adjoining the site. The plot itself is of a sufficient size to accommodate a single dwelling with amenity space and off street parking.
  - iii) Impact on visual amenity/character of the area  
Subject to an appropriately designed property with suitable materials and landscaping, which should be single storey in this area to reflect the character of existing properties in the area, it is not considered that there would be any adverse impact on visual amenity or the character of the area.
  - iv) Highway issues  
The means of access is not included for approval in this application however the Highways section are satisfied that an access can be constructed to an acceptable standard subject to further details/approval. The site has sufficient space to provide off street parking facilities.

**SUMMARY AND CONCLUSIONS:**

8. The principle of residential development is considered acceptable in this location. There would be no adverse impact on residential or visual amenity subject to an appropriate design, use of external materials and landscaping. Highways are satisfied that an acceptable access can be formed to the site.

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

1. Approval of the design, external appearance of the building, the means of access thereto and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The dwelling hereby permitted shall be of single storey construction only, with all habitable rooms at ground floor level.
5. 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.
6. Foul and surface water discharges shall be drained separately from the site,
7. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.
8. Land drainage runoff shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

1. The application is for outline permission only
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In the interest of visual amenity and character of the area.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. To protect the integrity of the public sewerage system.
7. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.
8. To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

**NOTES TO APPLICANT:**

Please note the following:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

**ITEM NO:** 6

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2008/0286/ PO

**PROPOSAL:** Development of 0.11ha of land by the demolition of existing property and erection of apartment block (outline application including means of access, all other matters reserved)

**LOCATION:** 36 Russell Road Rhyl

**APPLICANT:** Mr James Webster

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

## RHYL TOWN COUNCIL

"Object on the grounds that plans would lead to over intensification of the site and would be overbearing to adjacent properties on Russell Road. Request consideration of 'Listing' the building.

## HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to conditions.

## AFFORDABLE HOUSING OFFICER

The development more than meets the density required for 0.11ha. I note that they have indicated 4 units as affordable. I calculate that  $15 \times 30\% = 4.5$  which is 5 units.

They have indicated on the Affordable Housing questionnaire that the apartments are 55-65sq.m (approximately), which does not meet the minimum standard, the minimum standard is 58sq.m. There are 557 people on the list for 2 bed apartments in Rhyl and there are 11 people on the Low Cost Housing Register for 1 or 2 bed properties in Rhyl as their first choice.

The units would more than likely go as discounted for sale as RSLs are not interested in apartments within a block and unless the 5 units are located in a block together, there would be problems with service charges etc. The current price of an affordable unit in Rhyl East would be £84, 687.

## WELSH WATER

No objection.

**RESPONSE TO PUBLICITY:**

Letters of representation were received from:

1. Mrs. D. Garrat, 42, Russell Road, Rhyl (via e-mail)
2. Mr & Mrs L Townson, Jamesworth, 38 Russell Road, Rhyl. LL18 3DS
3. Mr M Ingleby (via email)
4. Mr. G. L. Lamb (via e-mail)

## Summary of planning based representations

### In objection:

- i) Impact on amenity of adjacent occupiers.
- ii) Overdevelopment of the site.
- iii) Highway safety.
- iv) Overloading of public utilities – sewerage and water supply as a result of the development
- v) Impact on demolition works on adjacent properties
- vi) Loss of a building of merit.

**EXPIRY DATE OF APPLICATION: 27/05/2008**

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

- additional information required from applicant
- protracted negotiations resulting in amended plans

### **PLANNING ASSESSMENT:**

#### **THE PROPOSAL:**

1. The proposal seeks outline permission for residential development at 36 Russell Road, Rhyl, with means of access only to be agreed at this stage. It is proposed that the existing building and ancillary garaging on site will be demolished. The secondary access to Churton Road will be closed off, utilising the main access onto Russell Road. Indicative plans submitted show a section of a building which is four storey and the indicative site layout plan shows the rear of this building will be three storey. Supporting information refers to a development of a block of 15 no. 2 bedroom apartments. It is important to note, however, that the size, scale and design of the building(s) on this site along with unit numbers are not being formally assessed or agreed at this stage.
2. Located within the development boundary of Rhyl, on the southern side of the junction of Russell Road and Churton Road, the site area is 0.11ha. The existing three storey Victorian property is currently vacant however was formerly used as a single 9 bed dwelling, 3 no. self-contained flats and prior to this as a residential care-home.
3. Along the western boundary of the site are a group of TPO trees which are part of the blanket Rhyl TPO covering this area.
4. The application includes the following information:
  - i) Affordable Housing Questionnaire
  - ii) Design and Access Statement

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

5. There have been a number of applications relating to the site and use of the property but none of direct relevance to the current application.

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

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy STRAT1 – General
  - Policy STRAT6 – Location
  - Policy GEN1 – Development within development boundaries
  - Policy GEN6 – Development control requirements

Policy ENV1 – Protection of the natural environment  
Policy ENV7 – Landscape / townscape features  
Policy ENP4 – Foul and surface water drainage  
Policy HSG2 – Housing development in main centres  
Policy HSG10 – Affordable housing within development boundaries  
Policy REC2 – Amenity and recreational open space in new developments  
Policy REC8 –Recreational routes  
Policy TRA6 – Impact of new development on traffic flows  
Policy TRA9 – Parking and servicing provision

Supplementary Planning Guidance  
SPG4 – Recreational public open space  
SPG6 – Trees and development  
SPG18 – Nature conservation and species protection  
SPG21- Parking requirements in new developments  
SPG22 – Affordable housing

NATIONAL PLANNING POLICY AND GUIDANCE  
Planning Policy Wales (PPW) March 2002  
TAN2 – Planning and Affordable Housing (June 2006)  
TAN10 – Tree preservation orders (1997)  
TAN18 – Transport (March 200&)

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

7.

- i) Principle
- ii) Impact on visual amenity
- iii) Highways
- iv) Affordable Housing
- v) Open Space
- vi) Drainage

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

- i) Principle  
The application site is within the development boundary of Rhyl. According to PPW the site is classed as previously developed land. National and local planning policy objectives encourage the reuse of vacant and underused land within development boundaries subject to the consideration of site specific issues as identified and discussed below. In principle, the redevelopment of land for residential purposes is acceptable and is in accordance with policy STRAT1, STRAT6 and GEN1 of the Denbighshire Unitary Development Plan.
- ii) Impact on visual amenity  
Whilst the application proposes the demolition of the existing Victorian building, as it is not a listed building and the site is not located within a Conservation Area it would be difficult to resist the redevelopment. An opinion has been sought from the Conservation Architect who has advised that CADW resurveyed the Rhyl area in 2005 and increased the number of Listed Buildings from 2 to 50, however this building was not considered. The Conservation Architect is of the opinion that CADW are unlikely to consider the building worthy of listing.

There is a mix of development in the area including the modern council offices Ty Russell opposite the site and a variety of larger Victorian properties and detached 1930's dwellings. The redevelopment of the site is unlikely to

appear out of keeping with the character of the area. Considering the indicative layout it appears the development will not impact on the TPO's on the site however neither siting nor landscaping are included in the application, a condition will be attached to ensure tree protection measures are undertaken. The proposal is considered to be in accordance with policy ENV1 and ENV7.

- iii) Highways  
The highways section has been consulted as part of the application and there are no objections to the proposed access in this location subject to conditions. The proposal is considered to be in accordance with policy TRA6 of the Denbighshire Unitary Development Plan.
- iv) Affordable Housing  
Policy HSG10 of the Denbighshire Unitary Development Plan and SPG22 are applicable to this development in relation to the need to provide affordable housing. Given that this application is for outline permission with means of access only to be agreed at this stage, the exact number, location, type, tenure and timing of the affordable housing can be covered by a condition requiring approval of arrangements as part of any application for reserved matters.
- v) Open space  
Policy REC2 and SPG4 are applicable in relation to the provision of open space and state that any development proposal for 10 no. dwellings or more will require open space provision or a contribution to be negotiated. This can be addressed by a planning condition at this stage in order for the exact provision to be agreed at the reserved matters stage. No details of dwelling numbers have been provided as part of the outline application but given the site area, more than 10 dwellings could be accommodated on this site.
- vi) Drainage  
Concerns have been raised from neighbours in relation to the capacity of the drainage system in to cater for any increase in foul waste. It is proposed to connect the foul drainage to the public sewer. Welsh Water have been consulted as part of the planning application and raise no objections to the proposed development. The proposal would be in accordance with policy ENP4 of the Denbighshire Unitary Development Plan.

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

9. The proposal is to develop 0.11ha of land for residential purposes on land within the development boundary of Rhyl. At this stage the proposal is for outline permission with means of access only to be agreed. Highways raise no objections to the proposed development. No objections are raised on drainage grounds and issues in relation to affordable housing and open space can be dealt with via suitably worded planning conditions.

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

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five

years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. 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.

5. 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.

6. 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.

7. The development shall not begin until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision of affordable housing as part of the development. Such details shall include:

- a. 30% affordable housing units and the type and location to be determined;
- b. timing of the construction of the affordable housing;
- c. the arrangement to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

8. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision and maintenance of open space in accordance with the policies of the Local Planning Authority.

9. Foul water and surface water discharges shall be drained separately from the site.

10. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.

11. Land drainage runoff shall not be permitted to discharge either directly or indirectly into the public sewerage system.

12. No development shall commence until the developer has prepared a scheme for the comprehensive drainage of the site showing how foul water, surface water and land drainage will be dealt with in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

13. The access shall not be as indicated but shall be further agreed in writing by the Local Planning Authority the details to be agreed shall include the layout, design, drainage and construction and the details shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any work on site and the access is completed in accordance with the approved details before the development is brought into use.

14. Facilities shall be provided and retained within the site for the loading, unloading parking and turning of vehicles in accordance with the scheme to be agreed in writing by the Local Planning Authority before any work starts on site.

15. Vehicular access to the adjoining highway shall be limited to the existing access off Russell Road as indicated on the approved plan and the existing access off Churton Road shall be permanently closed to the satisfaction of the Local Planning Authority before the development is brought into use.

16. In relation to the carrying out of the construction work, no development shall be

permitted to commence until the written approval of the Local Planning Authority has been obtained in relation to the location of the proposed site compound, wheel wash facilities, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicles routes, the development shall be implemented strictly in accordance with the approved details.

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

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. In order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Unitary Development Plan.
8. In order to ensure an adequate provision of open space in accordance with planning policy REC 2 of the Unitary Development Plan
9. To protect the integrity of the public sewerage system.
10. To prevent Hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.
11. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
12. To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
13. 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.
14. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
15. In the interest of highway safety.
16. In the interest of highway safety.
17. In the interests of highway safety and to prevent damage to the highway.

**NOTES TO APPLICANT:**

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

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

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

You are advised that a safe cycle storage facility should be provided within the site. This should be agreed at reserved matters stage.



The submitted drawings are for indicative purposes only. Owing to the sensitivity of the site and its prominent location on the approach to Rhyl, the Local Planning Authority should be approached to discuss the design and appearance of the proposed apartment block prior to the submission of the application.

You are reminded that the minimum floorspace standard for the proposed flats should be 58 sq metres.

**ITEM NO:** 7

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2008/0605/ PF

**PROPOSAL:** Erection of two-storey flat-roofed extension at rear of premises

**LOCATION:** 63 Wellington Road Rhyl

**APPLICANT:** Messrs A & R Gizzi Properties

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

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

This application was deferred at the last Planning Committee (held on 3<sup>rd</sup> September 2008), to allow a site visit to take place. The notes of the meeting of the site visit panel will be circulated at the Committee on 1<sup>st</sup> October

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

"Object on the grounds of an over-intensification of the site."

ENVIRONMENT AGENCY

Note that the site lies within zone C1, but raise no objection given the nature of the proposal and the existing uses.

HIGHWAY AUTHORITY

No objection.

**RESPONSE TO PUBLICITY:**

Letters of representations received from:

1. Mrs Donahue, 4 Elwy Street, Rhyl
2. Mr Morris, 6 Elwy Street, Rhyl

Summary of planning based representations:

- i) Loss of light;
- ii) Loss of privacy;
- iii) A previous similar scheme was refused.

**MEMBERS' COMMENTS:**

None.

**EXPIRY DATE OF APPLICATION: 10/08/2008**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The property is a two-storey commercial property which currently has a ground floor retail unit with two bedrooms shown on the existing layout plan above. However, as access to the first floor is via an internal staircase which is indicated to rise into one of the bedrooms it is considered that the more likely current use is for storage only. The property has a rear yard area which measures 12.5 metres

by 4 metres, and is abutted to each side by other commercial properties and to the rear by residential properties which front onto Elwy Street. The rear yard of the property is abutted to the north east by a solid brick wall on the adjoining commercial property which has no openings, and to the south west by a commercial property which has a single storey extension upon which there are opening windows. The residential properties have their rear yard areas adjacent to the south east boundary of the subject site and the nearest dwelling (no. 4) has habitable room windows facing the site. A 1.8 metre high wall forms the boundary to the residential properties.

2. The application follows the previous granting of consent for a similar extension above an existing single-storey element at the adjacent property (no. 65) and the consent issued for a single-storey extension to the rear of the subject property. All of the planning history of the site and its neighbour is examined in further detail in the relevant section of this report.
3. The current application proposes to effectively add a first floor above the single-storey extension which was already been granted although not as yet commenced at the site. The extension will include an enlarged area for the shop on the ground floor with an ancillary wc, and two rear access doors with one leading into the rear of the shop and the other accessing an internal staircase leading up to the first floor. The first floor of the extension will provide a lounge and kitchen area which will adjoin a bathroom and bedroom within the existing part of the building to the front and form a self-contained unit.
4. The extension has a width of 4.4 metres and a depth of 9.8 metres for the ground floor, with the main part of the rear wall of the first floor set back from the rear wall of the ground floor extension by 2.5 metres. The roof over the extension is flat, and has two roof lights set into a single angled wall to the rear, with a parapet wall of 1.1 metres along the rear of the extension which seeks to eliminate any downward overlooking. The first floor also has a side facing secondary window for the lounge.

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

5. 45/2004/0173/PF - Erection of two-storey pitched roof extension at rear of no. 63: Refused March 2004 on the grounds of the overlooking of residents to the rear of the site and an overdevelopment of the site.

45/2004/1481/PF – Single-storey flat-roofed extension at rear of no. 63: Granted January 2005.

45/2006/1285/PF – First-floor rear extension to no. 65: Refused January 2007 on the grounds of harm to adjacent occupiers, lack of natural light into the main habitable room and precedent.

45/2007/0558/PF – First-floor rear extension to no. 65: Granted June 2007 on the basis that the revised design eliminated the overlooking of the properties to the rear via the use of the roof lights and parapet wall.

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

6. **Denbighshire Unitary Development Plan (adopted 3<sup>rd</sup> July 2003)**
    - Policy GEN 1 – Development within Development Boundaries
    - Policy GEN 6 – Development Control Requirements
    - Policy HSG 13 – Sub-division of existing premises into self-contained flats
    - Policy RET 15 – Upper floor uses in Commercial Premises
- GOVERNMENT GUIDANCE  
Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle
  - ii) Visual appearance
  - iii) Impact on the privacy and amenity of nearby occupiers
  
8. In relation to the considerations as noted in paragraph 8:
  - i) Principle  
In terms of principle, Policy RET 15 allows for beneficial economic use of upper floors of properties within the town centre, and Policy HSG 13 permits the sub-division of premises into self-contained units subject to certain criteria. As such, the principle of the development is considered to be acceptable.
  
  - ii) Visual appearance  
The design of the extension is not considered sufficiently harmful to justify a refusal. Consent has been granted at the adjoining unit (no. 65) for a mirror-image of the same extension.
  
  - iii) Impact on the privacy and amenity of nearby occupiers  
The comments made by the residential occupiers to the rear and the Town Council are noted. However given that the precedent for this form of development has already been established by the consent at the adjoining property, it is not considered that a refusal on the grounds of loss of privacy/amenity and over-intensification of the use of the site could be substantiated and defended at appeal.

**SUMMARY AND CONCLUSIONS:**

9. On balance, the application is acceptable on the basis that a similar extension has already been allowed at the adjacent unit and that the arrangement of the roof lights and parapet wall will preclude any downward overlooking into the residential properties to the rear.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
4. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.
4. In the interests of the privacy/amenity of the occupiers of nearby properties.

**NOTES TO APPLICANT:** None

**ITEM NO:** 8

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2008/0661/ PF

**PROPOSAL:** Erection of first-floor flat-roof extension to accommodate self-contained flat above existing store

**LOCATION:** 53 Wellington Road Rhyl

**APPLICANT:** Mr W D Twist

**CONSTRAINTS:** C1 Flood Zone  
EA Floodmap Zone 2  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

"Object. The proposal if approved would result in an over-intensification of the site."

HIGHWAY AUTHORITY

No objection.

ENVIRONMENT AGENCY

Note that the site lies within zone C1, but do not consider that an FCA is required given the first floor location of the proposal.

WELSH WATER

Standard comments relating to water discharge.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 17/09/2008****PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The property is a two-storey building containing a retail shop to the ground floor with a rear storage yard which is partially roofed, with a one-bedroom self-contained flat on the first floor which is accessed from the side passageway of the unit. The site stands within a run of commercial/retail properties within the defined town centre shopping area and has a flat-roofed canopy over part of the pavement to the front.
2. The application seeks consent to erect a first-floor flat-roofed extension over the existing storage area/yard to the rear of the premises to contain a one-bedroom self-contained flat with lounge, kitchen and bathroom. Access into the unit will be from a new internal staircase which opens out onto an existing alleyway running to the rear of the commercial unit. The new flat has a small recessed balcony area to

the side and scope exists for the inclusion of a bin store on the ground floor within the stairwell.

**RELEVANT PLANNING HISTORY:**

3. 45/2007/1455/PF – Concurrent application for the erection of new ground floor shop with self-contained flat over (replacement of demolished derelict building): Undetermined at the time of this report.

45/2006/0146/PF – Conversion of first-floor to form a self-contained flat: Granted April 2006.

The property has also been subject to a number of other miscellaneous applications.

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 1 – Development within Development Boundaries  
Policy GEN 6 – Development Control Requirements  
Policy RET 1 – Town and District Centres  
Policy HSG 13 – Sub-division of existing premises into self-contained flats

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Ministerial Interim Planning Policy Statement 01/2006

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle
  - ii) Visual appearance
  - iii) Impact on the privacy and amenity of nearby occupiers
  - iv) Objection of the Town Council
  
6. In relation to the considerations as noted in paragraph 9:
  - i) Principle  
Policy HSG 13 allows for the creation of self-contained flats as a sub-division of an existing property which the application effectively represents. The scheme complies with the 5 criteria of the policy and is considered to be acceptable in principle.
  
  - ii) Visual appearance  
The visual appearance of the extension follows the same design as the existing rear of the property and is comparable to those adjacent to it. Therefore, whilst a first-floor flat-roofed extension is not ideal it is not considered that there are sufficient grounds to refuse the scheme given its context and siting.
  
  - iii) Impact on the privacy and amenity of nearby occupiers  
The works will not cause any substantive harm to the adjacent occupiers.
  
  - iv) Objection of the Town Council  
The objection raised by the Town Council is noted. However, as a self-contained unit above an existing shop with its own small amenity area and provision of bin store the scheme is not considered to represent an over-intensification of the site and instead provides a suitable form of residential accommodation.

**SUMMARY AND CONCLUSIONS:**

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

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 9

**WARD NO:** Rhyl South West

**APPLICATION NO:** 45/2008/0792/ PF

**PROPOSAL:** Use of land for storage of approximately 35,000 tons of inert waste materials

**LOCATION:** Land at (South side of) Glan Morfa Industrial Estate Marsh Road Rhyl

**APPLICANT:** Mr Jim Espley Denbighshire County Council

**CONSTRAINTS:** Wildlife Site  
Section 106  
Landfill Site  
Historic Contaminative Use L

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

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

No objection subject to conditions being attached to limit the period of operation and ensure that no mud is brought onto the public highway.

**COUNTY ECOLOGIST**

No objection subject to conditions being attached to ensure no loss of biodiversity as a result of the works.

**HEAD OF TRANSPORT AND INFRASTRUCTURE**

No objection subject to condition.

**ENVIRONMENT AGENCY WALES**

No objection. Remind the applicant that an exemption under the Environmental Permitting Regulations 2007 will be required.

**COUNTRYSIDE SECTION**

No objection

**RESPONSE TO PUBLICITY:**

**EXPIRY DATE OF APPLICATION: 14/09/2008**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**



1. The application involves the storage of approximately 35,000 tonnes of inert waste materials at land at (south side of) Glan Morfa Industrial Estate., Marsh Road, Rhyl. The material is to be made up of soil currently being stored at Rhuddlan, Station Road and additional soil material from the Tesco development in Prestatyn. A location plan is included at the front of the report.
2. The site includes land formally used as a municipal landfill site which closed in 1985. An application for a change of use from landfill to a Nature Park was subsequently approved and implemented on part of the site, as shown in figure X. The proposed storage area is located within the north-eastern part of the designated Glan Morfa Countryside site. This part of the site was identified as an informal games area following a public participation exercise carried out by Countryside Services in 1997-8 and is considered to have minimal wildlife value.
3. Material was previously brought on to the site to restore and profile the site; however, the applicant considers the works already undertaken to be inadequate, causing poor drainage which affects the safe operation of the civic amenity site. It is intended to use the soil material to profile the site to help resolve the drainage problems. The applicant is considering the redevelopment of the existing civic amenity site which could potentially make use of the soil material. However, this would require a separate planning application and is therefore not considered as part of this application.
4. The storage of the waste material is regulated by the Environment Agency, using an exemption under the Environmental Permitting Regulations 2007. This will limit the period of time that the material can be stored to 6 months prior to its use and ensure that the material being stored does not pose a risk to the surrounding environment by virtue of its composition.
5. It is proposed that the soil will be moved over a period of approximately 6 weeks using 8 wheelie tippers and an estimated 75 movements per day.

**RELEVANT PLANNING HISTORY:**

6. 10764 Use of land for controlled tipping of refuse GRANTED

45/608/98/PF Change of use from landfill to Nature Park with landscaping activity.  
 – GRANTED 17<sup>th</sup> September 1999

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy STRAT 3 - Waste Disposal / Reuse
  - Policy GEN 3 - Development outside development boundaries
  - Policy CPZ 1 -Development within the Coastal Planning Zone
  - Policy ENV 5 - Sites of Local Conservation Importance
  - Policy ENV 9 - Community Woodlands
  - Policy REC 3 - Open Space/Recreation Allocations
  - Policy MEW 11 - Waste Management Facilities

**MAIN PLANNING CONSIDERATIONS:**

8. The main planning considerations are considered to be:
  - i) Principle
  - ii) Waste
  - iii) Public Rights of Way
  - iv) Nature Conservation
  - v) Visual Impact

- vi) Impact on Highway Safety
- vii) Flood Risk

9. In relation to the points identified in paragraph 8 above:

- i) Principle  
The broad principle of the development is acceptable. Whilst the site lies outside of the development boundary, the intention is to use the soil to assist in the restoration of the now closed landfill site. In this respect, the development needs to be outside of the development boundary. Given the time periods involved here there does not appear to be any significant conflict with adopted policies and guidance or other potential land use considerations.
- ii) Waste  
This proposal will prevent a large volume of material from being disposed in landfill and therefore contribute to the objectives and principles set out in the National Waste Strategy, Technical Advice Note 21 and Regional Waste Plan. The proposal satisfies the proximity principle as the waste material will be sourced from the local area and used on the site.
- iii) Public Right of Way  
A public right of way runs along the eastern boundary of the Glan Morfa Countryside site. Whilst the proposed storage area does not impact directly on the public right of way, any movement of the soil around the site could potentially impact on the PROW if not carefully controlled. The imposition of an appropriate planning condition will deal with this.
- iv) Nature Conservation  
The site is located within an area designated under Policy ENV5 for its local conservation importance. Development which would unacceptably harm the conservation of such sites will not be permitted. The proposed storage area is located to the north east of the designation and is considered to have minimal wildlife value. However, this has not been confirmed by a walkover survey. In addition, any movement of the soil could potentially impact on wildlife if not carefully controlled. The majority of the nature park, excluding the proposal area, has been restored to re-create wild meadow. It is important therefore, that prior to the deposit of any material an inspection of the area to be used is carried out. This is also covered by a planning condition.
- v) Visual Impact  
The proposal will have a temporary impact on the landscape because the material can only be stored for a maximum of 6 months.
- vi) Impact on Highway Safety  
The proposal will have a temporary impact on the highway network. The Head of Transport and Infrastructure has suggested an all encompassing condition to deal with potential highway amenity issues.
- vii) Flood Risk  
The proposed storage area lies outside of the flood risk area; however, a small part of the site to the north east of the application site lies within flood zone C1. The majority of the landfill is classed as zone B and is outside of the Environment Agency flood zones. Rhyl Cut runs adjacent to the Glan Morfa Countryside site, The Environment Agency have no objections to the proposal but request that the material is not deposited within 7m of Rhyl Cut.

**SUMMARY AND CONCLUSIONS:**

10. The principle of the development is considered acceptable as it will assist in meeting the aims and objectives set out in the National Waste Strategy, Technical Advice Note 21 and the North Wales Regional Waste Plan. The re-profiling of the landfill will result in an overall improvement to the area, through enhanced drainage. . There will be temporary impacts on public amenity and visual amenity; however, these will be limited to a small part of the overall site and highways impacts will be temporary. No objections were received in respect to this application.

**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 soil shall be deposited within 7m of the Cut.
3. A site walkover should be carried out by a suitably qualified person prior to works in order to locate any areas of biodiversity interest.
4. The area should be restored sympathetically to re-create wild meadow areas. A proposal for landscaping should be submitted and agreed in writing by the local planning authority prior to any works on the site.
5. In relation to the carrying out of the waste removal, no material shall be permitted to be moved until the written approval of the Local Planning Authority has been obtained in relation to the wheel wash facilities, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes, the movement of the waste shall be implemented strictly in accordance with the approved details.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To accord with Policy ENP1.
3. To accord with Policy ENV 5 and ensure areas of biodiversity interest are no disturbed/destroyed.
4. To accord with Policy ENV 5.
5. In the interest of the free and safe movement of traffic on the adjacent highway and the interests of highway safety.

**NOTES TO APPLICANT: none**

**ITEM NO:** 10

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2008/0839/ PF

**PROPOSAL:** Erection of ground floor extensions to front of all elevations and first floor extension over the whole of the building

**LOCATION:** 1 Elwy Street and 69/71 Wellington Road Rhyl

**APPLICANT:** Mr Shane Owen Rhyl Youth Action Group

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

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

“Object on the grounds that the extension of the existing roof and the construction of an additional storey would be detrimental to the street scene and adversely alter the character of the street and this particular corner”

ENVIRONMENT AGENCY

No objection

DWR CYMRU WELSH WATER

No response received

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Representations against the application

1) C. Savory (via e-mail) of Medeor Bed &amp; Breakfast, 3, Elwy Street, Rhyl

Summary of planning based representations:

i) Impact on the amenity of the Bed and Breakfast

Representations in support of the application

1) Wynne Randles, Unit 12 Clwyd Morfa Ind Park, Rhyl

2).Rob Walsh, (Gellideg Foundation Group) via e-mail

3) Stephen Ray, NWPA HQ, Alexandra House, Abergele Road, Colwyn Bay

Summary of planning based representations:

i) Complimentary to developments which are already in progress

ii) Will further facilitate the development and extension of the programme to meet the needs of young people and enhance service provision to the local community

iii) Enhance the existing visual appearance of the site

iv) Clearly contributes to the broader regeneration and environmental quality improvement programme that is underway

**EXPIRY DATE OF APPLICATION: 01/10/2008**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site comprises of 1, Elwy Street and 69/71 Wellington Road, which is a single storey flat roof property attached to 73 Wellington Road which is a 2 storey traditional property. The property is occupied by Rhyl Youth Action Group along with the adjoining properties at 73 – 75 Wellington Road. These are in use as a virtual shop, arts and crafts centre and youth training/health centre. Adjacent to 1, Elwy Street is the 2 storey property of the 'Medeor' bed and breakfast.
2. Rhyl Youth Action Group is a membership based youth group that manage training and citizenship based projects to their peers. Via projects they seek to improve the general health & wellbeing, confidence, citizenship, employability and position in society of young people living in multiple deprivation.
3. The proposal is to erect a ground floor extension to the front elevation of the whole building and then erect a first floor over it, creating a 2 storey property. At ground floor level, there would be a large recreation area, computer area, office space and associated kitchen, bathroom and storage facilities. At first floor level, there would be a large open space and meeting rooms.
4. The proposed first floor extension would provide an additional 6 m to the overall height of the building. The external appearance of the site would be completely altered from the existing, with the introduction of large glazed areas, with render and cedar cladding to the walls.

**RELEVANT PLANNING HISTORY:**

5. None

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 Development Control Requirements  
Policy RET 1 Town & District Centre Boundaries

TAN 12: Design

GOVERNMENT GUIDANCE  
Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Impact on residential amenity
  - ii) Impact on visual amenity/street scene
8. In relation to the main planning considerations noted above:
  - i) Impact on residential amenity  
Adjacent to the application site on Elwy Street a is bed and breakfast business. Concerns have been expressed from this property in relation to the impact of the first floor extension on the light and views from 2 windows on the side elevation of the property. The application site is located 4m away from the side elevation of 'Medeor' and therefore space in between the side elevation of this property and the side elevation of the proposed first floor extension would be 4m. There are no first floor windows proposed within the

proposed extension. Whilst the above concerns are noted, it is considered that there would be an acceptable distance between the elevations so as not to adversely impact upon the amenities of the users of the bed and breakfast. The proposal meets the general criteria of Policy GEN 6 of the Denbighshire Unitary Development Plan.

ii) Impact on visual amenity/street scene

The Town Council have expressed concerns relating to the impact of the first floor extension on the street scene and character of the area. Whilst it is acknowledged that the extension to the first floor will result in a significantly larger building on the corner of Elwy Street with Wellington Road, it is considered that the appearance of the area will be enhanced. The existing property is of a very poor flat roofed design and has a detrimental impact on the character of the area. With the contemporary design approach adopted in this application it is considered that the overall appearance of the area will be improved by the proposal without causing any adverse impact on the street scene. Again, the proposal would meet the intentions of policy and guidance in the Denbighshire Unitary Development Plan.

**SUMMARY AND CONCLUSIONS:**

9. There would be no adverse impact on residential or visual amenity. The application would enhance the appearance of the area and would further provide extremely worthwhile and beneficial uses to this area of Rhyl.

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

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

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

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

**NOTES TO APPLICANT:**

None

**ITEM NO:** 11

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2008/0872/ PF

**PROPOSAL:** Erection of conservatory and first floor balcony to rear of dwelling

**LOCATION:** 24 Eaton Avenue Rhyl

**APPLICANT:** Mr & Mrs T Williams

**CONSTRAINTS:** C2 Flood Zone  
C1 Flood Zone  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

"No objection."

**RESPONSE TO PUBLICITY:**

Representations received from :

1. Mr Peter Munro of 22 Eaton Avenue, Rhyl
2. Mr G J Crisp of 26 Eaton Avenue, Rhyl
3. R D Hinsley of 18 Garford Road, Rhyl

Summary of planning based representations:

In objection: (1 letter and 2 email responses)

1. Visual Appearance – the proposed balcony is too large and exceeds too far past the building line.
2. Residential Amenity – Impact on neighbouring of overlooking

**MEMBER'S COMMENTS:**

Comments received from Councillor Diana Hannam

**EXPIRY DATE OF APPLICATION: 23/09/2008**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application proposes the following alterations:
  - (a) A conservatory attached to the rear elevation. The conservatory will be 3.000 wide and 3.000mm long. It will have a mono pitched roof that has an apex height of 3,400mm high. The conservatory will be PVC framed glazing on a brick plinth.
  - (b) A 3,500mm wide balcony extending 3,000mm from the building. The floor of the balcony will be 2,900mm high, with the safety rail at a total height of 3,400mm. The balcony will sit above an existing set of double patio doors. The balcony will

sit to the West of the proposed conservatory.

2. Eaton Avenue is a quiet residential street in the East end of Rhyl. To the rear of the back gardens of the properties is the Promenade, with the beach beyond. The houses on the street are detached bungalows, many of which have had dormer windows inserted. The application site has a detached garage to the rear of the long garden.

**RELEVANT PLANNING HISTORY:**

3. None

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 6 - Development Control Requirements
  - Policy HSG 12 - Extensions to dwellings
  - Policy SPG 1 - Supplementary Planning Guidance Notes No. 1

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle
  - ii) Visual Amenity
  - iii) Residential Amenity
6. In relation to the main planning considerations identified in paragraph 5 above:
  - i) Principle

The basic principle is acceptable as the proposal does not significantly breach any of the criteria described in the adopted Unitary Development Plan policies GEN 6 or HSG 12.
  - ii) Visual Amenity

There have been no objections in relation to the conservatory and its visual appearance is deemed acceptable. The objections regarding the balcony have been based on the size, height and design. The balcony is smaller than the rear balconies that have been erected on two neighbouring properties. The distance between the balcony and neighbouring properties, and between the balcony and the Promenade mean that the visual appearance of the balcony will not be overbearing or prominent. The materials used to construct the balcony are not alien to this area and would once again meet the adopted policies and guidance.
  - iii) Residential Amenity

Although the balcony will be built 3,000mm beyond the rear elevation, which is currently in line with the neighbouring balcony at number 22 Eaton Avenue, the balcony will not impinge on the amenity of neighbouring properties. The property at 16 Garford road will be screened by 2,000mm high hedging at the boundary.

As the roof terraces of both number 20 and 22 Eaton Avenue will be adjacent to the application site, there may be some privacy issues when all of the owners wish to use the roof terrace and also from the general public walking along the sea front due to the elevated position however these matters do not warrant refusal of the application.



The proposal complies with criteria described in policy HSG 12 and Supplementary Planning Guidance Notes and as precedents have been set for such rear extensions in the area the application is deemed acceptable.

**SUMMARY AND CONCLUSIONS:**

7. The erection of the conservatory and balcony are acceptable and recommended from approval.

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

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

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

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

**NOTES TO APPLICANT:**

None

**ITEM NO:** 12

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2008/0621/ PO

**PROPOSAL:** Development of 0.048 hectares of land by erection of 1 dwelling and construction of new vehicular access (Outline application including siting and access)

**LOCATION:** Land adjacent to 1 Glasfryn Ruthin

**APPLICANT:** Messrs Turner Brothers

**CONSTRAINTS:** Tree Preservation Order

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

**CONSULTATION RESPONSES:**

RUTHIN TOWN COUNCIL

"Object – overdevelopment of proposed site and loss of amenity (ie the amenity benefit of open space and parkland landscape for the whole of Bryn Glas and Glasfryn Estate)

TREE CONSULTANT – FARMING AND WILDLIFE ADVISORY GROUP

No objection

HEAD OF TRANSPORT &amp; INFRASTRUCTURE

No objection subject to the inclusion of conditions to ensure satisfactory access and parking facilities

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. Mr. S. P. White, Green Acres, Bryn Glas, Ruthin

Summary of planning based representations:

- i) Impact on highway safety

**EXPIRY DATE OF APPLICATION: 23/07/2008****REASONS FOR DELAY IN DECISION:**

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

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

1. The application site comprises an open area of land on the corner of the small cul de sac of Glasfryn and Bryn Glas, within the development boundary of Ruthin. The site is overgrown and following recent tree removal works approved in an application in February 2008, there are now 5 no. scots pines located within the site. The properties on Glasfryn are all single storey with open frontages, and the

land slopes upwards into the cul de sac from the access on Bryn Glas. Bryn Glas comprises a mixture of both single and 2 storey dwellings of varying styles.

2. This application seeks outline planning permission for the development of 0.048ha of land by the erection of 1 no. dwelling and construction of a new vehicular access. The siting of the building and means of access to the site has been included within this application, with all other matters reserved for further approval. Access to the site would be off the cul de sac of Glasfryn.

**RELEVANT PLANNING HISTORY:**

3. Fell cherry tree No. T1, fell 4 trees in Area G1 and 4 trees in Area W1, sever ivy and deadwood trees in both Areas G1 & W1 on plan annexed to the Glyndwr District Council Tree Preservation Order 1994 GRANTED 20<sup>th</sup> February, 2008

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 1 Development within development boundaries  
Policy GEN 6 Development Control Requirements  
Policy HSG 2 Housing Development in Main Centres  
Policy ENV 7 Landscape/Townscape Features  
Policy TRA 6 Impact on new development on traffic flows  
Policy TRA 9 Parking and Servicing provision

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of the development
  - ii) Impact on residential amenity
  - iii) Impact on visual amenity/character of the area
  - iv) Highway Issues
6. In relation to the main planning considerations noted above;
  - i) Principle of the development  
The application site is within the development boundary of Ruthin where the principle of residential development is considered acceptable subject to the compliance with other relevant planning policies.
  - ii) Impact on residential amenity  
The property closest to the application site is 1, Glasfryn which, along with all other properties in the cul de sac, is a single storey detached bungalow constructed of brick with a tiled roof. The side elevation of this property faces the application site with one window on this elevation. There is also a detached garage located to the rear side of the property adjoining the boundary of the application site. The siting of the building is considered acceptable and subject to an appropriately designed property, which should be single storey in this area, it is not considered that there would be any adverse impact on the amenities of the residents at 1, Glasfryn or any other properties in the locality. The plot itself is of a sufficient size to accommodate a single dwelling with amenity space and off street parking and would not represent overdevelopment of the site.
  - iii) Impact on visual amenity/character of the area  
The Town Council have concerns relating to the impact of the proposal on the open character of the area and loss of amenity. Whilst these concerns are

noted, it is not considered that the site itself forms an attractive feature in the area as it is overgrown and unused and appears untidy. Subject to an appropriately designed property utilising suitable materials and landscaping, it is not considered that there would be any adverse impact on visual amenity or the character of the area. The property should be single storey in this area to reflect the character of existing properties in the area.

iv) Highway Issues

The means of access is included for approval in this application and the Highways section are satisfied with the proposed access off Glasfryn and that the siting of the property and its access would not cause any danger to other highway users. With regard to the concerns of the local resident relating to the likelihood that the new development would require some form of boundary which would impact on visibility, these concerns would be considered in assessing the landscaping details for the site. The site has sufficient space to provide off street parking facilities.

**SUMMARY AND CONCLUSIONS:**

7. The principle of residential development is considered acceptable in this location. There would be no adverse impact on residential or visual amenity subject to an appropriate design, use of external materials and landscaping. Highways are satisfied with the access to the site.

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

1. Approval of the design, external appearance of the building, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The dwelling hereby permitted shall be of single storey construction only, with all habitable rooms at ground floor level.
5. 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.
6. 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.
7. The access shall be laid out and constructed in accordance with the approved plan and completed before the development is brought into use.
8. Facilities shall be provided within the site for the parking of 2 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. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In the interest of visual amenity and character of the area.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of safe and satisfactory access.
8. To provide for the parking of vehicles clear of the highway.

**NOTES TO APPLICANT: None**

**ITEM NO:** 13

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2008/0918/ PF

**PROPOSAL:** Installation of foul and surface water drainage plant

**LOCATION:** Bryn Derwen Abbey Road Llangollen

**APPLICANT:** Belgrave Homes Ltd.

**CONSTRAINTS:** Tree Preservation Order  
Canal Consultation Zone

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

**CONSULTATION RESPONSES:****LLANGOLLEN TOWN COUNCIL**

"Members raised objections to this application due to the fact that the Town Council's decision to offer no objections to the original application was based on the planning gain which would be accrued by connecting the site to main drainage. Members felt that the County Council should uphold the original condition of connection being made to main drainage."

**LLANGOLLEN CIVIC SOCIETY**

Are aware that the developers have secured approval from British Waterways for the discharge of treated water to the Canal, but have technical concerns over the application:

- distance from any residential unit appears to be below recommendation on submitted details
- occurrence of power failures may oblige back up generators to ensure system works
- condition of pipework under Abbey Road to accommodate discharges.
- No indication of responsibility for future supervision and maintenance of system.

General concerns over developers seeking revisions to conditions following grant of permission and County Council consenting to amendments.

**ENVIRONMENT AGENCY**

No objections. Are satisfied that foul discharge will be controlled under separate Agency legislation. Applicants have already applied for consent to discharge to the canal.

**BRITISH WATERWAYS**

Has no objections to the drainage plant, and confirm that an agreement has been signed to accept discharge to the canal. Request any permission includes an advisory note drawing attention to the need to contact British Waterways engineers to ensure compliance with the Code of Practice for Works affecting British Waterways.

**RESPONSE TO PUBLICITY:**

Letters of objection received from:

1. R. M. Lawrence, Can-y-Gwynt, Tower Road, Llangollen

2. Mr David Davies, 5 Gerddi y Bache, Llangollen LL20 8EJ
3. Mr. G. H. Evans, Llangollen Angling Assoc. Maes Mawr Farm, Tyn Dwr Rd
4. Mr. A.M. & W. Davis, Hazeldene Villa, Abbey Road, Llangollen
5. Mrs. A. P. Hammond, Maes yr Ychain Farm, Llantysilio
6. Mr. J. Calven, 27, Maes Collen, Llangollen

Summary of planning based representations

Original plans for main sewer connection should be honoured.

Applicants were fully aware of distances to main sewer and costs of connection when submitting original proposals. Council should not have allowed development to start before connection was made.

Financial arguments for alternative means of drainage should not carry weight.

Unacceptable risk of pollution from discharge into canal or river

Technical concerns over quality of discharge / inappropriate form of drainage in urban area in 2008 / smells / impact on SSSI.

Threat to recognition of canal as World Heritage Site.

Unclear as to future maintenance of system / emergency procedures

Potential impact on water quality, wildlife, and habitat (fish stock, animals on the canal and river)

Other issues

Access to site not completed.

**EXPIRY DATE OF APPLICATION: 05/10/2008**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application seeks permission to install a treatment tank system to serve a development of 20 flats, which is nearing completion on Abbey Road, Llangollen. The flats replace the buildings which formed the old Bryn Derwen Hotel. It is understood that the complex is to be named Plas Derwen.
2. The flats have been built following the grant of outline permission in August 2005, and the approval of reserved matters details in September 2006. They are located on the east side of Abbey Road (the A542). The Llangollen Canal and the Llangollen Railway run immediately to the west of Abbey Road at this point.
3. The proposed means of drainage for the flats development was indicated on the outline application and reserved matters forms as "public sewer".
4. The nearest point of connection to the public foul sewer is some 600 metres to the east, close to the entrance to the Eisteddfod site.
5. The Bryn Derwen Hotel which occupied the site until its demolition in 2007 was served by a septic tank and a surface water drainage system which discharged directly into the Llangollen Canal via a drain running under Abbey Road.
6. The current application contains a detailed Supporting Statement outlining the reasons and justification for the revised proposals. This is summarised in officer's

words as follows: the previous applications anticipated constructing separate foul and surface water drains

through excavation along the A542. The works would involve laying drains along the road including over the canal bridge. The levels would mean installation of pump stations on the site.

- The construction of the drainage links along the road would result in prolonged disruption to traffic (12 weeks with traffic control on Abbey Road), and considerable expense to the developer, and future residents through the costs of maintaining two lengthy pumped sewers.
- The proposed variation provides an acceptable technical alternative, which can offer assurance to the Council and members of the public that there would be no harm to the environment through pollution or odours.

In relation to the details of the proposed drainage system:

- This would be an 'on site' package treatment plant, in the form of Klargestar BJ Biodisc system. This involves a Glass Reinforced Plastic tank and a separate holding tank, to be located between Unit C and the road boundary.
- All foul water from the flats would be routed to the Biodisc unit at the front of the site. It would be broken down by a combination of biological and mechanical means to produce a liquor which is of a standard that can be discharged into the Llangollen Canal. Prior to discharge, the liquor would be held within a 12,000 litre storage tank which would contain the rainwater drainage from the site, and would serve to further dilute the material discharged through an existing pipe running from the site to an outfall to the canal. The rate of discharge would be controlled (a maximum of 4.4 litres a second).
- There are no problems from odours or flies.
- The Klargestar treatment plant is an industry standard which has been designed to reliably treat sewerage from developments such as Hotels, housing estates, offices, and schools and is in accordance with the relevant Code of Practice (BS 6297). The treated effluent is of a quality that can be discharged direct to a watercourse, and would normally be diluted with rainwater in the holding tank to achieve an even higher standard of quality.
- The system is specified to meet the treatment needs of a development of 21 apartments.
- There are separate controls exercised by the Environment Agency (who have to issue a Discharge Consent specifying the quality and volume of effluent), and by British Waterways (who have to issue a Licence Agreement to discharge to the canal, and the rate of discharge). The EA and British Waterways have confirmed agreement to the proposals.
- The new system would not be offered for adoption to the Council, and would be subject to a maintenance contract ensuring it continues to operate at the specified standard. If the plant fails to operate, there is an inbuilt alarm system alerting the maintenance operator to effect repair. In the event of failure of the plant, there would be no discharge to the canal as it would operate as a normal septic tank, which can be emptied by tanker if necessary and taken off site for disposal.

7. The application documents include details of the Licence Agreement from British Waterways to construct drainage works and to discharge water to the canal, and confirmation from the Environment Agency that they are satisfied at the proposed



use of a package treatment plant and discharge into the canal, subject to permission from British Waterways.

**RELEVANT PLANNING HISTORY:**

8. **03/2004/0720/PO** - Demolition of existing hotel and dwelling and redevelopment of land by the erection of 20 residential apartments and alterations to existing vehicular access (outline application) – GRANTED - 25/08/2005

**03/2005/0693/PR** - Details of siting, design, external appearance, means of access and landscaping for development of 20 apartments granted outline planning permission under Code No. 03/2004/0720/PO. - APPROVED – 06/09/2006

**PLANNING POLICIES AND GUIDANCE:**

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
- |                |   |   |
|----------------|---|---|
| Policy STRAT 7 | - | Environment                             |
| Policy ENV 1   | - | Protection of the natural environment   |
| Policy ENV 5   | - | Sites of local conservation importance. |
| Policy ENP 1   | - | Pollution                               |
| Policy ENP 4   | - | Foul and Surface Water Drainage         |
| Policy GEN 6   | - | Development Control Requirements        |

**MAIN PLANNING CONSIDERATIONS:**

10. The main considerations are:
- i) The principle
  - ii) Amenity impact (pollution, noise, smell)
11. In relation to the main considerations:
- i) The principle  
General guidance in Planning Policy Wales, and the strategic policies of the Unitary Development Plan seek to safeguard the environment by preventing development which would lead to unacceptable environmental impacts, including pollution (STRAT 7). The detailed policies in the Unitary Plan elaborate on this approach: In relation to the Natural Environment, ENV 1 seeks to protect the biodiversity of the natural environment, and ENV 5 seeks to ensure the nature conservation value of designated wildlife sites are protected from harm. In relation to Environmental Protection, ENP 1 contains a presumption against development which would harm the environment and the amenity of nearby properties, including in terms of pollution of groundwater, vibration, odour, noise, or other pollution; and ENP 4 states that development will not be permitted unless satisfactory arrangements can be made for foul and surface water disposal. Test (ii) of ENP 4 refers to proposals for private water treatment / disposal facilities and indicates these will not be acceptable where connection to a public sewer is feasible (test ii) where they would lead to pollution or unacceptably harm controlled waters. GEN 6 permits development in accordance with the other policies of the Unitary Plan subject to compliance with a range of tests, including assessment of impact on the amenity of local residents, other land and property users, through increased noise and fumes (test v), natural environmental considerations relating to drainage (test x) and regard to the treatment and disposal of waste (test xiii).

Taken together, the policies and guidance set a clear obligation to ensure the impacts of the type of development proposed are acceptable. In officers opinion, the main issues are therefore whether the detailed impacts of the

particular proposals are likely to give rise to specific harm, in conflict with the policies having due regard to the objections and 'technical' responses of consultees.

In terms of general principles, the applicant's position is that insistence on a piped connection to the public sewer would be unreasonable since this would involve laying drains for over 600 metres along an A road, over a bridge where the depth of the pipes would be shallow, and this would result in extensive disruption to users of the highway over a 12 week period. Their stance is that the option of a treatment plant is acceptable on technical grounds, meets the requirements of the Environment Agency and British Waterways and would not lead to problems of pollution or impact on the amenities of nearby residential property: all in compliance with the principles and detailed requirements of planning policies.

In acknowledging the concerns of objectors over the applicants' stated intention at outline and reserved matters stage to connect to the piped foul sewer system, and the submission of these proposals to change the means drainage at a late stage in the development, members will be aware of the right of any applicants to submit alternative/revised plans if they so choose. The authority is obliged to deal with any such proposal on its merits, having due regard to the relevant policies, guidance and material considerations.

ii) Amenity impacts

The contents of the submission and the responses received suggest the main amenity considerations to address are the potential for pollution of the canal (and consequent effects on wildlife, users of the canal, and water quality), and the incidence of smell and noise.

Pollution from discharge to Llangollen Canal.

It is significant that there are no objections from the Environment Agency or British Waterways to the proposals to treat waste on site by way of the proposed Klargest plant, to store it in a second tank and to add surface water from the site before discharge at an agreed rate into the canal. The Agency and British Waterways have separate legal controls over this process in any event. Neither would consent to discharge unless the final quality of treated waste which would enter into the canal did not meet their standards.

All modern treatment tanks are required to meet stringent BS Codes of Practice, and the Building Regulations, and there is now a requirement under Part H2 of the Building Regulations that such plant retains a 6 hour flow in the event of a power failure. Arrangements for servicing and repair of the system would rest with a maintenance operator, and in the event of a prolonged power failure or problem, the respective tank(s) can be emptied as necessary by tanker, and the waste taken for disposal elsewhere. On the basis of the information in front of the authority, and in the absence of any 'technical' objection from the Environment Agency and British Waterways, it is not considered there are grounds to suspect the drainage system proposed would give rise to pollution in the canal, affecting the wildlife or plant interest in and around it, or interfering with its recreational use. With respect to concerns of objectors, it is not considered the proposal would have any effect on the prospects of designation of the Llangollen Canal as a World Heritage Site.

Smells and noise

Modern treatment tanks are sealed units which require emptying periodically. The potential release of odour would only occur during the emptying process,

and if undertaken properly, would not give rise to problems for neighbours. There is no on site soakaway from the proposed treatment tanks, so there is no prospect of smells or pollutants arising from overflow or waterlogged ground. Whilst there are electrically driven motors / rotors within the treatment unit to assist the processing of waste, the technical information indicates these are silent in operation, and there should be no discernible noise from the operation of the system.

Again, on the basis of the technical information and consultee responses, there are no reasons to suspect smells or noise would arise as a consequence of installing the proposal system.

#### Other matters

In weighing the issues in relation to this application, members are respectfully asked to take account of the following:

The Bryn Derwen Hotel, which occupied the site until its recent demolition was served by an old septic tank, with its overflow and storm water run off discharged into the canal. In officers view, the proposal for a modern treatment plant offers a clear improvement on this arrangement, assuring high quality of discharge to the canal.- As far as is understood, all other properties along this section of Abbey Road are served by septic tanks, cesspools, or other non mains drainage systems. These require periodic emptying in the same way as the proposed treatment plant would .The authority has accepted septic tank drainage for other schemes along Abbey Road, closer to the main sewer in recent years (eg residential unit at Lyndonhurst).

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

12. The authority is obliged to consider the application on its planning merits. In officers' opinion, there are no sustainable technical planning or policy grounds on which to oppose the proposals for a modern treatment plant as detailed. The scheme is acceptable to the Environment Agency and British Waterways, who have their own stringent controls over discharge to the Llangollen Canal. On the basis of the information it is not considered the treatment plant would give rise to pollution, noise or smells, and it would be a satisfactory means of treating foul and surface water from the development.

#### **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 apartments shall be occupied until the treatment plant and outfall have been completed in accordance with the approved plans.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is served by a satisfactory means of drianage.

**NOTES TO APPLICANT:**

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Any works (Including temporary works) in, under, over or adjacent to any watercourse may require the formal consent of the Environment Agency prior to works commencing. In accordance with the Agency's "no-culverting" policy, consent for culverting will only normally be granted for site access purposes.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Environmental Permitted Regs 2007.

The applicant is advised to contact Mark T Gorman (Third Party Works Engineer) at British Waterways Wales and Border Counties to ensure that the works comply with the 'Code of Practice for Works affecting British Waterways'

**ITEM NO:** 14

**WARD NO:** Corwen

**APPLICATION NO:** 05/2008/0652/ PO

**PROPOSAL:** Development of 2.6 hectares of land for employment purposes (outline application including proposed means of access)

**LOCATION:** Land between Ty Gwyn and Tyn y Gotel Corwen

**APPLICANT:** Mr Gwyn Jones

**CONSTRAINTS:** Groundwater Vulnerability 1

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

**CONSULTATION RESPONSES:**

CORWEN TOWN COUNCIL – ‘No observations’

HIGHWAYS – No objection subject to conditions

ENVIRONMENT AGENCY – No objection subject to conditions, pleased to see the proposal to use an attenuation pond for regulating surface water flows. This should be designed to maximise biodiversity potential

WELSH WATER – No objections subject to standard conditions

PUBLIC PROTECTION - Awaiting response

HEAD OF DEVELOPMENT SERVICES – Awaiting response

PLANNING POLICY – Awaiting response

COUNTY ECOLOGIST – Awaiting response

**RESPONSE TO PUBLICITY:**

Representations received from the following:

- i) Rob Hudson, Park Cottage, Selattyn, Oswestry (via e-mail)
- ii) Mrs Ruth E Francis, Y Gorlan, Llidiart Y Parc, Corwen
- iii) Mr John Lewandowski, Bwlch Gwyn Farm, Corwen

Summary of planning based representations:

In objection (3 letters):

Access/impact issues

Proposed access to the site off the A5104 Chester to Corwen trunk road, its proximity to an existing access and the bend in the road along with the need to provide adequate

visibility splays.

UDP Policy ENV2 states that access is to be made from the existing industrial estate. The Council's proof of evidence into the UDP inquiry acknowledges that there are infrastructure issues in providing an access off the A5104.

The transport assessment accompanying the application only makes reference to the development of the application site, not the whole employment allocation, therefore the volume of traffic using the access onto and off the whole site from the A5104 would be doubled.

#### Amenity impact

Loss of hedgerows and associated impacts on wildlife and visual impact on the landscape.

Increased air and noise pollution, additional traffic will lead to congestion and a further risk of accidents, mains water is through this land to Bwlch Gwyn, what boundary fencing is proposed for security purposes?

**EXPIRY DATE OF APPLICATION: 28/08/2008**

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

- Delay in receipt of key consultation responses

#### **PLANNING ASSESSMENT:**

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

1. The proposal seeks outline permission for the change of use of the land for employment purposes, the formation of a new vehicular access off the A5104 and the formation of an attenuation pond in the south west corner of the application site for the purposes of controlling surface water runoff for the site.
2. The application site extends to 2.6ha of agricultural land and is located directly to the south of the A5104 Corwen to Chester road opposite the nursery known as Tafarn Bric. The site is bound to the south west by an existing dwelling known as Ty'n y Gottel with agricultural land and the existing industrial estate of Ty'n Llidiart to the south. There are two existing agricultural access points into the site off the A5104.
3. The land is allocated for employment purposes under policy EMP1 and EMP2 of the Denbighshire UDP.
4. The access is proposed off the A5104 opposite the abattoir, on land in the ownership of the applicant, immediately adjacent to the EMP1 and EMP2 employment allocation. The visibility splays are on land also in the ownership of the applicant.
5. Supporting information submitted with the application includes the following:
  - i. design and access statement
  - ii. justification statement
  - iii. transport assessment (September 2007)
  - iv. Further information on the justification for the new vehicular access off the A5104

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

6. None in relation to the application site but in relation to the land to the west of Ty'n y Gattel and the existing Corwen Forestry site on the Ty'n Lliidiart industrial estate:

Application ref no: 05/2008/0894/PF – Alterations to existing industrial estate road and formation of new vehicular access. Pending at time of writing this report as further information has been requested from the Agent in relation to highway considerations

**PLANNING POLICIES AND GUIDANCE:**

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

Policy STRAT 8 – Employment  
Policy GEN6 – Development Control Requirements  
Policy ENV1 – Protection of the natural environment  
Policy ENP1 – Pollution  
Policy ENP4 – Foul and surface water drainage  
Policy EMP1 – Amount and distribution of employment land  
Policy EMP2 – Main employment areas  
Policy TRA6 – Impact of new development on traffic flows

**NATIONAL PLANNING POLICY AND GUIDANCE**

Planning Policy Wales (March 2002)  
TAN18 – Transport (March 2007)

**MAIN PLANNING CONSIDERATIONS:**

8.

- i. Principle
- ii. Highways
- iii. Visual amenity / landscape
- iv. Impact on residential amenity
- v. Drainage
- vi. Pollution

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

- i. Principle:  
The site is allocated for employment use within the Denbighshire Unitary Development Plan (UDP). In principle the application to develop the land for employment purposes is acceptable subject to other development control considerations as discussed below.
- ii. Highways:  
Policy EMP1 states that land is allocated at Clawdd Poncen adjacent to the B5437 for employment purposes. The text accompanying the policy refers to potential access from the existing Ty'n y Lliidiart industrial estate, but this is dependant on the acquisition of third party land and can not be guaranteed. Extensive pre application discussions have been held with Highways Officers in relation to the formation of a new access off the A5104. Whilst the comments of the objectors are noted, the applicant has provided justification for the new access off the A5104 in the form of a letter providing clarification as to why an access can not be gained through Ty'n Lliidiart. The reasons identified include land ownership issues and the demand for industrial units from existing businesses in the Corwen area. The

Highways Officers raise no objections to the proposed development subject to conditions, should the application be approved. In relation to criterion vii) of policy GEN6 and policy TRA6 of the Denbighshire UDP, the proposal is considered to be in accordance with the aforementioned policies.

iii. Visual amenity/ landscape:

The application is in outline form with means of access only to be agreed at this stage. No details of the external appearance, siting, or design of the buildings or the landscaping of the site have been submitted for consideration as part of this application but with careful consideration of any application for reserved matters, the impact on the landscape could be kept to a minimum. Concerns have been raised in relation to the impact of the new access on the landscape in terms of the need to remove hedges and the length of the access track itself leading to the application site. These concerns are noted, but it is considered that with a detailed landscaping plan, the impact of the access on the landscape could be minimised. The proposal is considered to be in accordance with policy ENV1 of the Denbighshire UDP.

iv. Impact on residential amenity:

The residential dwelling of Ty'n y Gattel adjoins the west boundary of the application site and lies within the EMP1 and EMP2 employment allocation in the Denbighshire UDP. The dwelling is shown to be outside the ownership of the applicant. There are no details at this stage in relation to the siting, size and scale etc of any buildings which may be erected in proximity to Ty'n y Gattel. It is considered that with careful landscaping and the siting of buildings along this western boundary that the amenity of residents could be maintained to a satisfactory level in accordance with criterion v) of policy GEN6.

v. Drainage:

Mains connection for foul water is available on the site and it is proposed to form an attenuation pond in the south west corner of the application site to deal with surface water runoff from the site. Discharge from this pond would then be released back into the adjoining watercourses and there are biodiversity as well as landscape benefits that would arise as a result of the formation of the pond. Welsh Water and the Environment Agency have been consulted as part of this application and raise no objections to the proposed methods of draining the site. The proposal is therefore considered to be in accordance with policy ENP4 of the Denbighshire UDP.

vi. Pollution:

Concerns have been raised by neighbours in relation to noise and pollution generated as a result of this development. Policy ENP1 of the Denbighshire UDP relates to the control of pollution and states that development will not be permitted where it would unacceptably harm the environment and or the amenity of nearby properties in terms of pollution of surface water or groundwater, emissions of airborne pollutants and vibration, odour, noise, light or other pollution. Given that this application is in outline form with means of access only to be established at this stage, it is not possible to judge the impact of any built development and their



uses in terms of pollution on any of the detailed criteria identified in policy ENP1. Notwithstanding this, any application for reserved matters will be assessed in relation to these concerns, and the Council's Public Protection department and other relevant consultees will be consulted.

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

10. The application site is on the outskirts of the town of Corwen and extends to 2.6ha of agricultural land. The proposal is to use the land for employment purposes to form a new access off the A5104, with an attenuation pond in the south west corner of the site to control surface water flows from the development. In principle, the change of use to employment land is acceptable given the land allocation in the Denbighshire UDP under policy EMP1 and EMP2. Concerns have been raised in relation to the location of the access off the A5104 however Highways Officers raise no objection to the proposed access location subject to conditions. The issues raised in relation to the impact on visual amenity / landscape, the impact on residential amenity, drainage and pollution can be overcome and the proposal is recommended for approval.

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

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.
5. Foul water and surface water discharges shall be drained separately from the site.
6. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.
7. Land drainage runoff shall not be permitted to discharge either directly or indirectly into the public sewerage system.
8. The use of the site hereby approved shall be restricted to class B1 (Business Use), B2 (General Industry) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987.
9. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

- (e) Proposed positions, design, materials and type of boundary treatment.
10. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the developments and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
  11. No development shall take place within 3 metres either side of the public sewer, which crosses the site.
  12. No raw materials, finished or unfinished products or parts, crates, packing, materials or waste shall be stacked or stored on the site except within specific buildings or areas to be further approved in writing by the Local Planning Authority.
  13. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed in writing by the Local Planning Authority before any works start on site.
  14. Full details of the access and associated highway works as indicated on the approved drawings (drawing no MW725 - 4) shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details to be approved shall include the detailed design, construction street lighting and drainage and the works shall be fully constructed in accordance with the approved details before development commences.
  15. The detailed layout, design, means of traffic calming, signing, drainage and construction of the internal estate road shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any works on site.
  16. The visibility splays shown on the approved plan (drawing no MW725 - 4) shall at all times be kept free of any planting, tree or shrub growth or any obstruction in excess of 1.05m above the level of the adjoining carriageway.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To prevent the increased risk of flooding on and off site.
5. To protect the integrity of the public sewerage system
6. To prevent Hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.
7. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
8. For the avoidance of doubt.
9. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
10. To ensure a satisfactory standard of development, in the interests of visual amenity.
11. To ensure access to the public sewer is maintained and to protect the building's foundations if access is required.
12. In the interest of the visual amenity of the site and in the interests of protecting the environment.
13. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
14. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
15. In the interests of the free and safe movement of all users of the highway and to

ensure the formation of a safe and satisfactory access.

16. To ensure that adequate visibility is provided at the proposed point of access to the highway.

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

It is also noted that the land on the north west side of the site is also included for industrial development in the Unitary Development Plan, if this land is to be serviced through the access for this application, then the access approved may require further improvements.

Please inform the developer that suitable legal agreements will be required in relation to the highway works and they should contact the Highway Authority to discuss the requirements of the access and internal estate road at an early stage.

Your attention is drawn to the attached Highway Advisory Notes:-

- (i) Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.
- (ii) Part N form (New Road and Street Works Act 1991).
- (iii) Denbighshire County Council Specification for Road Construction.
- (iv) Denbighshire County Council General Notes for Highway Lighting Installations.
- (v) Denbighshire County Council's General Requirement for Traffic Signs and Road Markings.

Your attention is drawn to the attached Notes from the Environment Agency:

Surface water runoff should be restricted to the existing 1 in 1 year Greenfield rate and attenuated for up to the 100 year storm event. An additional 20% storage volume should be provided to allow for the effects of climate change.

The attenuation pond should be designed with suitable margins to allow encourage wildlife colonisation, e.g. shallow margins with underwater shelves.

The developer should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water is assured.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

Your attention is drawn to the attached Welsh Water Advisory Notes:-

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 01443 331155.

There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. Please note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.

#### **SEWAGE TREATMENT**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

#### **WATER SUPPLY**

The developer is advised to contact our New Connections Design Department, Players Industrial Estate, Swansea, SA6 5BQ, to discuss this prior to the commencement of any site

work. Telephone 01792 841000 for further information on this matter.

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

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

**ITEM NO:** 15

**WARD NO:** Efenechtyd

**APPLICATION NO:** 12/2008/0826/ PO

**PROPOSAL:** Development of 0.03ha of land by the erection of 2 no. holiday accommodation units (outline application including siting, external appearance, design and means of access)

**LOCATION:** Land to rear of Glan Llyn Inn Clawddnewydd Ruthin

**APPLICANT:** Mr & Mrs W Cooper

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

**DERWEN COMMUNITY COUNCIL**

"This Council has the following objections to the above planning application and plans:-".

1. The access to the application site from the B51 05 highway is not owned by the applicant. The access is owned by Derwen Community Council.
2. The right of way of the access to the site has not been asked for by the applicant.
3. The right of way of the access to the site has not been granted by the owners (Derwen Community Council).
4. The Public House Car Park as shown on the planning application has not been done.
5. The application site would lead to the loss of car parking and would thus likely to lead to increased on street parking on the B51 05 highway to the detriment of the safety and convenience of highway users and disturbance to local residents (reference: refusal to planning permission reference 12/2006/0399/PO).
6. The application lacks sufficient detail to allow it to demonstrate that no harm will be caused to the character of the area, that a satisfactory access can be created, that the proposal has sufficient car parking, that there will be no impact on existing trees and that no harm will be caused to nearby occupiers (reference: planning application refusal number 12/2008/0110/PO)."

**HEAD OF TRANSPORT & INFRASTRUCTURE**

Has no objections provided access and parking can be provided with the development (see report).

**WELSH WATER**

No objections. Standard comments relating to water discharge.

**RESPONSE TO PUBLICITY:**

Representation received via public access from "Dylan" stating: *"How does this work when the access isn't there?"*

**MEMBERS' COMMENTS:**

Request from Councillor E. Williams for referral to Committee to allow consideration of the potential for enhancement of the existing business.

**EXPIRY DATE OF APPLICATION: 08/09/2008**

**REASON FOR DELAY IN DECISION:**

- Timing of receipt of representations

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application proposes the erection of two holiday accommodation units on land to the north east of the Glan Llyn Inn in Clawddnewydd.
2. The application site is a grassed area of land standing adjacent to the car park for the Glan Llyn, an existing public house, which is abutted by a pond to the west, by open fields to the east and by a residential property Gerllyn, to the north. The site contains a number of trees and lies within the defined Development Boundary.
3. The application follows a previous refusal at the site (12/2008/0110/PO) and is for essentially the same development but with additional information provided. The scheme proposes the erection of two single-storey hipped-roof holiday units, each containing two bedrooms, a bathroom and a combined living/dining/kitchen area. The units would have a footprint of 8.7 metres by 7.2 metres, and a small projecting terrace. The submitted plans indicate that the units will have a pedestrian access and one parking space each on a proposed future expansion of the adjacent car park for the public house. However, this area is currently grassed over, the car park is not yet in place, and there is no consent for the car park to be created. This effectively leaves the units without any vehicular access.
4. The short supporting statement submitted suggests that the holiday units will provide additional tourist facilities for the village to compliment existing amenities. It is confirmed that the units are proposed to be set behind the pond in a grassed area and that the public house car park is to be re-set out to increase the number of spaces (however, this is outside the site area edged in red and has no consent at the time of this report). It is proposed that the units will have a rendered finish and will be roofed in slate.

**RELEVANT PLANNING HISTORY:**

5. 12/2008/0110/PO - Development of 0.03 ha of land by the erection of 2 holiday accommodation units (outline consent including siting and means of access): Refused 30 April 2008 for the following reason:

*"The application lacks sufficient detail to allow it to demonstrate that no harm will be caused to the character of the area, that a satisfactory access can be created, that the proposal has sufficient car parking, that there will be no detrimental impact on existing trees and that no harm will be caused to nearby occupiers. Accordingly the proposal is considered contrary to Policy GEN 6 and Policy TSM 9 of the Denbighshire Unitary Development Plan as the criteria and objectives of these policies has not been satisfactorily addressed."*

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 1 – Development within Development Boundaries  
Policy GEN 6 – Development Control Requirements  
Policy TSM 9 – Static Caravan and Chalet Development  
Policy ENV 7 – Landscape / Townscape Features

**GOVERNMENT GUIDANCE**

**MAIN PLANNING CONSIDERATIONS:**

7.

- i) Principle
- ii) Siting and visual appearance
- iii) Impact on the privacy and amenity of nearby occupiers
- iv) Impact on existing tree cover
- v) Access and parking

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

i) Principle

In terms of principle, Policy TSM 9 allows for chalet style development subject to three criteria being met, namely:

- a) The site has good accessibility to an adequate local highway network and is accessible by a choice of means of transport;
- b) The site can be unobtrusively sited and assimilated into the landscape;
- c) The proposal does not harm the AONB.

In assessing the proposal against the above criteria, it is clear that the information submitted is inadequate as it fails to demonstrate that a safe and satisfactory access can be achieved as there is no permission for the car park for the public house. Therefore, the principle of the development is not considered acceptable in the absence of a safe and satisfactory access.

ii) Siting & visual appearance

The visual appearance for the two units has now been included, whereas this information was lacking in the previous scheme. The appearance of the holiday accommodation with its rendered finish and slate roof is compatible with other buildings in the vicinity and is considered acceptable.

iii) Privacy and amenity

The site is separated from the adjacent dwelling by a large row of trees and the site is set at a slightly lower level than the adjacent dwelling. No objection has been lodged by the adjacent occupiers. The proposal is not considered likely to result in harm to residential amenity or privacy sufficient to justify a refusal of permission.

iv) Trees

The proposed siting of the units is set within an area where there are a large group of trees. The plotting of these trees and their canopies on a plan along with a tree survey has been requested from the agent, to demonstrate that no harm will be caused to these trees. No plan or survey has been submitted. In the absence of this information it is not considered that the application demonstrates there will not be any harm caused to adjacent tree cover. As such, the proposal is contrary to Policy ENV 7.

v) Access and parking

The comments made by the Community Council in their objection. Emphasise the concerns over the access and parking for the development. Access to the site is reliant on future changes to the car park of the Glan Llyn. There is no access to the site and no parking spaces within it. The submission does not

address the reasons for refusal of the previous application. There also appear to be important private legal constraints on access which may prevent a development in any event.

**SUMMARY AND CONCLUSIONS:**

9. The application is considered unacceptable on basic access and amenity grounds and is recommended to be refused.

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

1. The application lacks sufficient detail to demonstrate that a satisfactory access can be created, that the proposal has sufficient car parking provision and that there will be no detrimental impact on existing trees. Accordingly the proposal is considered contrary to Policies GEN 6, ENV 7 TSM 9 of the Denbighshire Unitary Development Plan as the criteria and objectives of these policies have not been satisfactorily addressed and the development would have an adverse highways and amenity impact.

**NOTES TO APPLICANT:**

None



**ITEM NO:** 16

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

**APPLICATION NO:** 21/2008/0768/ PF

**PROPOSAL:** Erection of new dwellinghouse and detached double garage

**LOCATION:** Land at (part garden of) Minestones Ruthin Road Cadole Mold

**APPLICANT:** Mr & Mrs Romero-Edwards

**CONSTRAINTS:** AONB

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

**CONSULTATION RESPONSES:**

## LLANFERRES COMMUNITY COUNCIL

"The Community Council have no objections or comments to make with regard to this application"

## AONB JOINT ADVISORY COMMITTEE

"The JAC objects to the scale and design of the proposed new dwelling. Whilst the use of natural slate limestone and render is appropriate, the height and mass of the building should be reduced to minimise visual impact. The roof design should also adopt a traditional gabled approach in place of the proposed hipped structure. A condition should also be imposed to plan and maintain a new hedge incorporating traditional local species along the western boundary of the site"

## DWR CYMRU – WELSH WATER

No objection subject to conditions

## HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 25/08/2008**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

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

1. The application site measures 0.07 ha in area and the proposal is a full application for the erection of a 2 storey 5 bedroom dwelling with a basement level and a detached double garage.

2. The application site is within the development boundary of Cadole, on the boundary of Flintshire and located within the AONB. Access to the site is from an unadopted single track lane off the main A494 from Ruthin to Mold, adjacent to the dwelling known as Leete Gate. This road forks off to the rear of Leete Gate and drops sharply down to the application site.
3. The site itself forms part of the garden of Minestones, which is a detached, hipped roof bungalow located on a higher level than the application site. Open fields are located to the west of the site, with the rear of 2 dwellings (St Davids and Lynfield) directly facing the application site, to the east.
4. The decision seeks to incorporate eco-friendly features, as well as being highly insulated, a bio-mass boiler is proposed along with solar panels and an underground rainwater harvesting tank. Materials proposed are a limestone plinth with render elevations and a natural slate roof. The detached garage is to be of the same materials.

**RELEVANT PLANNING HISTORY:**

5. 21/2006/0387/PF Erection of new dwellinghouse and detached double garage  
GRANTED 21<sup>st</sup> June, 2006

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN1 – Development within Development Boundaries  
Policy GEN6 – Development Control Requirements  
Policy ENV2 – Development Affecting the AONB  
Policy HSG4 – Housing Development in Villages  
Policy SPG21 – Parking Requirements in New Developments

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)  
TAN12 - Design

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle of development.
  - ii) Impact on visual amenity.
  - iii) Impact on residential amenity.
  - iv) Highway issues
  - v) Impact on AONB
8. In relation to the main planning considerations as outlined in paragraph 6 above;
  - i) Principle of development  
The village of Cadole is located partly within the administrative boundary of Denbighshire and partly within Flintshire. The southern end of the village is located within Denbighshire and the UDP development boundary surrounds this group of dwellings. Policy GEN1 allows for development within development boundaries and Policy HSG4 identifies Cadole as a village suitable for limited housing development relating to the size and character of the settlement. In principle therefore, the development is acceptable. The site area at 0.07 ha is below the affordable housing requirement threshold.
  - ii) Impact on visual amenity  
The size and scale of the dwelling proposed is larger than others fronting the A494. However in comparison to the dwellings Fairwinds and Madryn

(adjacent to Minestones), the size and scale is considered to be comparable and thus acceptable in this location. The application has been accompanied by a design statement which justifies the style and materials of the building form and takes into consideration the local context of the area. This application differs from the previous design in that a basement level is proposed to maximise the potential of the land levels. The overall scale, mass and height of the proposed dwelling is comparable to that of the dwelling previously approved in 2006. The proposal is considered to be acceptable based on the criteria contained in Policy GEN 6 and ENV 2

iii) Impact on residential amenity

There are two dwellings with their rear elevations directly facing the application site, these are St Davids and Lynfield. The existing dwellings are located at a distance of approx 27m from the closest elevation of the proposed dwelling. This is an acceptable distance to retain levels of residential amenity. The dwelling itself would have sufficient amenity space and off street parking. This is considered to meet the requirements of criteria v) of Policy GEN 6.

iv) Highway issues

Although the access serving the site is a narrow lane, however no objections are raised due the nature of the development and likely additional traffic generated by a single dwelling. The highway officer raises no objections.

v) Impact on AONB

The AONB Committee has objected to the application on the basis that the scale and design of the proposed dwelling and garage are not appropriate in this location in the AONB. With respect, the scale is considered to be acceptable in the context of the village and the dwelling will be located in a group of existing dwellings. The design is justified by the accompanying design statement and this is considered to be acceptable based on guidance in TAN12. Should the application be approved, a suitable landscaping condition can be attached to minimise the impact on the AONB and to control the boundary treatments proposed. Despite the negative comments from the AONB committee, the proposal is considered to be acceptable in relation to Policy ENV2.

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

9. The application site is within the development boundary of Cadole and located in the AONB. The application is for the erection of a detached two storey dwelling unit and the creation of a detached double garage. The size, scale, design and materials of the proposed dwelling are considered to be acceptable and in accordance with Policy GEN6 and advice contained in TAN12. There would be no adverse impact on highway safety and the access to the site is acceptable. The development is considered to be acceptable and 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. 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 of the development hereby permitted and no materials other than those approved shall be used.
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. 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 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.

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

7. Foul and surface water discharges shall be drained separately from the site.

8. No surface water shall be allowed to connect, either directly or indirectly to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.

9. Land drainage runoff shall not be permitted to discharge, either directly or indirectly into the public sewerage 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 the interests of visual amenity.

3. In the interests of visual amenity.

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

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

6. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity

7. To protect the integrity of the public sewerage system.

8. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.

9. To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 17

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

**APPLICATION NO:** 21/2008/0780/ PF

**PROPOSAL:** Erection of two storey pitched roof extension to front and rear of dwelling

**LOCATION:** Silverwood Cadole Mold

**APPLICANT:** Mr G Hallows

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

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

**CONSULTATION RESPONSES:**

LLANFERRES COMMUNITY COUNCIL

"The Community Council have no objections or comments to make with regard to this application"

AONB COMMITTEE

"The JAC objects to this application on the scale, height and mass of the proposed extension, and the proposed timber cladding which is not characteristic of the AONB, would have a detrimental visual impact on the designated area"

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 28/08/2008****REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

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

1. The application site comprises a large detached 2 storey dwelling located within the open countryside beyond the village of Cadole near the county boundary with Flintshire. The site is located within the Clwydian Range Area of Outstanding Natural Beauty and is surrounded by mature woodland. The property is rendered with a natural slate roof and has been extended with a flat roof garage to the side of the dwelling with is visible on the approach to the property from the access off Maeshafn Road.
2. This application is for the erection of a 2 storey pitched roof extension to both the front and rear of the dwelling. The extension to the front of the property would be built on the same footprint as the existing flat roof garage. In addition to the extensions, all of the windows are to be replaced and cedar cladding introduced to the upper floor.

**RELEVANT PLANNING HISTORY:**

3. None

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 Development Control Requirements  
Policy ENV 2 Development affecting the AONB  
Policy HSG 12 Extensions to Dwellings

SPG 1: Extensions to Dwellings

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 20020)

**MAIN PLANNING CONSIDERATIONS:**

- 5.

- i) Impact on residential amenity
- ii) Impact on visual amenity/character of AONB

6. In relation to the main planning considerations noted above:

- i) Impact on residential amenity

The property has no neighbouring properties, with the closest property of 'Tyn y Coed' being some 170m away, therefore the proposal would not result in any adverse impact on the amenities of nearby residents. The property itself is set in extensive grounds with large amenity area and sufficient parking and turning space. There would be no adverse impact on residential amenity

- ii) Impact on visual amenity/character of the AONB

The JAC has expressed concern over the scale, height and mass of the proposed extensions along with the use of timber cladding. In this respect, the scale and design of the extensions is considered acceptable taking into account the style and character of the original dwelling. Whilst the extensions are large, the existing garage is to be demolished, the property has a large curtilage area and is not visible from any public view points due to the mature woodlands that surround the site. The property is visible from the south however there are only open fields to this elevation. The existing property is not of any particular merit and it is considered that the overall appearance of the property would be enhanced. The use of cedar cladding would complement the traditional materials of render and natural slate and the proposal is considered acceptable assessed against Policy GEN 6, HSG 12 and ENV 2. It is not considered that the proposal would result in an adverse impact on the visual amenities of the area or character of the AONB.

**SUMMARY AND CONCLUSIONS:**

7. The proposal is considered acceptable assessed against the relevant policies and there would be no adverse impact on residential or visual amenity/character of the AONB.

**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

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION  
PROPOSED REVISIONS TO SCHEME OF DELEGATION

1. PURPOSE OF REPORT

- 1.1 This report seeks Member approval for intended revisions to the Scheme of Delegation. The changes proposed are relatively minor and are set out in detail below.
- 1.2 **Appendix 1** contains the updated Scheme of Delegation which has been set out in a more user friendly format to that previously used. The scheme is set out in 3 parts as follows:-

**Part 1 – Officer Level Decisions**  
**Part 2 – Committee Level Decisions**  
**Part 3 – Full Council Level Decisions**

- 1.3 This format will enable the reader to distinguish what decision making level certain types of planning and other application will need to have. The content largely remains as previously, however, some revisions are required in order to make Planning Committee more efficient and to empower officers to make quicker decisions.

2. DELEGATION SCHEME

- 2.1 Members appear to have confidence in the delegation scheme. Greater Officer contact with Members, circulation of weekly lists, earlier contact with Local members on significant or potentially controversial applications, availability of Officers and the accessibility of information on the portal all means that positive communication takes place. This aids better and more efficient decision making and has strengthened the good working relationship which Officers have with Members.



- 2.2 Having regard to this relationship and based on comments from Members at Planning Committee it is important to revise the scheme where necessary to ensure improvements are made. It is evident that some Planning Committee's can still contain upwards of 30 planning and other applications. Some where only a single objection may have been made. It is, therefore, proposed to make the following changes.
- To bring **all** applications in line with householder applications where 3 or more objections are required from the public before committee level decision is required. (**see Part 1b**)
  - To enable Officers to take enforcement action over unauthorised Houses in Multiple Occupation under delegated powers. (**see Part 1f**)
- 2.3 Members should note that applications recommended for approval where a town or community council has objected will still be referred to Committee. Furthermore, Members may still request an application be heard at Planning Committee by completing the appropriate request form as before.
- 2.4 Should Members agree to the proposed format and changes to the Delegation Scheme at Planning Committee it will still be necessary to refer it to Full Council for approval.

### 3. **RECOMMENDATION**

- 3.1 That Planning Committee approves the proposed changes to the Delegation Scheme enabling referral to Full Council

# SCHEME OF DELEGATION

**This revised scheme was approved by Full Council on ..... and came into effect on applications received from ..... onwards.**

The delegation scheme enables officers within the Development Control and Compliance section of the service to deal with certain types of application, determination and compliance case without authorisation from Planning Committee or Full Council.

The purpose of having such a scheme is to ensure an efficient, customer focused approach to Development Control and Compliance whilst maintaining the necessary democratic checks and balances which Planning Committee and Full Council provide.

The scheme is in three parts:-

**Part 1 – Officer Level Decisions**

**Part 2 – Committee Level Decisions**

**Part 3 – Full Council Level Decisions**

## **PART 1 - Officer Level Decisions**

**The scheme will allow the Head of Planning and Public Protection, Development Control Manager and any Officer under their management to determine the following types of planning applications, prior determinations, notifications, approval of conditions, ancillary decisions, amendments and compliance case under the relevant Planning Acts:-**

- a) Householder applications (development within the curtilage of a dwelling house) where no more than 3 letters of objection have been received from different neighbours/residential properties raising material planning objections.
- b) All other types of planning application, including works to trees and telecommunication proposals, where no more than 3 letters of objection have been received from different neighbours/residential properties raising material planning objections.
- c) All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments and other notifications where objections have been received.
- d) Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- e) Compliance cases where urgent action is needed including the serving of Stop Notices, temporary Stop Notices and Injunctions (Emergency Powers) subject to consultation with the Local Ward Member(s). Once action is agreed the signatures of the Corporate Director of Environment, Head of Planning and Public Protection, County Clerk or Legal Services Manager and Chair or Vice Chair of Planning Committee will be required.

- f) Compliance cases which require the serving of s.215 notices, Listed Building Enforcement Notices, discontinuance notices, tree preservation notices, trees in Conservation Areas, High Hedges notices and enforcement notices relating to unauthorised Houses in Multiple Occupation.
- g) Amendments to Committee authorised Enforcement Notices where the substance of the breach or remedy has not changed, subject to consultation with the Local Ward Member(s).
- h) Decide the type of planning appeal and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- i) To submit observations on behalf of the section/service on external consultations or draft documents.

## **PART 2 - COMMITTEE LEVEL DECISIONS**

**The following sets out the types of planning applications which will need to be reported to Planning Committee and as such do not fall within Part 1 of this scheme:-**

- a) All planning applications where more than 3 letters of objection have been received from different neighbours/residential properties raising material planning objections and where Officers are recommending approval.
- b) All planning applications where a material planning objection has been received from a Town or Community Council within the stipulated time span and which makes reference to relevant policies in the adopted Plan. This is only when the application is recommended for approval by Officers contrary to the valid objection.
- c) All planning applications which represent a departure from the adopted policies and guidance of the Development Plan and are being recommended for approval.
- d) Any planning application which the Ward Member for that application requests to be heard at Committee. This request should be made in writing or by e-mail to the Head of Planning and Public Protection and/or the Development Control Manager within 21 days of the circulation of details on that application and only valid planning reasons for this referral will be accepted.
- e) Any planning application submitted by, on behalf of, or on land in the ownership of a County Councillor, Planning Staff, Head of Service, Director, Chief Executive, or their close relative.
- f) Any retrospective planning application which is recommended for refusal where enforcement action is also recommended, unless the action falls within Part 1 of this scheme.
- g) Any planning application submitted by or on behalf of the Council on land in their ownership where the proposal does not relate to a specific function exercised by them.
- h) Any planning application to remove or vary a condition which has been specifically imposed at Planning Committee or Full Council additional to those recommended by Officers.
- i) Any other planning application, compliance case or determination which the Head of Service or Development Control Manager considers necessary to report to Planning Committee due to interest or circumstance.

## **PART 3 - FULL COUNCIL LEVEL DECISIONS**

**The following sets out the applications which will need to be referred to Full Council for determination:-**

- a) Any planning application from Planning Committee which, if granted or refused, would represent a significant departure from the adopted Development Plan.
- b) Any planning application or compliance case from Planning Committee where, based upon the advice of Officers, it is felt there would be a strong likelihood of an award of costs against the Council at appeal.

**For Clarity:-**

**“Close relative” is defined as spouses/partners, parents, children, brothers and sisters.**

**“Significant Departure” is defined as any proposal which, if approved or refused, would harm the fundamental intentions of the Policy or Guidance in the Development Plan.**

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**INFORMATION ITEMS FOR PLANNING COMMITTEE**  
**APPEAL DECISION FOR LAND ADJOINING 51 BRIGHTON ROAD, RHYL**

**1. PURPOSE OF REPORT**

- 1.1. This report is intended for Members information only and relates to a recent decision of the Planning Inspectorate to allow an appeal and award costs against the Council.
- 1.2. The report will provide Members with the relevant background information to this case highlighting the key issues and the reasoning behind the eventual decision.

**2. BACKGROUND**

- 2.1. A planning application (Outline including siting, design, external appearance and access) was presented to Planning Committee in February 2008 for the development of 0.07 ha of land by the erection of a single dwelling and detached garage.
- 2.2. Officers had recommended that the application be granted having regard to the characteristics of the site and surroundings within the development boundary of Rhyl. Similar dwellings existed in the area set back behind larger properties fronting Brighton Road.
- 2.3. At Committee, however, local Members raised concerns about the proposal having regard to some neighbour opposition. Committee decided to refuse the application for the following reason:-

“ In the opinion of the LPA, the erection of the proposed dwelling would result in an over intensification of development and an unacceptable form of backland development at the rear of an existing property, being likely to have an adverse impact on the character of development in the locality, unacceptably reducing the amenity space and parking provision for No. 51 Brighton Road, and creating the potential for additional activity and disturbance to the occupiers of No. 51 and adjacent properties, contrary to Policy GEN 6 (i), (v), (vi) of the DUDP.”
- 2.4. The decision was issued on 20<sup>th</sup> February 2008 and a planning appeal was lodged. This appeal was heard by way of an informal hearing which took place over one day on 22<sup>nd</sup> July 2008. The appeal was allowed and costs awarded against the Council on 9<sup>th</sup> September 2008.

### **3. APPEAL DECISION AND AWARD OF COSTS**

3.1. In allowing the appeal the Inspector raised a number of points summarised below:-

- The pattern of development in the area meant that the proposed dwelling would not impact upon the character or appearance.
- Adequate vehicular access and open space would result from the proposal similar to other properties in the area.
- Existing high walls and screening around the site would mean the proposed dwelling would have no greater impact on neighbours than the existing dwelling.
- The proposed dwelling does meet criteria set out in Policy GEN 6 of the DUDP.

3.2. In awarding costs against the Council the Inspector stated:-

“The Committee did not carry out a site visit..... they took undue regard to the opinion of Local Members without a proper assessment of the proposal. The current ward member stated that she had never been on the site and during the hearing site visit made the statement that, had a visit been carried out then a different opinion may have been offered to the Committee.”

3.3. Clearly, the Inspector was surprised by the Local Members actions in this case and even stated that “local knowledge was flawed”. He concluded that the Council behaved unreasonably in refusing planning permission.

### **4. ISSUES TO NOTE**

4.1. In this case it is apparent that local members may have made a decision and influenced Committee based on anecdotal evidence from neighbours who had objected. This has been compounded by a limited knowledge of the site and surroundings.

4.2. At the hearing itself Members represented the Council but were unable to provide any relevant evidence to defend the reason for refusal.

### **5. RECOMMENDATIONS**

5.1. That Members note the contents of this report.



## Penderfyniad ar yr Apêl

Gwrandawriad a gynhallwyd ar 22/07/08  
Ymweliad â safle a wnaed ar 22/07/08

## Appeal Decision

Hearing held on 22/07/08  
Site visit made on 22/07/08

**gan/by Gareth A. Rennie MRTPI FRGS**

Arolygydd a benodwyd gan y Gweinldog  
dros yr Amgylchedd, Gynaliadwyedd a  
Thal, un o Weiniogion Cymru

an Inspector appointed by the Minister for  
Environment, Sustainability and Housing,  
one of the Welsh Ministers

Dyddiad/Date 09/09/08

**Appeal Ref: APP/R6830/A/08/2072204**

**Site address: Land adjoining 51 Brighton Road, Rhyl, LL18 3HL**

**The Minister for Environment, Sustainability and Housing has transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr I. A. McQuire against the decision of Denbighshire County Council.
- The application Ref 45/2007/1448/PO, dated 1 December 2007, was refused by notice dated 20 February 2008.
- The development proposed is the erection of 1 no. detached bungalow & garage on land at rear of existing dwelling.

### Decision

1. I allow the appeal, and grant planning permission for the erection of 1 no. detached bungalow & garage on land at rear of existing dwelling at 51 Brighton Road, Rhyl, LL18 3HL in accordance with the terms of the application, Ref 45/2007/1448/PO, dated 1 December 2007, and the plans submitted with it, subject to the following conditions:
  - 1) Details of the siting, design, external appearance of the building, the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
  - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
  - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

- 4) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Development shall not begin until details of the proposed vehicle turning area are submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until that turning area has been constructed in accordance with the approved details.
- 6) The proposed garage shall be used for the parking of vehicles at all times and for no other purpose.
- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 8) None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

#### **Procedural Matter**

2. The proposal is for outline permission with details of the design and external appearance of buildings reserved. Although a plan showing the design of the development was submitted, this is for indicative purposes only, and I have dealt with the proposal on that basis.
3. At the Hearing an application for costs was made by Mr I. A. McQuire against Denbighshire County Council. This application is the subject of a separate Decision.

#### **Main issue**

4. I consider that the main issues in this case are the effect of the proposal on the character and appearance of the surrounding area and the effect of the proposal on the living conditions of nearby residents.

#### **Reasons**

##### *Character and appearance*

5. The north western side of Brighton Road is predominantly that of three storey, brick built, semi detached houses facing the road. The overall pattern of development in the area is anchored by these houses. However, there has been a significant amount of development to the rear of these houses so that only Nos 51 and 71 have retained the full original extent of their rear gardens. Away from the road the area is characterised by a denser pattern of infill development and newer estates of smaller houses. The mix of denser development, together with the roadside properties, provide the general pattern of development. Much of the



denser development also lies within what were the rear gardens of properties along Brighton Road.

6. The proposed bungalow would reflect this general pattern of development. It would occupy a similar building line and footprint to the adjacent No. 47 Brighton Road. It would also replace, in part, an existing garage and ancillary accommodation which currently take up a significant part of the rear garden of No. 51. I consider that there would be no overall loss of open space. Its shared access would also reflect similar arrangements that exist for other properties along Brighton Road. For these reasons I consider that neither the character and appearance of the surrounding area, or the character and appearance of the existing property, would be harmed as a result.

*Living conditions*

7. The rear garden of No. 51 is bounded by high walls and these would provide adequate screening from noise and disturbance as a result of activities within the garden space of the proposed bungalow or of vehicles entering and manoeuvring on the property. Despite the proximity of the adjacent dwellings, No's 47 & 53 Brighton Road, I consider that the relationship between them and the appeal site would not differ significantly from their existing relationship with No. 51 and its garden.
8. The appeal site would remain in domestic use and I consider that the level of noise and disturbance associated with the use of the proposed bungalow would not differ significantly from the existing level associated with No. 51 and its existing ancillary accommodation. Whilst No. 53 does have two windows facing the rear garden of No. 51 they would continue to face what would be garden area of the proposed bungalow and I consider that this would not lead to additional impact on the living conditions of the residents of No. 53. Similarly, whilst the proposed bungalow would be closer to dwellings within Russell Court to the rear of the site, there is adequate screening, and the scale and intensity of use of the appeal site would not differ significantly from the existing.
9. The front elevation of the proposed bungalow would lie close to the rearmost part of No.51, however there would little opportunity for overlooking of either building despite this. The proposal would be overlooked by bedroom windows in the main rear elevation which would be significantly further away from the proposed development than the closest point of the rear extension and outlier to No.51 which extend some distance from the main house. Moreover the expected level of activity within these bedroom windows would not be great. I also consider that with appropriate boundary treatment it would be possible to maintain the privacy level of the remaining amenity space to the rear of No.51, and I have included a condition to that effect.
10. The proposed bungalow would be accessed via the existing driveway, which is already in use by residents of No. 51 and its ancillary accommodation. Vehicles accessing the proposed bungalow would pass close to the side wall of No. 51. Even so the driveway area would be used by the residents of No. 51 for parking and the windows that face onto the driveway are at a high level and open into secondary rooms within the property. The level of traffic that could be expected

from the proposed bungalow would also not be significantly greater than the traffic already using the driveway from No. 51 and its ancillary accommodation..

*Other Matters*

11. Despite the loss of the existing garage the proposal allows for 3 car parking spaces to be retained for No. 51 and a parking space and garage to be provided for the proposed bungalow. In addition, whilst Brighton Road appears to be a busy road there also appears to be adequate parking along it and there is a large public car park nearby. I also consider that the traffic that would be generated by the proposal would not differ significantly from that which already exists in connection with the residents of No. 51 and its existing ancillary accommodation. I have included conditions to secure an adequate turning area to avoid vehicles having to reverse along the shared driveway, and to ensure that the garage is available for the parking of vehicles at all times in order to maintain this.
12. For these reasons I consider that the proposal would not lead to increased pressure on on-street parking that would undermine road safety. Moreover the appeal site is situated within walking distance of a wide range of services, facilities, and public transport opportunities that Rhyl offers, and residents without cars may be attracted to the proposed bungalow because of this level of accessibility.
13. I conclude, therefore, that the proposal is not contrary to policy GEN 6 of the Denbighshire Unitary Development Plan which seeks to protect the characteristics of the site and its surroundings and the amenities of local residents and other land or property users.
14. Consequently for the reasons given above, and having considered all other matters, I conclude that the appeal should be allowed.

*Gareth A. Rennie*

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Berwyn Owen	Owen Devenport Ltd, 22 Wynnstay Buildings, Colwyn Bay, Conwy, LL29 8NB
Mr Jamie Bradshaw	Owen Devenport Ltd, 22 Wynnstay Buildings, Colwyn Bay, Conwy, LL29 8NB
Ms Kelly Aldcroft	51 Brighton Road, Rhyl, LL18 3HL

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Mead BA(Hons) Dip TP MRTPI	Development Control Manager
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Cllr D. Hannam	Ward Member
Cllr B. Blakeley	Planning Committee Member

INTERESTED PERSONS:

Mr & Mrs Guy	16 Russell Court, Rhyl, LL18 3EN
Mr & Mrs Aldcroft	51 Brighton Road, Rhyl, LL18 3HL
Mr R. W. Logan MRTPI	65 Dyserth Road, Rhyl, LL18 4DJ

DOCUMENTS

- 1 Notification letter
- 2 Denbighshire Supplementary Planning Guidance

PLANS

- A Application Plan



## Penderfyniad Costau

Gwrandawriad a gynhaliwyd ar 22/07/08  
Ymweliad â safle a wnaed ar 22/07/08

## Costs Decision

Hearing held on 22/07/08  
Site visit made on 22/07/08

gan/by Gareth A. Rennie MRTPI FRGS

Arolygydd a benodwyd gan y Gweinidog  
dros yr Amgylchedd, Gynaliadwyedd a  
Thai, un o Weiniidogion Cymru

an Inspector appointed by the Minister for  
Environment, Sustainability and Housing,  
one of the Welsh Ministers

Dyddiad/Date 09/09/08

**Costs application in relation to Appeal Ref: APP/R6830/A/08/2072204**

**Site address: 51 Brighton Road, Rhyl, LL18 3HL**

**The Minister for Environment, Sustainability and Housing has transferred the authority to decide this application for costs to me as the appointed Inspector.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr I.A. McQuire for a full award of costs against Denbighshire County Council.
- The hearing was in connection with an appeal against the refusal an application for planning permission for the erection of 1 No. detached bungalow & garage.

**Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.**

### The Submissions for the appellant

1. An application is made for the award of full costs having regard to the provisions of circular 23/93 and in particular paragraphs 7, 8, 9, 10 & 11 of Annex 3.
2. There is an obligation on the authority to produce evidence to show clearly why an application was refused. In this case subjective arguments were put forward which were not based on a site visit. Paragraph 9 of Annex 3 says that there must be reasonable planning grounds for not accepting an officer's recommendation. In this instance the case officer was aware of the members' concerns and conducted a site visit to ensure that the basis for the report to committee was correct. The committee turned down the application without the benefit of a site visit.
3. This resulted in a two hour hearing during which relevant evidence was not heard, rather the hearing heard opinion which was not based on fact. There was no evidence that the committee considered the proposal against the criteria set in supplementary planning guidance or considered appropriate conditions that might allow development to proceed.
4. The hearing also heard that the committee made their decision partly based on the impact that the development would have on the character and appearance of the site itself rather than the impact on the surrounding area as a whole. This did

not reflect the reason for refusal which dealt with the effect of the proposal on the character and appearance of the area.

5. Whilst it is acknowledged that the Council should take account of local opinion paragraph 15 to the Circular says that this is not reasonable grounds for refusal. In this case the committee was unduly swayed by the opinions of local members.

### **The Response by the Council**

6. The Council would defend its position that the committee made its decision without the benefit of a site visit. Photographs of the site were made available to all members of the committee. These photographs clearly showed the site, buildings and the surrounding area. The plan of the proposal was also scrutinised by members before making their decision and the case officer spoke to local members about the particular site.
7. The Council would also contend that they acted responsibly in so much as the decision was made having regard to local knowledge of the character and appearance of the site and surroundings.
8. Notwithstanding the examples given of development in the area, the Council would stress that existing properties were built a substantial time before the adoption of the current development plan.
9. Policy GEN 6 of the UDP attempts to ensure that new development respects the site and surroundings in terms of siting, layout, scale, form and design. Evidence has been given that because of the proximity of the proposed dwelling to the existing property at No. 51 that the policy objective of respecting the site and its surroundings has not been met. The Council would also add that further evidence of this can be produced during the site visit.

### **Conclusions**

10. I have considered this application for costs in the light of Circular 23/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
11. Paragraph 9 of Annex 3 makes it clear that local planning authorities are not bound to adopt the professional advice of their officers but are expected to provide reasonable planning grounds for not adopting their officers' advice.
12. The Council surprisingly failed to present any compelling evidence about the effect of the proposal on the character and appearance of the area to address the reason for refusal. Moreover little reference was made to standards within Supplementary Planning Guidance or development plan policy. The Council's objection to the development rested primarily on the effect of the proposal on the character and appearance of No. 51 and the loss of its rear garden rather than on the character and appearance of the area as a whole. This, it was stated, was based on an impression that the development would be cramped in appearance.
13. The committee did not carry out a site visit and I consider that they took undue regard of the opinion of local members without a proper assessment of the

proposal. The current ward member stated that she had never been on the site and during the hearing site visit made the statement that, had a site visit been carried out then a different opinion may have been offered to the committee. Similarly an assessment of the effect of the proposal on the living conditions of the residents of No.51 and other nearby residents could not have been properly made without a consideration of separation distances and the positioning of windows relative to the proposed development and its means of access. I do not consider that the perusal of photographs and plans to be a reasonable substitute for this.

14. Given the above, I conclude therefore that Members were unduly influenced by the opinions of local members without the benefit of knowledge gained during a site visit. Whilst they were entitled to apply the precautionary principle in the light of local knowledge and expertise, in this case the local knowledge was flawed. I consider that in this case the Council did not base its decision on sound planning reasons based on development plan policy, and I conclude that they did behave unreasonably in refusing planning permission.

#### **Formal Decision and Costs Order**

15. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Denbighshire County Council shall pay to Mr I.A. McQuire, the costs of the appeal proceedings, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 as amended against the refusal of planning permission for the erection of 1 No. detached bungalow & garage on land at 51 Brighton Road, Rhyll, LL18 3HL.
16. The applicant is now invited to submit to Denbighshire County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

*Gareth A. Rennie*

Inspector