

PROTOCOL FOR PLANNING COMMITTEE

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

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

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

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

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

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

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

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

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
INDEX TO REPORT**

Item No	Application No	Location and Proposal	Page No
1	30/2008/1145/PF	Bryn Glas Hotel St. Asaph Road Trefnant Denbigh Change of use of hotel to form 1 no. dwelling	1
2	40/2005/1500/PO	Part Of Kinmel Park Army Camp Kinmel Park, Abergele Road Bodelwyddan Rhyl Demolition of existing barracks and related buildings and redevelopment of 2.91ha (7.19 acres) of land for employment uses (B1 and B8 uses); development of 2.74ha (6.77 acres) of grassland previously occupied by barracks, incorporating existing parking area, for residential purposes, and alterations to existing vehicular and pedestrian access (outline application)	6
3	43/2008/0841/PF	5 Manod Road Prestatyn Demolition of existing lean-to and erection of single storey extension to rear (partly retrospective)	31
4	45/2008/0672/PC	9 Doren Avenue Rhyl Retention of brick pillars and fence infill to increase height of boundary wall to 1.97m overall (retrospective application)	34
5	45/2008/0800/PF	James Buildings 4a Rhuddlan Road Rhyl Demolition of existing building and erection of block of 2 self-contained flats	36
6	45/2008/1005/PF	31 Vale Road Rhyl Change of use of existing ground floor public house into 2 no. shop units; conversion of first and second floor to 2 no. self-contained flats and alterations to existing vehicular/pedestrian access	40
7	01/2008/0623/PO	Land at (Part garden of) Bryn Clwyd Chapel Place Denbigh Development of 0.029ha of land by the erection of 1 no. dwelling (outline application - all matters reserved)	43
8	01/2008/1070/AC	Former North Wales Hospital Nantglyn Road Denbigh Details of phasing of development, numbers of dwellings, road hierarchies and design principles for new buildings and open spaces submitted in accordance with condition no. 4A & 4B of planning permission code no. 01/2004/1445/PO	46
9	01/2008/1129/AD	56 High Street Denbigh Display of 1no. internally illuminated fascia sign (retrospective)	54
	ENF 2008/118	Enforcement Report	55(a)

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
INDEX TO REPORT**

Item No	Application No	Location and Proposal	Page No
10	02/2007/0867/PO	Land rear of Land rear of 27 Well Street fronting Wynnstay Road Ruthin Development of 0.02ha of land for residential purposes (Outline application - all matters reserved for subsequent approval)	56
11	02/2008/1035/PF	Rose Bank Borthyn Ruthin Conversion of single dwelling into 2 self-contained flats	59
12	05/2008/0784/PF	Ifor Williams Trailers Limited Trailer Sales Office Bridge Street Corwen Erection of 2.4m high palisade fencing adjoining Station House and 1.8m and 2.4m high bar fencing to improve security along front and side boundaries	63
13	05/2008/1103/PC	Cardwells The Square Corwen Retention of building forming a) Ground floor WC and smoking shelter in connection with restaurant; b) First floor decking area for use in connection with existing flat	65
14	09/2008/1036/PF	Moel Y Parc Bwthyn Bodfari Denbigh Erection of pitched-roof extension at side and rear of dwelling	68
15	14/2008/1092/PO	Land at (Part garden of) Godre'r Coed Cyffylliog Ruthin Development of 0.09 ha of land by erection of detached dwelling and construction of new vehicular access (Outline application including access)	71
16	16/2007/1232/PF	Land Adjacent To Bryn Derw Llanbedr Dyffryn Clwyd Ruthin Erection of 8 no dwellings and construction of new vehicular and pedestrian access (site area 0.66 ha)	75
17	20/2008/0176/PS	Bryn Dibyn Graigfechan Ruthin Removal of condition no. 4 of planning permission code no. 05/30/208 thereby deleting agricultural occupancy condition	90
18	20/2008/0919/PF	Capel Bethel Graigfechan Ruthin Conversion of existing chapel to dwelling, change of use of adjacent land to form part of residential curtilage and formation of 2 new vehicular access points	93

ITEM NO: 1

WARD NO: Trefnant

APPLICATION NO: 30/2008/1145/ PF

PROPOSAL: Change of use of hotel to form 1 no. dwelling

LOCATION: Bryn Glas Hotel St. Asaph Road Trefnant Denbigh

APPLICANT: Mr D Tibbetts

CONSTRAINTS:

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

CONSULTATION RESPONSES:

TREFNANT COMMUNITY TOWN COUNCIL

"The members have no objections to this application. The hotel has not been a viable business for some time. Trefnant is unable to support 2 licensed public houses and when the hotel was open the Trefnant Inn went out of business twice. Now that the hotel has closed the Trefnant Inn is more viable providing a service and employment to the village. A previous precedent has been set by the County in Trefnant when they approved the change of use of the site of the North Wales Agricultural Engineers for domestic housing. The members support this application."

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 09/12/2008

REASON FOR DELAY IN DECISION

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The property is a hotel complex which stands on the north eastern side of the main road, and has a telephone exchange to one side, open fields to the rear, and a residential property (Bron Berllan) to the other side.
2. The application proposes to change the use of the hotel into a single five-bedroom dwelling. The conversion requires no external alterations and will create a detached single-storey home containing a family/dining area, laundry room, office, gym, living/lounge area, store and kitchen in addition to the bedrooms.
3. The application is accompanied by a written statement from the applicant which is set out in full below:

"I would like to extend the current domestic rating of a part of the Bryn Glas Hotel to the entire property and use it all as a home.

The present house is unsuitable for myself, as a disabled person, and for the family. It used to be only myself, my mother and my father, who were my carers,

living in the house. With my father passing away, my younger brother has since moved here with his wife and three children, aged fourteen, eleven and eight to assist and, eventually, take over the caring duty. There are now seven living in the house where there used to be three and room is at a premium. In fact much of my brother's possessions are still in their moving boxes. The layout of the house does not fit our needs with so many people and a wheelchair user to accommodate. In fact we are unable to all sit in one room in comfort for such a mundane thing as watching TV together. Sitting down to a meal is awkward and is impossible if further family members are present. Having other family members to stay is very difficult and is not possible at all with regard to my sister-in-law's mother who is also a wheelchair user. There is ample room for a growing family, which will be important as the children get older.

Due to my size I have recently had a new wheelchair allocated to me that struggles to get through the doors due to small turning circles in my home. Constant shuffling back and forth is required. I recently fractured my foot due to it getting stuck around a door frame and being bent back. As I have a spinal cord injury leading to no feeling in my legs it was over a week before this was discovered due to the fact the swelling in my foot got worse.

The house itself now requires some major repairs, in particular a new roof and new wiring. This will be expensive and cannot be done without major disruption to family life. The hotel building is also far more energy efficient than the house will ever be. Moving is a far easier option yet I do not want to move away from Trefnant as all my social and medical networks are established here. I use NHS community services extensively but I have concerns that moving out of this area will lead to a reassessment of my needs and a reduction or poorer service. I have anecdotal evidence from friends who have moved.

I am unable to have more than one wheelchair-using friend visit me at anyone time as my rooms are not big enough. I know the hotel rooms are big enough for all aspects of my life, from socialising to toileting, as it was designed around my needs in 1987. No alterations are needed for the areas I would use and I can literally 'move in tomorrow', which is most uncommon for a wheelchair user looking for property. The small manager's flat is ideal for my 75 year old mother to live independently yet still have the safety of family on the premises.

Economic Circumstances

The Bryn Glas Hotel has been losing money for a number of years. In the last two years the business has made a loss of nearly £10,000. The last two years profit and loss sheets are attached. In the current economic and financial climate it is not a good time to be in business. Many similar businesses to this one are closing every week. Government makes it no easier, with the smoking ban being the latest example. It did affect the business. My eldest brother, who became a partner in 2006 and took over management after my father and mother retired, was unable to reverse the losses and, concerned for his family's future, decided to close the business at the end of the 2008 trading year.

To sell property now would be very difficult. It is fortunate that no money is owed on the property and there is no need to sell to payoff debts. Converting the building into a family home makes sense financially. To find a similar property with the same level of accessibility locally would be nigh-on impossible so one would have to be built. This would require selling the property and with the 'credit crunch' would not realise enough money to do a new-build.

With the advent of the Disability Discrimination Act in 1995 our Unique Selling

Point, being a disabled-friendly hotel; has long gone. This was the core of the accommodation business. A major part of the accommodation side was group bookings who took all eight rooms. Four years ago the hotel was allowed to lose four bedrooms to build a domestic accommodation block. After that accommodation business dropped off even more.

Though there were four letting rooms in the building they were rarely let even in summer. On an ironic note one of the best years we had ever for accommodation income was the year of the foot-and-mouth outbreak when the business received compensation for loss of earnings.

It is also noted that a brand new Premier Travel Inn has recently been built in Rhuddlan. That building has twenty ground floor rooms, including disabled-friendly ones plus a modern bar and restaurant and a large flat car park.

With the reduction in rooms the hotel side reduced further and the business became more of a pub. The income from the public bar was not sufficient to cover costs. The closure of the bar should ensure the future of the Trefnant Hotel, the long-standing public house in the village. Since our public bar opened in 1993 the Trefnant Hotel has had at least six tenants and has been boarded up shut twice.

On a final and very personal note, the building was designed by my father who supervised its construction. The family feel it would be a fitting tribute to use the building he devoted so much hard work and dedication to create.”

4. In addition to the above statement, the applicant has also provided a copy of the profit and loss accounts for the years 2005, 2006 and 2007. Whilst the precise breakdown for the figures contained in these accounts are personal information which is confidential and therefore do not appear on the public file, it can be seen that from practically breaking even in 2005 the hotel then went on to make a loss of around £5,600 in 2006 before then reducing this loss down to around £4,100 in 2007.
5. The application is reported to Planning Committee at the request of Cllr M Lloyd Davies (chair) as he feels the supporting information supplied by the applicant warrants an assessment by numbers.

RELEVANT PLANNING HISTORY:

6. 30/2008/0764/PF – Change of use of hotel to one dwelling: Refused 29 August 2008 for the following reason:
“The application involves the loss of a form of tourist facility which is safeguarded by planning policy to retain a range of holiday accommodation in the County. No evidence has been provided to demonstrate that the property has been actively but unsuccessfully marketed for sale at a reasonable price, over a sustained period, and the application fails to comply with criterion iii) of Policy TSM 8 of the Denbighshire Unitary Development Plan, which requires that adequate attempts area made to market serviced accommodation before consenting to any change of use.”

30/2004/1558/PF - Change of use of part of hotel to manager's accommodation:
Granted January 2005.

The property has also been subject to a number of other miscellaneous applications, none of which are of direct relevance to the current proposal.

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy TSM 8 – Safeguarding Existing Serviced Accommodation

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

- 8.
- i) Marketing
 - ii) Principle
 - iii) Visual appearance
 - iv) Impact on the privacy and amenity of nearby occupiers
 - v) Highways
 - vi) The comments of the Community Council
9. In relation to the considerations as noted in paragraph 7:
- i) Marketing
Discussions were undertaken with the agent for the scheme following the previous refusal and during the determination of that scheme which emphasised the fundamental need for the marketing of the hotel to be undertaken in order to comply with the basic requirement of Policy TSM 8. It was suggested that such marketing could be done for a period of at least six months rather than the more common twelve month period in light of the personal circumstances of the applicant. However, no marketing of the property has been undertaken.
 - ii) Principle
Given the nature of the proposal and the location of the property, the main issue raised by the proposal is that of principle. Criterion iii) of Policy TSM 8 is very clear and requires the fundamental marketing of the property for a reasonable price to be undertaken before the loss of any serviced accommodation will be considered. Therefore, whilst the comments made by the applicant in the supporting statement are acknowledged, in the absence of any marketing the proposal is not acceptable in principle under the criteria of Policy TSM 8.
 - iii) Visual Appearance
It is noted that the submitted plans do not include details of any proposed external changes and as such the visual appearance of the property will remain as existing.
 - iv) Impact on the privacy and amenity of nearby occupiers
It is considered that the use of the property as a single dwelling will have a far lesser impact on the adjacent occupiers than it could have as a busy hotel, and on this basis no objection is raised in respect of the privacy or amenity of the neighbours.
 - v) Highways
The traffic generated by a single dwelling will be far less than the potential of a hotel and accordingly no objection is raised in respect of highways issues.
 - vi) The Comments made by the Community Council
The comments made by the Community Council are noted and as stated earlier in this report the Planning Officer is sympathetic to the personal

circumstances of the applicant. However, Policy TSM 8 requires marketing of the property to be undertaken in order not to lose a valuable source of tourist accommodation and as such it is not considered that the case put forward by the applicant is sufficient to override such a clear policy requirement.

SUMMARY AND CONCLUSIONS:

10. The application is unacceptable on the basis that it is contrary to Policy TSM 8 and is recommended to be refused for the same reason as the previous application at the site. Planning Policy Wales does make it clear that personal circumstances of applicants should not be the basis on which decisions are made.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The application involves the loss of a form of tourist facility which is safeguarded by planning policy to retain a range of holiday accommodation in the County. No evidence has been provided to demonstrate that the property has been actively but unsuccessfully marketed for sale at a reasonable price, over a sustained period, and the application fails to comply with criterion iii) of Policy TSM 8 of the Denbighshire Unitary Development Plan, which requires that adequate attempts are made to market serviced accommodation before consenting to any change of use.

ITEM NO: 2

WARD NO: Bodelwyddan

APPLICATION NO: 40/2005/1500/ PO

PROPOSAL: Demolition of existing barracks and related buildings and redevelopment of 2.91ha (7.19 acres) of land for employment uses (B1 and B8 uses); development of 2.74ha (6.77 acres) of grassland previously occupied by barracks, incorporating existing parking area, for residential purposes, and alterations to existing vehicular and pedestrian access (outline application)

LOCATION: Part Of Kinmel Park Army Camp Kinmel Park, Abergele Road Bodelwyddan Rhyl

APPLICANT: Mr A Pullen-Jones

CONSTRAINTS: Wildlife Site
Previous Mining Area
Ancient Woodland

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

CONSULTATION RESPONSES:**BODELWYDDAN TOWN COUNCIL**

" The Town Council Object to the above application on the following grounds:

- i) The main road- Engine Hill is too narrow to take any increase in car and commercial vehicle traffic that would be created by the new residential houses and the industrial units.
- ii) There is no public footpath along this road and no street lighting. There is no safe access for pedestrians currently walking along this road or in the future should this development succeed. This road also currently has a 60mph speed limit.
- iii) The commercial traffic going to the industrial units has to pass through the residential areas first. This will cause noise disturbance to the residential areas particularly as there may be children at play.
- iv) There is no public transport to this area for residents or workers who will be employed at the industrial units."

DENBIGHSHIRE COUNTY COUNCIL COUNTY ARCHAEOLOGIST

Concurs with CPAT, with no objection, subject to recording of WWI barracks blocks proposed for demolition.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Confirms that the revised archaeology report meets the archaeology brief requirements.

Following discussions with CPAT, the case officer requested further clarification concerning the proposed layout and the Archaeological report conclusions for the Bodelwyddan mine.

In terms of the housing area, CPAT have confirmed that;

- the area originally contained two lead mining shafts, a lime kiln at the eastern extreme, a track from Bodelwyddan Castle heading west along the south boundary of the housing area and the later WWI/WWII army barracks in the form of a series of H plan blocks. The former army buildings have since been demolished in the housing area, but their foundations probably survive along with the underground services (found in the test pits) and steps up to the barracks from the road.
- One of the lead mine shafts was built over by the army barracks; presumably, filled in with construction of the barrack blocks, but may still be encountered by the new housing. Likewise the lime kiln appears to have been destroyed by the barracks construction and mature trees now occupy that site.
- One lead shaft potentially survives and was recorded by Oxford Archaeology North. Archaeologically, investigating the shaft would be hazardous and pose problems for health and safety as its precise entrance location and nature of fill is not known. It would appear from the housing plan that the development will impact on this shaft location. Therefore, advise that a contracted archaeological watching brief is maintained in this area as a condition of any consent that may be given. The watching brief could also include the area of the shaft already built over and the area of the former limekiln at the east end.

CPAT state that it would be beneficial for the developers to investigate the location of the surviving lead shaft (and the one that was built over) in advance of consent so that they can confirm if the shafts have been capped or not. If an investigation is not undertaken, an archaeologist should be present to carry out a watching brief.

ENVIRONMENT AGENCY

No objection, subject to 7 conditions and advisory notes, concerning drainage and contaminated land.

WELSH WATER

No objection subject to conditions and advisory notes.

DENBIGHSHIRE COUNTY COUNCIL HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objections, subject to the inclusion of conditions and advisory notes.

DENBIGHSHIRE COUNTY COUNCIL ASSET MANAGEMENT, EDUCATION SERVICES

- In the absence of exact number and type of houses involved i.e. low cost starter homes or larger 4 bedroom houses, difficult to know the effect on local schools.
- The local school, Ysgol y Faenol, is currently near to capacity although the actual site would be capable of further development as and when required, and obviously at a cost.

Additional comments:

The current situation is that we do not currently have an SPG on education provision, although intending to develop one.

The nearest school to the development is Ysgol y Faenol, Bodelwyddan. Based on Jan 08 figures had accommodation for 102 full time pupils with 97 on roll. (The next nearest is probably Cefn Meiriadog school with accommodation for 60 and has 72 on roll).

Pupils from Bodelwyddan would traditionally transfer to Ysgol Emrys Ap Iwan, Abergele which as you know is in Conwy – hence unable to comment on secondary provision. Any pupils attending Cefn Meiriadog School would traditionally transfer to Denbigh High School which does have spare capacity.

Generally the authority would provide free transport:

- a) where a child of under 8 years of age resides over 2 miles from the nearest appropriate school.
- b) where a child of statutory school age, over 8 years of age, resides over 3 miles from the nearest appropriate school.

With a proposal for providing 85 houses – estimation suggest this would yield 26 primary pupils and 18 secondary pupils.

DENBIGHSHIRE COUNTY COUNCIL PRINCIPAL PARKS AND OPEN SPACE OFFICER -

- The proposal involves vehicular traffic going through a residential area to get to it; this would create potential safety hazards for children living in the residential area. There is nothing in the proposal to take into account the potential dangers for children in the residential area and the impact this will have on required open space/play provision.
- Appreciates that the proposal is in outline with no mention of play and open space provision being made. The documentation mentions 85 dwellings, this equates to a total requirement of 8,160 sq.m. of both CROS and children's play space. Understand that in this part of Bodelwyddan, there is no play provision either informal or formal, hence on site provision imperative.
- Open space and play provision would be require commuted sums both for maintenance and provision, according to approved costs. Guidance, Design layouts and landscaping plans will have to be submitted and agreed.
- Bodelwyddan as a village has little formal play provision and limited informal provision, split between Denbighshire CC and the Community Council. The recreation ground in the centre of the village is managed and maintained by the Community Council whilst the children's play areas located in Coronation Close and on Clos Deganwy are managed and maintained by DCC.
- Application documentation mentions that part of development site overlaps some of the ENV5 land but that this will be incorporated in to the site landscaping. This area is adjacent to the employment area, therefore requires careful consideration, and may require involvement from the Countryside Service.
- With regard to children especially and other residents from the proposed residential area accessing either the school or any of the other existing

facilities in the village the only route available to them is down Engine Hill, which would need to be up graded to facilitate a residential development of this size. Should residents wish to walk or cycle then lighting, crossings etc will have to be incorporated in to the plan to ensure their safety.

- Advises on commuted sum figures for the development, and costs increase given considerable increase in steel prices.

DENBIGHSHIRE COUNTY COUNCIL PUBLIC PROTECTION OFFICER

Advises as follows:

Noise Assessment

- Methodology assessment results are in keeping with expected values.
- Noise mitigation recommendations in terms of protection of proposed dwellings from Road Traffic Noise and protection of existing residential premises from this) must be incorporated into any development design and details.
- Conditions are advised in respect of Construction noise with details of mitigation measures, or a condition requiring submission of the measures to be taken to minimise disturbance to local residents from the construction process. This is equally applicable in terms of dust and vibration.
- Additionally, appropriate to condition the levels of noise to be emitted from the proposed commercial / industrial premises to the west of this site and mitigation measures to protect both existing and proposed premises from it.

Land Quality Assessment, Phase Two: Intrusive investigation land quality assessment report.

Initial response

A number of deficiencies identified e.g. investigation concentrates only on the potential presence of asbestos, ignoring any other potential contaminants; why certain other are not fully investigated and quantified despite identification of the potential significance of them at the desk top stage.

The initial documentation was considered unsuitable for quantifying the risks to future site occupants, particularly the residential premises proposed in the vicinity of the lead mine shafts and no evaluation of the potential for heavy metal contamination that would be critical to determine in this location the suitability for the redevelopment as residential housing. Briefly the Officer highlights that there is no attempt to characterise the potential contents of any made ground identified; potential risks for the residual asbestos not clearly explained.; remedial options are not explored, recommended actions for the potential excavation of unidentified materials have not been proposed; Risks to future occupants carrying out excavation in their properties cannot be discounted. (e.g. construction of extensions or garden ponds).

The conclusion is that no site specific risk assessment for use of this land for residential has been carried out and it is therefore not possible to support this part of the submission. Significant further site investigation and risk assessment is required for full planning stage and proposes conditions should be incorporated into any approval.

Any additional comments from the Public Protection Section will be included in the late letters sheets.

CLWYD BAT GROUP -

- Additional details suggest that surveys of the existing trees, woodland and ecology will be undertaken but does not specify what this will involve.
- Reiterate importance of a bat survey for adequately assessing the site and to determine whether –if present- a WAG licence is required and any subsequent mitigation. The presence of a lesser horseshoe roost nearby and the presence of buildings and other structures within the site means that bats may well be present (advises of a local bat group contact.)

DENBIGHSHIRE COUNTY COUNCIL COUNTY ECOLOGIST –

- Greatest concern is proposed housing, in particular, the potential impacts on the woodland area at the southern and eastern edges of the site. There are a number of large trees with potential bat species interest which would need to be assessed.
- This area also contains plentiful fallow deer activity; although not a protected species, it is of local interest.
- The woodland Wildlife Site is also located immediately adjacent to the west side of the proposed housing. As this wood is within the ownership of the applicant, and bearing in mind the scale of the development, not unreasonable to request a management scheme for this woodland to ensure its long-term protection, ensuring a government department's duty to further the conservation of biodiversity. Request that such a scheme is submitted for all their wooded areas.
- There are some trees with potential bat species interest on the southern perimeter of the proposed employment area further west, but these appear to be unaffected. This should be clarified.

In relation to the additional ecological details advises:

Great crested newt – in view of the close proximity of proposed development – within 500 metres from great crested ponds, the extent of suitable habitat on and adjoining the site and due to the importance of meta-populations in the northern part of Denbighshire, mitigation will need to be provided for great crested newt.

Woodland area of Coed Pen y Garreg – this is a County Wildlife Site, and in furthering the Biodiversity duty, suggests that area owned by the Defence Estates brought under a management agreement to maintain and enhance its biodiversity value, as previously raised.

DENBIGHSHIRE COUNTY COUNCIL PRINCIPAL COUNTRYSIDE OFFICER
Employment Area. Difficult in some areas to relate the existing layout of buildings, trees and woodland edge to the proposed layout plan. Suggests it would be more helpful if the proposed layout was superimposed on the existing, allowing a more informed response in relation to the trees, especially at the west end of the site. Generally, appears that the employment area takes the protection of trees and the woodland into account to a reasonable extent. However requests a superimposed plan prior to final response.

Housing area – raises the most issues -

- Appears to have little regard for existing features. In particular the woodland along the southern and eastern edges will be largely annihilated if this proposal is implemented. This southern edge wood is almost entirely pure elm, much affected by Dutch elm disease, suggesting implementing a programme of thinning/selective felling and replanting with alternative native broadleaved species. Over time this wood could be converted into a

valued habitat and would continue to act as a screen between the existing and new houses and as an important local amenity feature.

- Similarly the strip along Engine Hill could be managed (with even less effort) to create a valued screen, amenity feature and wildlife habitat. This requires two things- a commitment to conserve an existing feature and a modification to the number and siting of the dwellings.
- At the west end of the housing area the proposed development encroaches close up to the Wildlife Site which is ASN woodland. Here also there should be greater protection for the woodland and a long term commitment to its management (following so many years of total neglect). This area deserves a decent buffer zone. Ideally requires a Management Plan for all the existing woodland areas including methods of protection from trespass and abuse.

DENBIGHSHIRE COUNTY COUNCIL LANDSCAPE ARCHITECT

Notes the sensitive setting of site and comments on specific and detailed issues:

Site context and location

Site lies within the LANDMAP area of ' Bodelwyddan and Kinmel Parkland' Code D/LC/9 described as 'a rolling wooded estate farmland landscape' 'on the gentle north facing slopes' categorised as of high visual quality. The landscape is generally unspoilt except for the intrusive Kinmel Industrial Park situated on the lower slopes of the hills on the site of a former army camp on land originally within Kinmel Park.

The application site is the upper part of the disused Kinmel army camp including an area well up the hillside which has now grassed over and blends into the surrounding landscape. Relatively inconspicuous wooden buildings occupy the lower part of the site. The site is allocated for employment within the UDP but if this had not been not a former army camp it is most unlikely that industry would have been located in this attractive parkland setting.

Landscape impact

The proposed development site is clearly visible in the wider landscape particularly from the coastal plain and requires very sensitive treatment. Retention of all sound trees where appropriate, careful design and use of colour with maximum screening of industrial buildings or dwellings with new tree planting is therefore essential if the landscape quality is to be maintained.

Requires a visual assessment of the site for this prominent site with mitigation measures to show how the impact of the development on the hillside can be reduced. Recommends that the housing area remains as open space as it would be difficult to develop without substantially lowering the landscape quality of the hillside between the two historic parklands.

Notes that the tree survey was a good exercise and advises that is not a visual survey, and the recommendations are given in terms of tree safety and management and do not include reasons for retaining trees on visual grounds to help integrate the proposed development into the landscape. The recommendations for felling other than for safety reasons therefore require justification following a visual assessment.

Housing layout

Highlights that this is in general completely rigid and unsympathetic to the landscape. Is inappropriate, with little consideration for the landform and unfortunately the information provided in the arboriculture report has not been used with any understanding or sensitivity. In order to keep trees, particularly around trees such as mature oaks, sufficient space must be left undisturbed around them. The area around

trees to be retained has to be carefully considered especially the levels on rising ground. Very few trees would survive if this layout were adopted. In addition to the trees recommended for retention in the tree report. It is very important to retain and manage the narrow strip of woodland on the upper, southern boundary in order to maintain the screen of the existing housing, which already detracts from the landscape quality, as houses can be seen through gaps in the trees. It is also very important to retain all the trees adjacent to Engine Hill to protect the view from Bodelwyddan Park.

If housing is justified, the layout should be completely reconsidered to fit in to the landscape of the coastal hills. No tree planting has been proposed in the scheme and strategic planting would be essential to break up the view of houses. No space has been provided for new tree planting even along the very exposed access road where a good screen belt would be critical.

The proposals for the industrial area do not allow space for large growing trees on the lower boundary to reduce impact of building, which would be essential; however the buildings could be moved to accommodate this. The proposals for retaining existing trees should be carefully reviewed and the scheme revised to ensure there is no disturbance or change of level below the rooting area of existing tree. Car parking has been shown below the canopies of trees in the highest category for retention and the layout of car parking designed as if the site was flat.

NORTH WALES WILDLIFE TRUST

Objects on the basis that

- the development will destroy areas of developing woodland containing mature and semi-mature trees, which provide a wildlife corridor between Coed Pen y Garreg and the woodlands within the Kinmel Estate.
- The woodland areas affected are known to be used by Jays, Tawny Owls and Cuckoos, and may also contain roosting sites for bats as well as foraging areas for Badgers.
- The NWWT would wish to see the areas of developing woodland maintained as a feature into the long term.

Additional comments:

NWWT disagrees with some of the conclusions of the aboricultural survey – stating it seems that this survey has been undertaken from a sylvicultural/timber production perspective rather than a wildlife perspective, and disagrees with certain points:

- Whereas thinning, coppicing, pollarding, or singling can be beneficial to woodland biodiversity, the judgement that hollow trees, trees with internal decay, trees with supporting fungal communities, trees of ‘poor form’ etc., require felling is not something that the NWWT would agree with;
- Additionally, disagrees that ivy should be removed from trees. Hollow trees, cavities in trees and abundant ivy provide habitat for nesting animals, and decaying trees provide dead-wood for invertebrates, which in turn provide food for other animals.
- NWWT would only consider felling trees if they are posing an immediate danger to the public or property. Trees not near footpaths or in areas regularly frequented by the public, or not in falling range of property, need not be felled.

The NWWT wishes to maintain its objection to this development. However, should planning permission be granted the NWWT would wish to see a revised aboricultural plan that better caters for wildlife.

Finally, the area marked for housing is an area of lowland semi-(agriculturally) improved grassland – This is an increasingly rare habitat in North Wales and the NWWT would rather it was preserved.

DENBIGHSHIRE COUNTY COUNCIL HEAD OF HOUSING – Advises of various detailed points:

With the proposed residential land of 2.7 ha based on current density (30 units per ha) this equates to 81 units with a 30% supply of affordable housing totalling 24 units.

The social waiting list for Bodelwyddan is well populated with a total of 228 for general need and 97 for sheltered accommodation (Aug 2008). The requirement for the area is one and two bed apartments and two and three bed houses; with a small demand for 4 bed properties (at least two units of this size required). A specialist unit/s could be incorporated into the affordable properties using either ground floor apartments or 2 bed homes for people with disabilities.

The affordable units should be a mixture tenure – with low cost home ownership dependant on any Social Housing Grant with a Registered Social Landlord. The affordable Housing Register has had a poor response – only one person registered. Further meeting planned to discuss this issue with the local councillor.

The LCHO current sale price is £93,627 – high for this area and may be unaffordable with will falling house prices. This price could change in the near future with current market conditions, annual data changes and also with reviews of both the Local Development and the Supplementary Planning Guidance.

Apart from the current registered housing need with the local authority Bodelwyddan is also a high employment area and to accommodate our local connection policy, people working in the area (key workers) would be eligible. Possible cascades out to surrounding areas such as Prestatyn, Rhyl, Rhuddlan and St. Asaph, which have high need for housing would also ease the waiting lists.

With three large hospitals in the area and accommodation for key workers to rent is scarce locally; a Police Headquarters within 1 mile of the site, and fire service stations in the surrounding areas, key workers would be eligible for affordable housing.

There are 96 council properties in Bodelwyddan which has a low turnover. Loss of properties through the right to buy has decreased the amount of properties on the council's housing stock and the need for rented properties is high. High prices of open market property in the area make it impossible for the first time buyer or single persons to purchase.

Standard advice provided in terms of affordable units need to be 'integrated' into the site; units must be of the same or similar design and quality as the open market units; applicants for the affordable units from the Low Cost Housing Register or Social Housing List, involving a criteria assessment for affordable housing and local connection.

DENBIGHSHIRE COUNTY COUNCIL DRAINAGE ENGINEER

Confirms that appropriate conditions can be put in place by both Welsh Water and the

E.A. at outline stage, but highlights concerns that if certain details are not covered in the conditions (i.e. surface water discharge point and a requirement for attenuation), there is a possibility that the downstream culverts are unable to cope with the extra flows and could result in flooding to that area.

THE COUNTRYSIDE COUNCIL FOR WALES:

Further to the receipt of additional ecological surveys (submitted by the agents in September 2008); that based on detailed observations, and whilst no objection to the principle of the proposal, given that essential details that ensure no detrimental impact on the conservation status of the European protected great crested newts have not been provided, a holding objection is submitted to the proposal in its current form.

The detailed observations include:

Protected and biodiversity species

Confirms that the application site and its environs have been subject to survey for protected species, to include bats, reptiles and great crested newt.

Reptile – survey and assessment completed to a satisfactory standard.

Bats – advises that a bat survey is understood to have taken place in 2006, with a bat roost recorded, with the 2008 survey finding no evidence. Concurs with the report stating that there is no legal stipulation to the length of time a roost can remain vacant until it is no longer classified as a roost. Highlights the potential for unoccupied buildings to be used by bats for hibernation purposes and therefore detection during summer surveys not possible. Advises that mitigation and bat conservation measures require implementation, if approved, as part of an overall scheme, to comply with the applicant (Ministry of Defence statutory duties under Section 40 of the Natural Environment and Rural Communities Act 2006.

Great Crested Newt – recorded in two ponds located to the west of the application site, and one to the east; survey undertaken late in the survey season and consequently population size cannot be accurately determined. States that the applicant has incorrectly ascertained the importance of the application site for this species of amphibian. The nearest sub-population(s) form part of an exceptional population located within the environs of St. Asaph Business Park. Consequently, it is considered that the Kinmel Camp population is likely to form part of the St. Asaph great crested newt meta population, and that the application site is of importance for this species for foraging, dispersal and genetic exchange purposes.

Highlights that the presence of a protected species is a material planning consideration under PPGW and TAN 5, and consequently, a comprehensive great crested newt mitigation and compensation scheme must be submitted to inform the decision making process. Confirms that, in the absence of this information, difficult to confirm that there will be no detrimental impacts of the proposal on the conservation status of this species.

Mitigation, compensation and conservation actions for European Protected Species (EPS) should be incorporated into an overall biodiversity and environmental strategy for Kinmel Camp – ensuring effective integration of species, habitat and landscape conservation actions.

Welsh Assembly Government licence

Highlights that as the application site is likely to support a population of EPS, the great crested newt and arguably bats, development may only proceed after a licence has

been issued by the Welsh Assembly Government. Licences can only be issued for the purposes of preserving public health or public safety or other imperative reasons of overriding public interests including those of a social or economic nature, and beneficial consequences of primary importance of the environment. Furthermore, the licence can only be issued by WAG on condition that there is no satisfactory alternative, and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The Local Planning Authority have to take these factors into account in assessing the proposal.

If the proposal should be subject to approval, conditions will be required to cover details of mitigation and compensation measures. Examples of such measures are provided e.g. compensation measures could include long-term (perpetuity) protection and management of secure habitats as well as positive nature conservation proposals e.g. new ponds. Additionally, core compensation habitats must not be multi-functional.

Biodiversity and site design

Recommends that the site design – although not submitted as part of the outline application – must consider the requirements of The Conservation (Natural Habitats & c) Regulations 1995 – i.e. linear features, and habitats functioning as stepping stones (e.g. small woodlands) should be retained and managed.

The scheme design and future management of the entire site should consider local and national biodiversity objectives and actions i.e. existing habitats being retained and appropriately managed. This could also include creating new ecological features in appropriate situations e.g. the (re) creation of Calaminarian grassland on areas subject to the deposition of historic mine spoil.

Surface water management systems should be designed to follow Sustainable Urban Drainage Systems – with the potential to create amphibian friendly surface water management system, in addition to providing new ecologically sustainable features e.g. reed beds. Material to this is the extent of required land. Conversely, if this advice is not progressed, then the issues in respect of the conservation status of the great crested newt cannot be addressed.

DENBIGHSHIRE COUNTY COUNCIL BRIDGES, STRUCTURE AND MAJOR PROJECTS SERVICES

Advise of various points in relation to footway and related issues concerning Engine Hill.

The road is a 'C' road or unclassified and has had limited improvement work, runs at a steep gradient from the roundabout at the bottom uphill to the housing estate at the top end of Kinmel Park MOD Camp. The footway is only partially complete and there is no footway at the top end to provide pedestrian access to the housing estate. The community has been requesting a footway and speed limit on Engine Hill for sometime, and the road itself is an important link to the centre of Bodelwyddan and the main entrance to Bodelwyddan Castle is situated on Engine Hill. The cycletrack forms a link connecting Bodelwyddan to St. Asaph Business Park as well as rural routes to Henllan and Denbigh.

The existing road is substandard for its whole length from the A55 slop roundabout up to the housing estate. A list of the main problems include:

- Inadequate highway drainage causing problems with surface water on the carriageway at the bends just below the housing estate and a large amount of runoff down to the bottom roundabout.

- Inadequate carriageway width causing vehicles to drive on the verge on the lower end of Engine Hill and also cause damage to the Castle boundary wall. This being a major problem at the turning into Kinmel Park Industrial Estate. Damage to the edge of the carriageway and kerbs has also been caused due to this reason.
 - The construction thickness of the carriageway is inadequate for the volume of traffic and is showing serious distress.
 - Speeds are excessive down the hill and street lighting is poor.
 - Lack of an adequate footway causes a problem with pedestrians having to walk on the road. This being especially dangerous around the bends.
 - Visibility sight lines are poor along this length of road.
 - The verge and footway is not adopted and is not of sufficient standard to adopt.

A list of proposals to improve the above issues include:

- Upgrading the road to an adoptable standard including increased width, improved drainage, construction and improve sight lines and road alignment.
- Construct a cycleway along the length of Engine Hill terminating at the existing housing estate.
- Provide street lighting and extend the 30mph limit to above the existing housing estate.

Impediments to the improvements include: works on Engine Hill are urgently required and would cost approximately £½ million; the only funding sources available are Transport Grant for cycling (finishes at the end of 2008 financial year) and DCC Capital; Land is required from both the MOD and the factory below Kinmel Drive.

The Highway Authority is unable to undertake improvements without input from a developer and would request; that road widening is included and undertaken immediately after.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Alice Farr, Coed Cadw Woodland Trust, Llanidloes, Powys
2. C. Kirby, Allen Group Ltd., Phoenix House, Kinmel Park Industrial Estate
3. Nikki Mival – (via e-mail)
4. Mr M J Jackson, Maes y Gaseg, Llanelian, Colwyn Bay LL29 8YA

Summary of planning based representations:

- i) Historical context with buildings - buildings could be reused for employment purposes
- ii) Trees - removal of large number of trees; application form details and plans inconsistent; site adjacent to an area of ancient woodland identified on the English Nature ancient woodland inventory; substantial damage to tree roots.
- iii) Highways & Traffic – Involves heavy goods traffic through a housing estate – with associated danger and noise problem; Requires pavement connection between Hillcrest Court and a factory.
- iv) Existing use - remaining part of Kinmel Camp is used for up to 100 Army Cadets and Adult instructors. Current application places them in central position of industry and loss of their facilities.
- v) Nature conservation & setting - potential impact on deer in locality; unique species associated with ancient woodland; high biodiversity value with ancient trees; site lies between Kinmel Park and Bodelwyddan Park identified

in historical maps; noise and light intrusion affecting species within woodland; physical presence of development impact on surrounding wildlife; proximity of ancient woodland to employment development; buffer zones required; number of mature oak trees on the site.

- vi) Affordable Housing - What type involved?
- vii) Proximity/compatibility with neighbouring industry -Impact of works and stability of bank; security of use of existing buildings; Health and Safety issues
- viii) Hydrology/drainage – alterations to ground and surface water volume and pollution run off.
- ix) Concern over loss of camp and impacts upon users

EXPIRY DATE OF APPLICATION: 27/06/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This proposal was deferred at the 23 April 2008 Planning Committee on the basis that further ecological survey and details should be completed by the applicants. Additional ecological information was subsequently submitted to the Local Planning Authority on the 24 September 2008. This information has been assessed by the Countryside Council for Wales and the County Ecologist.
2. The application submitted by Defence Estates is in outline form, with all matters reserved for future approval, with the exception of the means of access. It represents for a 'departure' proposal from the current Denbighshire Unitary Development Plan in respect of the use of Employment land for housing development.
3. To the north of the application site lies the Kinmel Park Industrial Estate, with twelve residential properties comprising Hillcrest Court to the South. (See maps).
4. The application site forms part of a larger area of land, currently within the ownership of the Ministry of Defence, and used as an Army Camp for many years. Part of the application involves demolition of a number of barracks and other buildings. The application form indicates no trees or hedges are to be removed, and in terms of drainage, confirms surface water drainage and foul water disposal via public sewer.
5. The proposal is in two parts:-
 - i) 2.5 hectare area immediately adjoining Engine Hill, proposed for residential use. The current Denbighshire Unitary Development Plan designation for this area is employment land (EMP 2).
 - ii) A 2.7 hectare area further west (containing several barrack buildings and other buildings, proposed for employment uses (Class B1 and B8 only). This area is currently within in the development boundary of Bodelwyddan in the Denbighshire Unitary Development Plan as GEN 1, but with no specific use allocation.

6. An indicative layout of 85 dwellings is included with the submission, together with an employment area indicative layout.
7. The site forms part of a larger area, which is to be retained in MOD ownership. To the north of the proposed employment area are land and several barrack blocks (approximately 2.47 acres) transferred to the Reserve Forces and Cadet Association (RFCA). To the south of the proposed employment development, and south west of the housing both the RFCA and the Army Training Estate (ATE), use an MOD woodland area (on lease), known as Coed Pen y Garreg for training purposes (an area of 28.16 acres). This area is recognised in the Denbighshire Unitary Development Plan for its nature conservation interest. With the exception of one area of the proposed housing area, it is understood that Coed Pen y Garreg no longer forms part of the Defence Estate ownership, having transferred a lease back to the owner, Kinmel Estates. Existing vehicular access to these areas is the existing Kinmel Drive road and Engine Hill.
8. The remaining MOD land is let on an agricultural tenancy, which includes part of the land allocated within the current Unitary Development Plan. Members may be aware that the land adjoins the Ty Tytynyrch Site, recently the subject of a planning application for an equine treatment and therapy centre, which was refused at the March 2008 Planning Committee (under code 40/2007/1473/PF) and dismissed on appeal.
9. Plan A accompanying this report identifies the various land areas and designations on the site, and the locality.
10. The site includes mature and young trees, with a gradual north facing slope, and lies between the Grade II* listed Bodelwyddan Castle and the Kinmel Park, both set in registered historic wooded parkland landscapes. The proposal includes developing on part of the Coed Pen y Garreg wildlife site.
11. As advised by the agent, the proposal's context is set by the proposed closure/reorganisation of much of the remainder of the base, providing an opportunity to re-assess future development opportunities. The agent advises that the proposal is submitted on the basis of an 'enabling development' by which a mixed use scheme (residential and commercial) is proposed as a means of achieving the development of an employment site, set against a policy objection.
12. In May 2007 the agent confirmed that the proposed road/highway improvements to Engine Hill, would involve work on land areas within a number of 'third party' landownership, in this case, involving a total of five separate bodies, including the Welsh Assembly Government, Denbighshire County Council and a neighbouring property, Allen Group. Allen Group have officially objected to the planning application. The relevant notices have been served on the affected parties. The agent has also confirmed that two small areas with the highway works and included within the application boundary are unregistered by the Land Registry. Appropriate procedural requirements is understood to have taken place to publicise this fact.
13. The application was originally submitted in 2005. Progress has been delayed for a number of reasons, including changes in personnel advising Defence Estates and the need to carry out further detailed consultations on additional information.
14. The following reports accompany the submission:
 - Planning Application Supporting Statement (received 05 December 2005)
 - Noise Impact Assessment (received 5 December 2005)
 - Land Quality Assessment (received 17 March 2006).Additional information

- supplemented.
- Arboricultural Commentary and Tree Management Plan (submitted 22 November 2006)
- Ecological Assessment (submitted 22 November 2006) supplemented by additional species surveys, submitted 24 September 2008
- Archaeology Report (received 29/11/2007)
- Transport design and Accessibility Statement (dated April 2007)
- Revised Financial Appraisal (received 12 October 2007)

In brief, the relevant contents of the key documents are:

Planning Application Supporting Statement, together with various correspondence

- General description of site location and character, including MOD context/need for disposal
- Reference to UDP policies – specifically Employment allocation, with the proposal comprising “exceptional circumstances”
- Recognises improvements necessary for Engine Hill
- Development to be mixed use, incorporating 85 dwellings (30 affordable) with the 2.9ha employment split into B1 Business Park and B8 Warehousing.
- Widening of Kinmel Drive and improved existing junction with Engine Hill
- Conclusions of Noise Impact Assessment Report taken into account.
- Existing utilities/services on site.
- Advises that the area designated to the south as a non –statutory wildlife site to form part of site landscaping.
- Desktop survey for archaeology undertaken
- Considers that the provision of housing onto employment allocation, with replacement employment area satisfies employment objectives of the UDP.

Additionally, the agent has included the following ‘offers’:

- Appropriate marketing strategy
- Specific contribution to education provision, within a Development Appraisal.

Noise Impact Assessment

- Identifies the proposal involving 2.5 ha. with approx. 75 dwellings and 2.9 h. for employment (B1 and B8)
- Noise assessment undertaken to inform and guide design of the development minimising noise impact on existing or proposed dwellings.
- Refers to TAN 11 noise criteria, together with BS standards.
- Noise impact from construction phase also considered, together with impact on existing and proposed residents.
- In accordance with TAN 11 guidance existing noise levels generally fall within Noise Exposure Category (NEC) A and B with north east corner with night time noise level within NEC ‘C’ category (higher category)
- Small increase in noise level with existing residents, deemed not be significant. Impact of the operation of employment development includes mitigation measures (boundary screening; control of noise at source and site layout
- Suggests amelioration measures for dwellings proposed - additional screening adjacent to Kinmel Drive and Engine Hill, together with western

boundary with employment development; guidance suggested for garden layout.

Land Quality Assessment

- A Phase Two Land Quality Assessment undertaken.
- Site sensitivity re; groundwater identified as moderate to low, given underlying Major Aquifer.
- 36 trial pits undertaken.
- Limited sources of potential contamination identified, together with suggestion for three possible mine shafts, with a further mine investigation walkover study.
- Subject to appropriate remediation and mitigation, site risks (asbestos and mine works) considered suitable for residential development.
- In terms of environmental risks – the report identifies localised Asbestos with a moderate/low risk.

Arboricultural Commentary and Tree Management Plan

- Commentary upon an arboricultural survey report produced by Lowther Forrestry Group (LWG) (one area outside application site – area E).
- Comments on a proposal by the County Landscape officer for a 20m buffer zone.
- Incorporates an outline Tree Management Plan for the proposed development site, bases upon arboriculture report and ecological assessment.
- All trees in the development site (including a triangular section to the South) are deciduous and comprise predominately native species, (including 12 English Oak); with the vast majority in reasonable or good condition.
- Of the 98 trees on the development site, the arboricultural report recommends up to 22 trees (22% of individual trees on the development site) be removed given that they are dead, dying, diseased or 'bad forms' making them potentially hazardous. Majority of trees to be removed located alongside Kinmel Drive. 76 should be retained for varying degrees.
- Tree heights vary. Maximum crown spread 17.7m with one of the English Oaks.
- Two English Oak trees of particular note (352 & 409), with a recommendation for in specific management plan.
- Highlights stand off (BS Standards) between construction and tree trunk – maximum precautionary distance is 15 m from trunk. No reason for 20m distance as requested.
- Recognises Ecology Report information, with 13 mature trees on the development site to have potential to roosting bats. Recommends all mature tree specimens retained.

Ecological Assessment

- Adjacent site habitats also assessed, recognising Coed Pen y Garreg wildlife site to the South of the site.
- Confirms that detailed information for the proposed development site and layout were not available to inform the assessment.
- Bats:- roost with the proposed development site – in Block 1-4, and 9; Bats may roost in trees on and adjacent to the site; Several bats foraging around the development site; Considers occurrence of bat species as of local nature conservation importance.
- Considers possible occurrence of reptiles given site and surrounding area comprising a mosaic of habitats potentially suitable.
- Suggests various development implications and recommendations:-

- Designated Sites
Works not to encroach on outermost trees of Coed Pen y Garreg SINC or the main area of SINC.
- Terrestrial Habitats/Flora
Biodiversity opportunities incorporated into final site layout as compensation for loss at local habitats on the proposed development site, which in turn support bats and may support reptiles e.g. species RICH hedge lines; semi-improved natural grassland on raised banks or bunds and/or broadleaved woodlands could be incorporated.
- Fauna
Highlights necessary WAG bat licence for demolition of Block 1-4 and 9; that the use of these buildings by bats is “not fully understood since the surveys were undertaken late in the bat season”; Other blocks considered to have limited suitability for bat roosts. Recommends mature trees (wherever possible) to be retained on the proposed development site; Highlights that WAG licence may require compensation measures- e.g. provision of replacement bat roost habitat.
- Reptiles
Strongly recommends reptile presence/absence surveys undertaken of proposed development site and immediately surrounding landscape. As such results, to inform level of necessary mitigation. If reptiles identified, a method statement to be detailed to demonstrate no harm. This could also involve replacement habitat adjacent to the proposed development site.

Concludes :-

- Coed Pen y Garreg SINC as County level nature conservation importance – potential impacts could be avoided by appropriate mitigation.
- Habitats of ecological nature consideration importance – bats and may support reptiles.
- Proposed development will result in significant fragmentation of habitats in the landscape.
- Implementation of development has greatest potential to cause negative effects on species and habitats – which could be avoided by appropriate mitigation.
- Provides 6 key conclusions. Additional survey for bats; demolition of Blocks 5 & 8 with licensed bat worker; retain mature trees; additional survey work for reptiles; biodiversity opportunities included in final layout; for compensation of habitat loss;

Supplementary reports

- Bats; notwithstanding the 2006 survey, recent surveys provided no evidence of bat roosts in the buildings; some evening activities foraging and commuting through the site by the most common bats, particularly the woodland edges. In respect of trees, the report advises that the potential for any tree loss – if any – is unknown and provides general recommendations for tree management issues with bats, including recommends bat boxes once extent of tree removal is known.
- Reptile: no reptiles detected and unlikely that reptiles are present.
- Great Crested Newt : confirms that three ponds identified within 500 metres of the site; one of which was unsuitable in habitat to support GCN. Breeding GCN and smooth newts were recorded at the two ponds; these ponds are located to the west of the application site in the woodland known as Coed Kinmel; the survey also identifies Kinmel Camp habitats – semi improved grassland and small stands of mature deciduous woodland – representing suitable areas of GCN habitat – which totals to approximately 3.5 ha.

Archaeology Report

- Provides a detailed historical overview of development of camp and land area.
- Detailed research on three specific issues; post medieval archaeological references – Kinmel Camp; Bodelwyddan Old Kiln, Bodelwyddan Mine.
- The Bodelwyddan mine is likely to remain as partially back filled voids. The survival of any mine works depends on e.g. back filling to avoid subsidence etc.
- The current area of Kinmel Camp appears to coincide with areas devoid of WWI buildings.
- In considering impact, the mine (including shaft, Engine House etc) in particular is the main issue.
- The proposed development could impact upon in situ remains of regional/county and local importance and has the potential to impact upon previously unknown buried features of similar significance.
- Suggests further archaeological investigation to better inform mitigation measures e.g. programme of trial trenching. Mitigation measures could include a strip and record exercise. A provisional mitigation strategy outlined, with recommendations for further investigation, specifically a series of trial trench programme for the engine and mine workings, and a single trench for the old kiln.

Transport Design & Accessibility Statement

- Advises that existing situation junction serving the site via Engine Hill is substandard in terms of road width, kerb radii and visibility splays. The existing access road is approximately 4.2 metres wide, with no footway.
- A narrow footpath exists (on West) on Engine Hill linking the industrial access road to the A55 junction point, and includes street lighting and a 30mph speed restriction. The width of Engine Hill along this section is approximately 5.5 metres wide, with stone wall on eastern side causing vehicles to pull away, potentially HGV's accessing the industrial estate and application site.
- There is no continuous footpath, cycle or equestrian link on Engine Hill between the application site and the main industrial access road or with the properties to the South.

In terms of proposed improvements:-

- Improvements to Engine Hill and Kinmel Drive, including widening of Kinmel Drive; provision of formal footway into site; re-design of kerb radii and visibility splays.
- Widening of Engine Hill to 7 metres along site frontage.
- Provision of a shared pedestrian/cycle route on North Western side of Engine Hill. Linking into an extensive footway/cycle route, with access to Glan Clwyd Hospital and village facilities.
- Provides details of existing public transport (buses and rails). No bus service runs along Engine Hill, with the closest bus stops less than half a mile from the site. Rhyl is the closest railway station.
- Includes a chapter on Travel Plan Framework.

Revised Financial Development Appraisal

The document provides 5 detailed cost scenario cases for the site, including two scenarios with reference to the existing UDP employment land allocation.

RELEVANT PLANNING HISTORY:

15. No recent planning applications. The following are recorded since 1984;

Code	Proposal	Decision & Date
2/BOD/G/0011/84	Firing Range (1 indoor and 1 out –door)	Raise no objection, subject to conditions 02/04/1984
2/BOD/G/354/86	Use of land for erection of building to accommodate Veterinary Investigation Unit	Raise no objection, subject to conditions
2/BOD//0314/90/G	New single storey building	Raise no objection, 03/09/1990
2/BOD//437/92/G	Development by Government Department (Ministry of Defence) - Proposed Vehicle Park	Raise no objection, 25/01/1993

PLANNING POLICIES AND GUIDANCE:

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

Strategic Policies

	RESOURCES
STRAT 1	General
	ENVIRONMENT
“ 5	Design
7	Environment
	ECONOMY
STRAT 8	Employment
11	Regeneration
	TRANSPORT
12	General
13	New Development
	SOCIAL/COMMUNITY
15	Housing
16	Community Facilities & Benefits

General Policies

- Policy GEN 1 - Development within development boundaries
- Policy GEN 2 - Development of unannotated Land
- Policy GEN 6 - Development Control Requirements
- Policy GEN 8 – Planning Obligations
- Policy GEN 9 – Environmental Assessment / Statement
- Policy GEN 10 – Supplementary Planning Guidance
- Policy ENV 1 - Protection of the Natural Environment
- Policy ENV 5 - Sites of Local Conservation Importance
- Policy ENV 6 - Species Protection
- Policy ENV 7 - Landscape/Townscape Features
- Policy ENV 8 – Woodlands
- Policy CON 11 – Development at Scheduled ancient monuments
- Policy CON 12 – Historic Landscapes, Parks and Gardens
- Policy EMP 1 - Amount & Distribution of employment land
- Policy EMP 2 - Main employment areas
- Policy EMP 10 - Protection of employment land/buildings
- Policy ENP 1 - Pollution
- Policy ENP 4 - Foul and Surface Water Drainage
- Policy ENP 6 - Flooding
- Policy ENP 7 - Unstable Land
- Policy ENP 8 - Contaminated Land
- Policy HSG 2 - Housing Development in Main Centres
- Policy HSG 3 - Housing Development in main villages.
- Policy HSG 10 - Affordable Housing in Development Boundaries
- Policy REC 2 - Amenity & Recreational open space requirements in new

developments
Policy TRA 6 - Impact of new development on traffic flows

Additional Policy – Local Connections Affordable Housing Policy adopted Summer 2007.

Supplementary Planning Guidance
SPG 2 Landscaping
SPG 4 Recreational Open Space
SPG 6 Trees and Development
SPG 15 Archaeology
SPG 18 Nature Conservation and Species Protection
SPG 21 Parking Requirements In New Developments
SPG 22 Affordable Housing in New Developments
SPG 25 Residential Development Design Guide

Other Relevant Council publications/documents

Local Biodiversity Action Plan
Denbighshire Landscape Strategy

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002) as amended via MIPPS
TAN 1 Joint Housing Land Availability Studies
TAN 2 Planning & Affordable Housing
TAN 5 Nature Conservation and Planning
TAN 11 Noise
TAN 12 Design
TAN 15 Development and Flood Risk
TAN 16 Sport and Recreation
TAN 18 Transport

Circular 60/96 Planning and the Historic Environment: Archaeology
Circular 61/96 – Planning and the Historic Environment – Historic Buildings and Conservation Areas
PPG 14 Development on Unstable Land 1990 (Extracts only)

DRAFT TANs
5 – Nature Conservation

MAIN PLANNING CONSIDERATIONS:

17. The main considerations in this case are:
- i) Principle of development – loss of employment land
 - ii) Impact on residential amenity.
 - iii) Archaeology
 - iv) Drainage
 - v) Contamination
 - vi) Highway and traffic
 - vii) Nature conservation, protected species and trees and woodlands
 - viii) Housing – market and affordable housing.
 - ix) Open Space
 - x) Layout – landscape and design
 - xi) LDP
18. In relation to the main planning considerations noted above:
- i) Principle of development
STRAT 8 sets out the strategic approach to employment development in the County, encouraging a range of provision of employment sites. The policy

highlights that land and premises allocated or used for industry or business will generally be retained and protected for those purposes. It also promotes the establishment, development and expansion of small firms and businesses (including working from home).

STRAT 11 relates to the improvement, renovation and re-development of buildings and brownfield land which will generally be favoured. PPW's definition of brownfield land includes "defence buildings".

Subject to certain criteria, EMP 2 permits the following uses- Business Use (B1); General Industry (B2) ; Warehousing and Distribution, and highlights that " land to the west of Kinmel Camp Industrial Estate is included within development boundaries to enable the possibility of employment development should any of the MOD land become available."

The main employment area currently identified for Kinmel Camp was allocated in accordance with PPW's sustainable development principles. PPW also highlights that certain sites designated for industrial uses should not be used for other single purposes e.g. retail, leisure or housing development, which could be located elsewhere. Other sites within urban areas which have extant planning permissions for commercial or retail may be suitable for housing (or other) development.

The site proposed for housing in this case is allocated as a main employment area in Policy EMP 2 in the adopted Unitary Development Plan. Policy EMP 10 seeks to protect employment land/buildings and sets out specific tests including that permission for other uses **will only be permitted in exceptional circumstances**. In this case, the proposal is submitted on the basis of enabling development, that is, a proposal where there is a policy objection but where planning gain is suggested in the form of serviced employment land/plots. No specific details of the precise extent of services are included as part of the application documentation or plans.

The Authority currently has more than 5 years supply of housing land. In terms of Bodelwyddan, the 2007 Housing Land Availability (as at January 2008) information on the number of dwellings is:

Undeveloped sites	Under construction	Completed	Affordable Completions
33	16	51	0

A financial development appraisal was submitted by the applicants which makes an attempt to show the feasibility of developing the site. This appraisal uses the indicative layout plan as a basis for producing the financial development appraisal. This appraisal sets out financial justifications for having to develop the number of residential units proposed in order to facilitate some employment development. Additionally, a financial contribution is suggested for primary educational services.

Notwithstanding the previous report to Planning Committee, further ecological details emphasise that protected species, notably great crested newt, is now acknowledged as a significant development constraint for the site and locality in this case. The two ponds specifically relevant in this case for their great crested newts lie outside the land ownership of the applicants.

Following the conclusions of the supplementary ecological reports, an opportunity to provide a revised development appraisal, taking into

consideration the increased potential for protected species mitigation and conservation measures, including perpetuity mechanisms, has not been pursued by the agents. In this regard it therefore remains difficult for the Local Planning Authority to conclude that the current Financial Appraisal takes full and proper account of all cost considerations associated with accommodating great crested newts issues. A significant area identified for great crested newt habitat area lies within the proposal area. Property Services colleagues are aware of the additional ecological conclusions, highlighting that relevant revisions should be made to the current development appraisal.

This proposal and hence a financial assessment is therefore limited to only those details and conclusions provided by the appraisal submitted in October 2007, a period in excess of 12 months. This existing, unrevised development appraisal has been scrutinised some time ago by colleagues in Development Services and the council's Economic Development Officer. It is understood that the agent undertook limited discussions with Economic Development colleagues, prior to the submission of the current development appraisal.

Previously, in responding to the October 2007 appraisal, Development Services colleagues advised as follows:

- Option 1 and 2 – Serviced Employment land
Agrees that the residual value for this development scenario will provide negative land values based on the assumptions in the report
- Option 3 – Residential Development and Serviced Employment Land.
Is commercially viable but residential development is required to generate sufficient land values to permit third party landowners to be compensated for loss of land required for a road widening scheme to adoptable standards.
- Option 4 – Residential Development and Commercial Investment/Business Park
Requires gap funding from public funds to become commercially viable as the development costs exceed the gross development value.
- Option 5 – Residential Development, Business Park and Serviced Employment Land
Sufficient to generate a positive residual value but provides only 40,000 sq.ft. of business accommodation and 4.5 acres of serviced employment land.
- Summary
Whilst not necessarily in agreement with every variable on the submitted scenarios; confirms agreement with the end results;

Option 1 and 2 provide serviced employment land but the residual value does not meet the development cost; hence a negative residual land value.

Options 3 and 5 are commercially viable and provide sufficient residual land value to compensate third parties for land taken on any highway improvement scheme associated with the development and reward a profit.

Option 4 is a mixed scheme with residential and completed business accommodation. The scenario is not viable as the difference between cost and value on the completed employment part of the site is greater than the land value for the enabling residential development.

Members should be aware that this appraisal may require up-to-date costs, and full regard to the great crested newt implications for all aspects of the scheme, including highway improvements to Engine Hill.

The conclusion is that, with due regard to the applicant's arguments, and based on the financial information submitted, a clear case has not been provided. In this regard, it is established that there is clear conflict with EMP 10 in that the loss of employment land cannot be justified and therefore considered unacceptable in principle.

- ii) Impact on residential amenity
The applicants have submitted a noise report which deals with the implications on the existing and proposed housing. As this is an outline submission and part of the site is allocated for employment development, it would not be reasonable at this stage to oppose on grounds of potential amenity impact on residential properties. Suitable conditions could be imposed to oblige submission of more detailed impact studies, dependant on the layout and detailing of the uses proposed.

- iii) Archaeology
The site has the potential for archaeological interest. SPG 15 highlights that at times archaeological remains are only discovered once development has started and that developers may wish to consider insuring themselves against the risk of loss.

In accordance with planning policy and guidance, a watching brief condition could be attached, thereby safeguarding potential disturbance.

- iv) Drainage
Whilst the consultation responses do not oppose the principle of the proposal, the Council's Drainage Engineer and Major Projects Officer outline the possibility that additional works may be required, such as tanking, to mitigate against downstream flooding potential. However, the applicants have requested that the proposal is considered as submitted, without additional drainage details.

To ensure compliance with Policies ENP 4 and 6 –appropriate conditions could be included.

- v) Contamination
There remains concerns from the Public Protection section over the adequacy of assessment of contamination and mitigation.

- vi) Highways and traffic
The County Highways Officer raises no objections but would require a number of improvements given the scale of works proposed, including cycling and pedestrian walkway/paths. Such works would be potentially necessary with any proposals for the site, notwithstanding that the current scheme is submitted as an 'enabling' development by the applicants.

The County Major Project Officer whilst highlighting the existing problems with Engine Hill recognises three factors which would improve the situation, all within the control of the County Council.

However, in terms of residential development, the accessibility statement accepts that the site does not represent the most sustainable location for access to services and facilities, being located half a mile from the main village centre, to the north east and across the A55 highway. No additional bus shelter or services are intended, although there is a suggestion of bus passes being considered. The site location raises issues concerning sustainable travelling and accessibility to services and facilities, which suggest conflicts with Policy STRAT 1 and WAG guidance in TAN 18 and PPW.

- vii) Nature conservation, protected species and trees and woodlands
In respect of policies GEN 2 ii) and iii), ENV 1,5,6,7 and 8, together with SPG's 6 and 18 Nature Conservation and Species Protection, in the absence of sufficient accompanying detailed protected species measures within the proposal and management plans, the proposal remains in conflict with the conservation status of, in particular, great crested newts. The submitted additional ecological reports confirm that approximately 3.5 ha of the existing application site habitat is suitable for great crested newts – significantly, this represents half of the proposed development site currently under consideration. SPG 18 highlights that great crested newts protection also extends to their habitat, which include surrounding vegetation. It emphasises that when great crested newts are found to occur or to be affected by a development proposal then the details may have to be amended for their preservation. The ecological surveys confirm that parts of the current application site and other land within MOD ownership include suitable great crested newts (GCN) habitat.

Clarification of the following issues are also pertinent to the conservation assessment for great crested newts;

- Relationship between the habitat and species identified with the contaminated land report conclusions.
- Relationship of drainage to GCN
- Relationship of protected species issues with the financial appraisal.

The agent is aware of the concerns highlighted by the Countryside Council for Wales (CCW) and the County Ecologist, and considers that, in this respect; the application should be dealt with on the basis of the details currently under consideration. However, both CCW and the County Ecologist responses highlight a number of significant issues which require a detailed and integrated conservation approach in this case.

- viii) Housing – market and affordable housing.
The indicative layout shows 27 detached dwellings; 28 semi-detached dwellings and 30 mews/town houses. No justification is submitted for the house numbers, type or density suggested. The density numbers equates to 34 units per hectare.

The Development Appraisal report included the following information:

- Of the 30 no 2/3 bed roomed townhouses – 15 to be AH units with 3 social rented; 2 shared ownership and 10 low cost market.
- Of the 30 no 3/4 bed roomed semi-detached houses – 11 to be AH, with 6 social rented and 5 shared ownership

- Remaining 25 no. to include 3/4 bed detached houses - no AH allocated.

Values have been assumed for the AH, including 2006 costs information for low cost market valuation.

No specific plot numbers are identified, and there are no live/work units incorporated in the scheme.

The current waiting list for housing in Bodelwyddan includes a total of 426, with demand for 2 and 3 bedroomed general housing, and 2 bedroomed bungalows representing the predominant sheltered housing need.

The current average Household income for Bodelwyddan is £31,209. Current policy guidance in relation to affordable housing stipulates a requirement of 30% affordable housing. The submission indicates a 30% provision. No other affordable housing percentage scenario is included. Given the proximity to employment land/uses, as advised by the Councils Housing Services officer the site could include key workers provisions. A separate meeting between a National Health Service representative, the case officer and Housing Service Officer confirms a potential need for some hospital key workers in the area.

As this is in outline, a condition could control the overall approach to affordable housing, in the event of a planning approval.

ix) Open Space

The Council's Parks and Gardens Officer advises that, based on current Council requirements and calculations, a total of 85 dwellings requires 8160 sq metres of Open Space, allocated as 6120 sq metres of Community Recreational Open Space and 2040 sq metres of Children's Play Space with a total overall cost (currently) of £288,639.60

The indicative layout includes approximately 3600 sqm public open space – approximately half the total requirement on site, at the extreme east edge of the site, next to the vehicular access point, with other areas identified around a mature Oak tree (noted for its special interest) and at the extreme west edge, to include part of the Coed Pen Y Garreg wildlife site. No indication of play area provision is included. The agent advises that the remainder of the open space provision is to be provided off site.

The concerns of the Council's Parks and Gardens Officer are significant and it is considered the proposals are incompatible with Policy REC 2 and the accompanying SPG.

x) Layout – landscape and design

Whilst the application is submitted in outline form, the County Landscape Officer's comments confirm that the site lies within a sensitive landscape context. Consequently, any layout and building design should respect the constraints highlighted. The indicative layout raises a number of landscape conflicts in this case.

xi) Local Development Plan (LDP)

The current LDP timetabling indicates Spring 2009 for the second draft deposit LDP. In this context, proposed changes to current UDP allocations can be afforded little weight.

SUMMARY AND CONCLUSIONS:

19. The loss of an allocated employment site in the current UDP to residential use, on the basis of enabling development (in this case involving serviced plots – but with no firm, specific details) for an alternative employment land area is considered clearly contrary to policy. Any benefits, in this case highway works involving Engine Hill in particular, do not outweigh this conflict. The presence of a number of third party land could involve additional constraints, in terms of agreements and timescales. To date, no marketing or planning permission has been sought for any employment use for the site. Additionally, whilst mindful of the primary education financial provision suggested, in the absence of a Council strategy which includes education payments/contribution, a financial contribution cannot be accepted in this case. There are concerns over a number of inter-related and detailed environmental issues including archaeological, contamination, and in particular nature conservation and layout considerations (including open space). These require full and detailed evaluation and appropriate mitigation measures, which are not appropriately dealt with to the required level. It is considered that this ambiguity materially affects the determination of the current proposal.

RECOMMENDATION: REFUSE for the following reasons:-

1. In the absence of a comprehensive habitat and species mitigation and compensation scheme, in particular involving the great crested newt species, the proposal is considered to conflict with the aims of PPW, TAN 5 together with the Unitary Development Plan policies STRAT 1 (v); STRAT 7 (iii), GEN 6 (ii); ENV 1, ENV 6 and the Supplementary Planning Guidance Note 6, the aims of which are to protect and enhance nature conservation and promote biodiversity features and to ensure maintenance and avoid piecemeal fragmentation to the conservation status of a European protected species. In this regard the Local Planning Authority considers that in the absence of such details it remains inconclusive that there will not be any detrimental impacts of the proposal on the conservation status of the great crested newt species in this case. Furthermore, the proposal involves the development of un-annotated land, thereby being contrary to policy GEN 2 ii) and iii) of the Denbighshire Unitary Development Plan, which aims to avoid unacceptable loss of valuable open space which, in this case, has an ecological value for the purpose of the recognised great crested newt habitat.
2. The Local Planning Authority considers that on the basis of the details submitted, the proposal fails to satisfactorily demonstrate the existence of exceptional circumstances that there is a case, on the basis on an enabling development, to justify the loss of an allocated employment site for residential use, and this would therefore prevent the site from contributing towards a range of employment needs in the area, in conflict with policies START 8; 11; 16; GEN 6 (ix), EMP 1; 2; 10 (i-iii) of the adopted Denbighshire Unitary Development Plan and PPW 9 March 2002 (as amended).
3. The Local Planning Authority consider that the proposed housing development is unsuitable in this location, in that it is detached from the accepted physical pattern and core location of housing and other related services at Bodelwyddan and in this regard is predominantly dependent on private car use for employment, services and facilities, contrary to the sustainable development approach in Unitary Development Plan policy STRAT 1, TAN 18 Transport and PPW.

ITEM NO: 3

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2008/0841/ PF

PROPOSAL: Demolition of existing lean-to and erection of single storey extension to rear (partly retrospective)

LOCATION: 5 Manod Road Prestatyn

APPLICANT: Mr Russell Reeve

CONSTRAINTS: PROW
Article 4 Direction

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Object – size and scale not in keeping with surrounding property."

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Mr. A. Weatherspoon, 3, Manod Road, Meliden
2. Mrs M Turnbull, 4 Glasfryn Avenue, Prestatyn
3. Ms Joyce Parry, 2 Glasfryn Avenue, Prestatyn
4. Mr Peter chronnell, 10 Glasfryn Avenue, Prestatyn

Summary of planning based representations

- i) Impact on residential amenity – the extension is too large and out of place

EXPIRY DATE OF APPLICATION: 14/09/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application is for the demolition of an existing lean to structure to the rear of the property and the retention of a single storey rear extension. Although the application is described as partly retrospective, the development had been completed when an officer visited the property for a site visit on 13.08.08.
2. The application site is situated on the corner of a Manod Road, and Glasfryn Avenue. The area consists of modern pitched roofed detached bungalows, close to the main road between Meliden and Prestatyn. The property has a spacious lawn garden to the side and front of the property, with a driveway and a detached garage to the rear.

3. The development consists of a single storey, flat roof ed rear extension measuring 8.5m (width) by 3.7m (projection). The height to the ridge of the flat roof is 3.1m. On top of the flat roof is a pitched roof sunlight feature measuring 0.7m in height. The volume of the extension is 97 cubic metres and it is used as an extension to the existing kitchen.
4. The volume of the extension is 96.9 cubic metres plus the pitched roof sky light.
5. No windows or doors have been inserted in the Southern elevation that directly faces Glasfryn Avenue. No doors or windows have been inserted in the Northern elevation that directly faces the neighbour at 3 Manod Road. Two windows and a set of double out opening patio doors have been inserted in the Eastern elevation to the rear.
6. The extension has been rendered to match that of the existing dwelling.

RELEVANT PLANNING HISTORY:

7. None

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy HSG 12 – Extensions to Dwellings

Supplementary Planning Guidance
SPG 1 – Extensions to Dwellings

MAIN PLANNING CONSIDERATIONS:

9.
 - i) Impact on visual amenity
 - ii) Impact on residential amenity
10. In relation to the main planning considerations in paragraph 9:
 - i) Visual Amenity
The extension is located on the rear of the existing bungalow. It projects some 3.7m from the existing rear elevation and has been rendered to match the materials on the original dwelling. Planning policies and guidance allow for such household extensions providing they are subordinate to the main dwelling and their design and materials are sympathetic to the locality. For single storey extensions a projection of 4m is allowed under the adopted SPG. It is considered that the extension has to be assessed having regard to the presence of other flat roofed rear extensions in the area along with the potential permitted development extension which could have been built here in any case. A flat roofed extension some 27 cubic metres smaller could have had a similar visual impact from the nearby public viewpoints. The extension is subordinate to the original dwelling and whilst its design is not strictly in keeping with the main property it is not considered this would be sufficient reason to refuse the application and take enforcement action. With hedge planting to the road (see conditions) the extension would be screened from neighbouring properties. It is considered the proposal meets the general criteria of Policy GEN 6 and does not conflict with Policy HSG 12 or SPG 1 in terms of its visual impact.
 - ii) Neighbour Amenity Concerns
During consultation concerns were raised that the development would impact negatively upon neighbouring properties. Whilst it is conceded that the

design is not ideal, it is not considered that the extension will dominate the existing building, and the choice of materials and finishes is to match the existing. In addition there will be no additional windows or doors in the Southern elevation which faces Glasfryn Avenue, nor the immediate neighbour at number 3 Manod Road. The Eastern elevation, which features the two windows and a set of patio doors, is sufficiently screened by an existing detached garage and foliage, to eliminate any overlooking of neighbouring properties.

SUMMARY AND CONCLUSIONS:

11. The retrospective application for erection of a flat roofed extension with modern UPVC sky light is not contrary to planning policy, and the extension is recommended for approval.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
2. Within 1 month of the approval of this application, a detailed scheme of hedgerow screening shall be submitted and approved in writing. The hedgerow screening shall be located on the Southern boundary and maintained at a height of 1 metre.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Rhyl South

APPLICATION NO: 45/2008/0672/ PC

PROPOSAL: Retention of brick pillars and fence infill to increase height of boundary wall to 1.97m overall (retrospective application)

LOCATION: 9 Doren Avenue Rhyl

APPLICANT: Mr & Mrs P Manfredi

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Object – the development is detrimental to the visual amenities of neighbouring properties".

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objections

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 17/11/2008**REASON FOR DELAY IN DECISION:**

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site is comprised of the detached hipped-roof bungalow of 9 Doren Avenue which stands within a corner plot at the road junction with the link road through to Weaverton Drive. The majority of properties within the area are of a similar form to the subject dwelling, and has a variety of frontage treatments including low stone walls, hedges, low-level fencing and brick pillars with fence-panel infills of a similar style to that proposed by the current application. The closest examples of similar fences are at 11 Doren Avenue (directly across the link road) and at 18 Doren Avenue.
2. The application seeks retrospective consent to retain the brick pillars and fencing which has been installed along both of the road frontages of the subject property. The base level brick wall which was originally in place had a height of 1.25 metres, and the pillars installed on top of this have raised the maximum height up to 1.95 metres. The pillars are set at intervals of 1.5 metres and are formed from red brick capped with a course of bricks. Curved fence panels are set between the pillars.

RELEVANT PLANNING HISTORY:

3. The property has been subject to applications for extensions, none of which are of relevance to the subject proposal.

PLANNING POLICIES AND GUIDANCE:

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

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Visual appearance
 - ii) Impact on the privacy and amenity of nearby occupiers
6. In relation to the considerations as noted in paragraph 5:
 - i) Visual appearance
The visual appearance of the pillars and fence panels reflects those immediately to the other side of the road at no. 11 Doren Avenue and forms a pleasant entrance into the estate due to the symmetrical appearance in noting the Town Council's concerns. Pillars and fencing to the front of any property has the potential to appear overbearing and unsightly, but in this instance it is in fact a reflection of similar boundary treatment elsewhere in the locality and as such is considered entirely appropriate;
 - ii) Privacy and Amenity
No objections from any nearby occupiers have been received and it is not considered that the pillars and fencing cause any undue harm to any residents.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT

No conditions imposed

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Rhyl South

APPLICATION NO: 45/2008/0800/ PF

PROPOSAL: Demolition of existing building and erection of block of 2 self-contained flats

LOCATION: James Buildings 4a Rhuddlan Road Rhyl

APPLICANT: Mr D Garnett Pension Account

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"No objection."

WELSH WATER

No objections. Standard comments relating to water discharge.

ENVIRONMENT AGENCY

Note that the site lies just outside zones C1 and C2, and as such no FCA is required.

HEAD OF HIGHWAYS & INFRASTRUCTURE

No objection subject to conditions relating to the submission and approval of details of the access changes proposed and the provision of car parking.

RESPONSE TO PUBLICITY:

Letters of objection were received from:

1. Mrs Susan Doherty, 4 St Margaret's Dive
2. Miss Sarah Doherty of 6 St Margaret's Drive.

The letters raise the following concerns:

- i) Loss of privacy
- ii) Loss of security.

EXPIRY DATE OF APPLICATION: 26/11/2008**REASON FOR DELAY IN DECISION:**

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application relates to a single-storey building fronting the main road and currently containing offices with car parking to the frontage. The adjacent building to the west side is an electricity sub-station with a row of four three-storey

commercial buildings beyond, with two-storey residential properties to the other (east) side. The site is triangular in shape and has an average depth of 11 metres and a width to the road frontage of 30 metres. The site has rear gardens of the properties on St Margaret's Drive to the rear.

2. The application proposes to demolish the existing building and erect a two-storey building containing 2 two-bedroom flats, one on each floor. The proposed building has a width of 10.4 metres and a depth of 9.0 metres, with primary windows to the front and rear. Each unit contains two bedrooms, a bathroom, and en-suite shower room, lounge, hall and kitchen/diner. The building has a height of 5.0 metres to the eaves and a hipped roof with a ridge height of 7.3 metres. The building is sited toward the road frontage which allows for a rear amenity space of around 9 metres in depth with parking for four cars to the side.
3. A justification statement has been submitted by the agent for the scheme. This states that, in respect of the proposed demolition: the costs of bringing the property up to date to comply with current building regulations is prohibitive; the property is too small to cater for the needs of the current occupier; there is a lack of on-site storage; lack of parking spaces; a poor shape of internal accommodation; and a lack of disabled facilities. It is further stated that the proposed redevelopment of the site would: enhance the street scene; provide an energy efficient building; reduce the number of vehicular movements; comply with disabled access standards; provide a rear garden area; provide less hard-standing area to the front and sides.
4. Since the initial submission was made, a first floor window for the master bedroom of the first floor flat has been re-located to the side elevation and replaced by an obscure glazed window for the en-suite bathroom. This leaves only one habitable room window facing to the rear at the first floor level (for the second bedroom) which will stand 9 metres off the rear boundary.

RELEVANT PLANNING HISTORY:

5. 45/2006/0038/PF
Demolition of existing offices, erection of two dwellings and construction of a new vehicular access: Refused June 2007. The application was refused due to lack of justification and inaccurate plans.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy EMP 10 – Protection of Employment Land / Buildings
Policy RET 10 – Local and Neighbourhood Shopping Centres

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7. The main issues raised by the proposal are:
 - i) Loss of Employment Land (Policy EMP 10)
 - ii) Impact on Neighbourhood Shopping Centre (Policy RET10)
 - iii) Visual appearance
 - iv) Impact on the privacy and amenity of nearby occupiers
 - v) Access

8. In relation to the main planning considerations:
- i) Loss of employment land
The site is not actually identified on the UDP proposals map as land for employment development so it is not considered that the loss of the office use can be objected to in principle.
 - ii) Impact on Neighbourhood Shopping Centre (RET10)
The policy designation seeks to avoid the loss of Class A1 retail uses in such shopping areas. As this site has been used as offices for a Building firm it is not considered a proposed residential use would conflict with this policy designation.
 - iii) Visual appearance
The visual appearance of the proposed building is similar to the residential properties to the east as it has a hipped roof and partially rendered walls which are comparable in style.
 - iv) Privacy and amenity
The comments raised by the objectors are noted. The building as amended would introduce only one habitable room window for the second bedroom at first floor level standing 9 metres from the rear garden boundaries of the houses to the west which front onto St Margaret's Drive. The main room windows for the lounge and kitchen are to the front of the building. As the houses on St Margaret's Drive have rear gardens of around 40 metres in length it is not considered that the overlooking and loss of privacy which may occur is to a sufficient degree to justify a refusal.
 - v) Access
The lack of objection from the Highway Authority is noted and the scheme is acceptable in respect of access.

SUMMARY AND CONCLUSIONS:

9. The application is acceptable and is recommended to be granted. It is considered that the proposed, within the development boundary of Rhyl, replacing an office use is in accordance with the relevant policies of the UDP.

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. **PRE-COMMENCEMENT**
No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roof(s) of the development hereby permitted and no materials other than those approved shall be used.
3. All existing accesses to the site which are capable of use by vehicles shall be closed immediately the junction between the proposed access road and the highway has been constructed to the standard agreed pursuant to other conditions of this permission. Prior to the closure taking place details of the method of closure shall be submitted to and agreed in writing with the Local Planning Authority.
4. All existing accesses to the site which are capable of use by vehicles shall be closed immediately the junction between the proposed access road and the highway has been constructed to the standard agreed pursuant to other conditions of this permission. Prior to the closure taking place details of the method of closure shall be submitted to and agreed in writing with the Local Planning Authority.
5. No dwelling shall be occupied until the parking space(s)/garage and access thereto

have been laid out/constructed in accordance with the approved plans.

6. PRE-COMMENCEMENT CONDITION

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.

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

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

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. In the interests of visual amenity.
- 3. In the interests of highway safety.
- 4. In the interests of highway safety.
- 5. In order that adequate parking facilities are available within the curtilage of the site.
- 6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
- 7. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Rhyl South West

APPLICATION NO: 45/2008/1005/ PF

PROPOSAL: Change of use of existing ground floor public house into 2 no. shop units; conversion of first and second floor to 2 no. self-contained flats and alterations to existing vehicular/pedestrian access

LOCATION: 31 Vale Road Rhyl

APPLICANT: Mrs V Green

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 of lack of suitable parking for the shops".

WELSH WATER

Standard comments relating to water discharge

ENVIRONMENT AGENCY

Note that the first and second floors were already used as living accommodation and as such a Flood Consequences Assessment is not required.

HIGHWAY AUTHORITY

Comments awaited

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 28/10/2008**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site is occupied by the Prince of Wales Public House which stands within a corner site at the road junctions of Vale Road and Albert Street. The public house stands at the main road end of the site and is a two-storey building but with its roof space having been converted using roof lights to the front, side and rear roof slopes. The rear portion of the site is open land reached by a vehicular access off Albert Street and has been used as a beer garden/car park. The site is abutted on Vale Road by other ground floor commercial properties with residential uses above and to the rear by the Kingdom Hall place of worship. Properties to the opposite

side of Vale Road are in commercial and residential use, and a day nursery stands to the other side of Albert Street to the public house.

2. The application proposes:
 - i) to change the ground floor into two shop units; one fronting Vale Road and the other fronting Albert Street with associated storage areas, staff rooms and toilets. The external alterations associated with this change of use are to change the existing set of double doors facing Albert Street into a door and abutting shop window;
 - ii) to change the use of the upper two floors from their existing living areas associated with the ground floor public house into two self-contained two-bedroom flats with bathroom, kitchen and lounge. The units will be accessed using an existing ground floor door to the Albert Street frontage with internal staircases. No external changes are proposed to the building;
 - iii) laying out of the rear area of the site to contain three parking spaces and amenity space (for the flats) along with an amenity area/bin store for the shops. This requires the removal of parts of the existing wall along Albert Street to provide access to the parking bays.

RELEVANT PLANNING HISTORY:

3. The property has been subject to miscellaneous applications over the years including signage, none of which is relevant to the current submission.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy HSG13 – Subdivision of Existing Premises to Self-Contained Flats
Policy RET 12 – Local Shops and Post Offices

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) The change of use of the ground floor
 - ii) The change of use of the upper floors
 - iii) Impact on the privacy and amenity of nearby occupiers
 - iv) Parking and access
6. In relation to the considerations as noted in paragraph 5:
 - i) Use of ground floor
The loss of the public house is not in conflict with planning policy given its urban location, the recent downturn on the market for such establishments and the close proximity of competing public houses. The replacement of the A3 use with two A1 retail units is acceptable given their small-scale nature as they are not adjudged to detract from the vitality and viability of any nearby centres. In addition, the layout as proposed is satisfactory and the minor amendment to the Albert Street frontage is also appropriate.
 - ii) Use of first floor
Policy HSG 13 requires the property to be suitable for conversion, to meet appropriate floor space and car parking guidelines and to have adequate access and amenity space/refuse disposal facilities. The scheme satisfies all of these criteria and in effect replaces one residential use with another form.

- iii) Privacy and amenity
The changes of use are not adjudged to cause harm to local residents; indeed they will result in a form of use which gives rise to less noise and activity than the current public house use.

- iv) Parking and access
The scheme makes provision for three off-road spaces for the flats and there is on-street parking in the form of designated areas along Vale Road for the retail units, it is not envisaged that an objection in highways terms can be substantiated.

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. **PRE-COMMENCEMENT**
No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no materials other than those approved shall be used.
- 3. No dwelling shall be occupied until the parking space(s)/garage and access thereto have been laid out/constructed in accordance with the approved plans.
- 4. 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. In order that adequate parking facilities are available within the curtilage of the site.
- 4. 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: 7

WARD NO: Denbigh Central

APPLICATION NO: 01/2008/0623/ PO

PROPOSAL: Development of 0.029ha of land by the erection of 1 no. dwelling (outline application - all matters reserved)

LOCATION: Land at (Part garden of) Bryn Clwyd Chapel Place Denbigh

APPLICANT: Mrs I Lloyd-Jones

CONSTRAINTS: Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL
"No objections"

CONSERVATION OFFICER
No objections

COUNTY ARCHAEOLOGIST
No objections subject to watching brief condition

WELSH WATER
No objection

HEAD OF TRANSPORT AND INFRASTRUCTURE
Awaiting response

RESPONSE TO PUBLICITY:

Letters of response received from:

1. Mr. B. Winn, Vale View, Water Street, Denbigh
2. Mrs R Price, 3 Water Street, Denbigh

Summary of planning based representations:

- i) Concerns over highways / access Water Street is not wide enough to accommodate additional traffic
- ii) Adequacy of access and space for cars to turn around
- iii) Amenity impact
- iv) Potential loss of light and privacy for surrounding residents

EXPIRY DATE OF APPLICATION: 26/08/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Outline permission is sought for the development of 0.029ha of land by the erection of a single dwelling. All detailed matters are reserved for approval at reserved matters stage.
2. The site is located adjacent to Water Street, is within the Denbigh development boundary and is in a designated conservation area. Surrounding the site are residential properties of mixed designs and materials although many are of a traditional style reflecting the area's inclusion within the conservation area. The site is currently part of the garden of Bryn Clwyd, Chapel Place.
3. Viewed from Barkers Well Lane, the site slopes steeply upwards towards the rear of Chapel Place. Its dimensions are approximately 20m by 15m.
4. There has been a previous permission for residential development on the site.

RELEVANT PLANNING HISTORY:

5. 1/7691 – Development of land by the erection of 3 No. terraced dwellings with associated parking area. GRANTED 12th September 1986 (unimplemented)

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 – Development Within Development Boundaries
 - Policy GEN 6 – Development Control Requirements
 - Policy CON 5 – Development Within Conservation Areas
 - Policy TRA 6 – Impact of New Development on Traffic Flows
 - Policy TRA 9 – Parking and Service Provision
 - Supplementary Planning Guidance Note 25: Residential Development Guide

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Impact upon amenity
 - iii) Highways
8. In relation to the considerations in paragraph 7:
 - i) Principle:

The site is located within the development boundary of Denbigh, where the principle of suitable housing development is acceptable provided the proposal satisfies other planning criteria which relate to general amenity and access issues.
 - ii) Impact upon amenity:

The application is made in outline form only to establish the principle of development, and accordingly no details of design, siting or access have been submitted for consideration. However, the planning history of the site indicates that it is possible to develop the site without a significant impact upon residential or visual amenity of the area. Further it is noted that the previous permission was for three dwellings whilst the current application is for one dwelling.

iii) Highways

It is not considered that there are adverse impacts likely on the highway network in this instance.

SUMMARY AND CONCLUSIONS:

9. The proposal is considered acceptable in principle, and it is not considered that it would result in a loss of amenity or highway safety.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. **PRE-COMMENCEMENT CONDITION**
No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. 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 interests of archaeological investigation and recording.

NOTES TO APPLICANT:

None

ITEM NO:	8
WARD NO:	Denbigh Upper / Henllan
APPLICATION NO:	01/2008/1070/ AC
PROPOSAL:	Details of phasing of development, numbers of dwellings, road hierarchies and design principles for new buildings and open spaces submitted in accordance with condition no. 4A & 4B of planning permission code no. 01/2004/1445/PO
LOCATION:	Former North Wales Hospital Nantglyn Road Denbigh
APPLICANT:	MCK Partnership Limited
CONSTRAINTS:	Listed Building
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - No

CONSULTATION RESPONSES:

(Unless otherwise stated, comments relate to the document submitted in September 2008. Consultees have been sent a revised version of the document received in late November, and any further responses received prior to Committee will be reported on the late representations sheets).

DENBIGH TOWN COUNCIL

"The Council does not wish to object to the application. However the Council has instructed me to ask the following questions:

1. The application mentions that the former chapel is to be used as a community facility – would this facility be for the whole of Denbigh or a local facility for that area of the town.
2. The public open spaces referred to, would they also be for the use of all the residents of Denbigh."

DENBIGH CIVIC SOCIETY

Suggest that if the developers are allowed to build 317 houses, the Council should insist that work on the listed buildings is done concurrently. Applaud the design aims to avoid piecemeal development. The out of town location gives scope for a design that reflects a modern approach to house form (including carbon neutral houses, use of sustainable materials and innovations like rainwater harvesting, passive solar gain, green water recycling, windpower generation and good insulation). Development should cause minimal impact to the local environment. Design should not be constrained by the need to copy local vernacular housing, and architects should be allowed to design a scheme with a flexible framework for the community to develop and adapt.

DESIGN COMMISSION FOR WALES

The Panel agrees with the Local Authority's strategy for the site, including enabling residential development and selective demolition. The proposal is therefore acceptable in principle but requires major changes in layout, design and sustainability measures:

- A revised plan needs to be developed, addressing issues of social sustainability, mixed use, community facilities and connectivity with the town including public transport links.
- Design codes, a phasing programme and a justification of the proposed number of units in terms of overall impact on the area, together with any mitigating proposals, should be considered within this revised plan..
- The possibility of including some affordable housing should be pursued.
- Different character areas should be developed. Soft edges should be maintained and a village-style development concentrated in the centre of the site.
- The treatment of streets and parking areas should be re-designed following the principles set out in Manual for Streets.
- CSH Level 3 should be achieved as a minimum, and BREEAM Very Good for non-residential uses. The building layout should respond to solar orientation. A district heating system should be included and space allowed for a centralised energy centre. Natural sustainable materials should be specified.
- Every effort should be made to find a viable alternative use for the main listed building. It is vitally important that this is refurbished sympathetically to attract future investment. Similarly, any new development should address and complement the appearance and setting of the listed buildings.

HEAD OF TRANSPORT AND INFRASTRUCTURE
Response awaited.

RESPONSE TO PUBLICITY:

There is no requirement for formal publicity on approval of condition application.

EXPIRY DATE OF APPLICATION: 15/01/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application seeks the Authority's approval of details required under one of the conditions on the outline planning permission for the mixed use (re) development at the former North Wales Hospital, granted in September 2006.
2. Members may recall that the outline permission was actually released on completion of a legal agreement with the owners. The resolution to grant planning permission was made at Full Council in May 2005. The permission was subject to a comprehensive list of conditions requiring the submission and approval of additional details. A number of these submissions relating to survey work, archaeological investigation, photographic records, etc. have already been made and approved.
3. The particular condition on the outline permission, 01/2004/1445 which is the subject of this Application, is worded as follows:

"Prior to the submission of any plans relating to the "reserved matters" referred to in Condition 6, the written approval of the Local Planning Authority shall be obtained to all of the following:

a) Detailed proposals for the phasing of development including the timing of demolition works, the phases of new residential development including conversions, the numbers of dwellings in each phase, the renovation works on retained dwellings, and conversion works on retained buildings

b) Detailed proposals for the phased submission of development briefs for the works of conversion and new residential and business unit development, such briefs to include road layout hierarchies and design principles for new buildings and open spaces, conservation management and landscaping proposals.”

4. The application is, in essence seeking approval of a 'masterplan' document setting out basic principles for the new development around the listed buildings to be retained and conversion works on these retained buildings. The idea of the masterplan is to act as a guide for the 'reserved matters' application(s) which will follow, i.e. the fully detailed plans which may be submitted by house builders, etc. showing the layout of the new development, house type designs and numbers, road and pedestrian circulation, open space and landscaping proposals, and the scheme of conversion on the retained buildings. Notwithstanding the contents of this report and the officer recommendation, the approval of the document would convey solely the Authority's support for the general approach to the form and location of future development. No development can take place until fully detailed plans of the layout, house types, etc have been submitted and have been approved by the Council, and all these plans would be subject to the normal planning consultation process.
5. The current submission is titled 'Phase 1 Development Brief'. It is split into 4 sections which are titled:
 1. Introduction (background, amount of development, planning context, and design aims)
 2. Site location and character (location and boundaries, site area)
 3. Design Guidance (Phase 1 relating to new build development, Design Concept, Road layout & hierarchy, character areas, building block design, sustainability, external walls, roofs, windows and doors, street signage, boundary treatment, landscaping & open space landscape masterplan).
 4. Environmental requirements (eco homes, refuse and recycling, water use, energy use).

The Development Brief contains a range of illustrative material including basic site plans to show relationships with listed buildings, main circulation patterns, and the location of housing and open space areas. It indicates that proposals for the business and conversion elements of the development would be submitted under a separate detailed scheme.

6. The theme of the Phase 1 Development Brief, as set in the document, is to 'achieve a robust and sustainable development that secures the refurbishment and future of the retained listed buildings'.
7. Points of note in the submission are reference to:
 - 7 phases of development, each one including an element of new build housing and restoration of retained buildings.
 - A total of 317 new build dwellings, split into 2, 3, 4 and 5 bedroom units.
 - the conversion of the main hospital, buildings to 85 apartments and 24 sheltered apartments, Aled Ward to 6 residential units, the farm building to 6 units, and the Isolation Ward to 3 units.
 - The conversion of Ogwen Ward, Hafan Ward, and the Nurses home to B1 offices
 - The use of the Chapel as a Community facility
 - The idea of servicing the site by way of 3 vehicular access points, one off the Nantglyn Road, and two off Pont Ystrad Road.
 - The creation of a main public space at the rear of the retained main buildings, with a 'High Street' leading off this into the new build development,

and a shop/café

- The retention of the land between the retained main buildings and the town as public open space, the reinstatement of the bowling green and tennis courts.

8. The approval of condition application was submitted in September 2008 and has been revised substantially following comment from consultees in November 2008. The consultees have been forwarded the amended document and further comments are awaited at the time of preparing this report.
9. The Design Commission have been involved in the process in light of the proposed scale of development and its location around the complex of listed buildings.

RELEVANT PLANNING HISTORY:

9. 01/2004/1445/PO
Restoration and partial demolition and change of use of former North Wales Hospital to residential, business and community uses, and development of adjacent land and buildings for residential, commercial and parkland uses, including change of use to B1 (Business Use), creation of new access and landscaping (outline application)
Granted - 29 September 2006.

01/2007/0750/LB

Listed building consent for partial demolition of former hospital buildings
Granted April 2008.

PLANNING POLICIES AND GUIDANCE:

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

MDA 4 -	Major Mixed Development Area: Denbigh Hospital
GEN 6 -	Development Control Requirements
ENV 1 -	Protection of the Natural Environment
ENV 3 -	Local Landscape Areas
ENV 7 -	Landscape / Townscape Features
CON 1 -	The Setting of Listed Buildings
CON 4 -	Indigenous building materials
CON 12 -	Historic landscape, parks and gardens
HSG 2 -	Housing development in main centres
REC 2 -	Amenity and recreational open space requirements in new developments
TRA 6 -	Impact of new development on traffic flows
TRA 9 -	Parking and servicing provision

Government Circulars / Advice

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

Historic

Buildings and Conservation Areas
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

11. Members are respectfully reminded that the application is not an opportunity to revisit the principles of the development of the site, which have been established by the grant of outline permission. The issues are solely the acceptability of the contents of the masterplan document in respect of the matters required for approval under Condition 4 A & B.

The main considerations on this approval of condition application are therefore considered to be the acceptability of proposals in respect of:

- i) The phasing of development
- ii) The number of dwellings
- iii) Road hierarchies
- iv) Design principles for new buildings and open spaces.

12. In relation to the considerations outlined:

In broad terms, the Site Brief follows the general framework for the development of site, shown on the indicative masterplan submitted with the outline application.

In relation to the specific requirements of Condition 4 A and B:

Condition 4A -

- the Site Brief deals solely with the new build development as a 'phase 1' document and proposes the submission of a separate scheme for the business and conversion element, so can only be a 'part approval' if the Committee is minded to support it.
- the document does not contain details of the timing of demolition works
- In terms of phasing, Section 1 includes a phasing plan, showing how the new build residential development would relate to the carrying out of refurbishment of the listed buildings, over 7 phases. This includes the refurbishment of the main front block as part of the Phase 1 new build housing on land to the north of the Chapel. Unfortunately, the mechanism for coordinating the new build development and refurbishment is not detailed, and it is not considered the sequence of restoration works spread over 7 phases is acceptable, as this can not guarantee the future of the retained buildings, particularly in the later phases. There is no recognition of the need for urgent works on the main buildings.
- In terms of the number of dwellings, Section 1.2 contains a Schedule of Accommodation and refers to 317 new build dwellings (2, 3, 4 & 5 bedroom units), a further 85 apartments and 24 sheltered apartments in the main building, 12 residential units through conversion of other buildings and 36,000m² of B1 office space. Whilst the mix of uses is considered broadly consistent with the indicative masterplan in the outline application there are some reservations over approving the contents of the brief as submitted; as there is no breakdown in the text of the number of dwellings/conversions, etc in each phase of development the mix of dwelling sizes is limited, with only a small number of 2 bed units, and no. 1 bed units. It is not considered appropriate to approve a specific number of dwellings by new build or by conversion as part of a basic 'in principle' document such as this. Significantly, the basis of the outline permission was that the amount of enabling development was the minimum necessary to generate moneys for the Restoration Fund for use on the retained listed buildings, and it has been stressed at all stages that the number of dwellings needs to be fully justified. The submission contains no justification for the numbers. On a simplistic level, without full details of the layout, design, extent and density of new build development, it is not possible to conclude that this will be acceptable in terms of impact on the setting of the listed buildings, hence approval of a

precise number of dwellings would be meaningless. In relation to the conversions, it is not possible to judge whether the main buildings are capable of conversion to a precise number of units without seeing the details, including the associated proposals for parking and servicing.

Officers' view is that the numbers of new dwellings and units to be created by conversion should be taken as indicative only.

It is also not considered that the new build residential development should extend as far as proposed into the field to the south west of the nurses home, as this would impact adversely on the open character of this area.

Condition 4B -

- The document is a detailed brief dealing with the new build element of the development. As stated, it does not include ideas for the works of conversion or business units.

In terms of highway proposals, there are clear road hierarchies set out in Section 3.2, which explain the principles and design detail of the highway network within the development, adopting best practice in government guidance such as Manual for Streets. The document needs to demonstrate how the principles are incorporated into the scheme. It is understood the highways officers have been unable to respond to the revised brief in the limited timescale before the deadline for preparing this report.

- The document also shows a potential bus route, and main public footpath circulation routes within the site. As drafted, the footpath routes seem largely to follow the road pattern and afford pedestrians very limited priority, do not make use of the potential to link with the main open space area or to develop links between the site and the town. This is no clear distinction between the routes of footways and cycleways and no obvious cycleway route within the site, or how this would link to the town.

- In terms of design principles for the development, the document includes an analysis of the existing spatial environment, routes, vistas, views, open spaces, recreational facilities, and views into the site, to develop a design concept informing the proposed ideas for the development. The brief puts forward interesting ideas for development of basic character areas within the site, referred to as 'High Street contemporary', 'Town Character', 'The Villas', 'Village Concept' and 'Central Core area'. The document offers typical examples of development in Denbigh which may be useful as a guide for a design approach within these areas, and it puts forward illustrative sketches of street scenes, and details showing the distribution of 2, 2.5 and 3 storey units.

In officers opinion this approach recognises many of the concerns over the original document but as detailed does not fully develop design codes for each of the character areas, and the potential for a 'village style' development in the centre of the site, which is considered an essential core element to recognise the special character of the site. The 'High Street' is a simple residential street. The ideas for the central square need revising to improve relationships between retained and proposed buildings, and to avoid public views down the rear gardens of houses.

- in terms of open space proposals, the brief explains how a detailed landscape strategy would link with the development form and movement framework. It shows the significant public open space areas to be retained around the site and the 'private' green space areas around the retained buildings for use by users/residents of the converted buildings. It is considered the brief sets an acceptable approach to the protection and future treatment of the open space and landscaping, which would be developed

through details to be submitted in relation to other conditions of the outline permission.

13. In relation to other points raised by consultees, not already covered in the report:

- The use of open areas and the community facilities (chapel) could not be restricted to residents/users of the site, so would be open to other residents of Denbigh
- it is critical that a satisfactory mechanism exists to ensure works on the listed buildings are undertaken concurrently with the newbuild development. The link needs to be refined as part of the Site Brief.
- The brief does offer considerable scope for a modern approach to design.
- there are specific proposals relating to sustainable forms of construction (eco-homes ratings, reuse/recycling, energy use, passive solar gain)- there are no detailed 'design code' proposals, which could improve the value of the brief as a guide for future developers.
- the affordable housing arrangements have already been agreed as part of the outline permission and are not a matter to be considered in the design brief. there will be reuse of materials salvaged from buildings to be demolished.

SUMMARY AND CONCLUSIONS:

14. The submission to be considered relates purely to the requirements of a condition on the outline planning permission for the development at the former North Wales Hospital. It is not an opportunity to revisit the merits of the redevelopment proposals.

The matter to be determined is whether the contents of the Phase 1 Development Brief are acceptable as a basis for guiding future detailed submissions for new build development.

Whilst the revised document addresses a number of concerns expressed over the contents of the original submission, there remain matters which are considered unsatisfactory, and as submitted officers cannot lend support to the Site Brief. The timing of receipt of the revised document has given consultees inadequate opportunity to respond to the contents, and these can not therefore be taken into account in preparing this report. This is a significant document which will act as a masterplan for a large development around important listed buildings on the edge of the town, and it is considered essential that the contents are appropriate to ensure a quality outcome, securing the future of the retained buildings, and that full account has to be taken of consultees responses.

The applicant and agents have insisted on the application being placed on the agenda for the Committee, for determination in its present form, rather than convene another meeting with officers. In the circumstances pertaining to this site, this is a regrettable stance given the importance of the document to the future development of the site, and the desire of officers to secure amendments so a positive recommendation can be put to the committee.

On the basis of the information in the Site Brief as submitted, the recommendation is to defer consideration until the January Committee, or until such time as full opportunity has been given for submission and consideration of consultee responses, and to allow the applicants the chance to further revise the document.

RECOMMENDATION: - DEFER -

NOTES TO APPLICANT:

You are asked to meet with officers of the Council to review key consultee responses and points of concerns over the contents of the revised Site Brief, with a view to incorporating suitable amendments.

ITEM NO: 9

WARD NO: Denbigh Central

APPLICATION NO: 01/2008/1129/ AD

PROPOSAL: Display of 1no. internally illuminated fascia sign (retrospective)

LOCATION: 56 High Street Denbigh

APPLICANT: Threshers Group

CONSTRAINTS: 250m Of Landfill Site Conservation Area Town Heritage Area Listed Building Groundwater Vulnerability 1 Article 4 Direction

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

"The Council does not wish to raise any objections to the application"

CONSERVATION OFFICER

Object, the sign is inappropriate and does not preserve or enhance the character and appearance of the Conservation Area.

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 02/12/2008**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site comprises of 'The Local', an off licence premises located on Denbigh High Street. The property is located within a designated Conservation Area and within the Denbigh Townscape Heritage Initiative (THI) area.
2. This application seeks to retain a fascia sign which is already being displayed at the property. The sign measures 5.8m in width and is 0.85m in height. The main fascia is finished in a gloss yellow with the logo 'The Local' in a gloss red with black text. The main fascia is externally illuminated with tube lighting and the logo is internally illuminated.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 11 Advertisements within Development Boundaries
 - Policy CON 5 Conservation Areas
 - Policy CON 8 Advertisements in Conservation Areas

Supplementary Planning Guidance Note 12 – Shop Fronts
Supplementary Planning Guidance Note 13 – Conservation Areas
Supplementary Planning Guidance Note 17 – Advertisements

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002
Technical Advice Note (Wales) 7 – Outside Advertisement Control
Welsh Office Circular 61/96 and 1/98 – Planning and The Historic Environment

MAIN PLANNING CONSIDERATIONS:

5. The main issue is considered to be:-
 - i) Impact on visual amenity

6. In relation to the main issue:
 - i) The application site is located within a Conservation Area and within the Townscape Heritage Initiative Area. Within Conservation Areas, special attention should be paid to preserving and enhancing the character and appearance of the area. Policy CON 8 states that advertisements within Conservation Areas will be permitted, but excludes glossy and highly reflective materials and internal illumination. Any signage should respect the physical appearance of the premises in order to readily integrate with its surroundings. Internally illuminated signs neither retain nor enhance the overall character and appearance of the Conservation Area. The colours, materials and style of the sign attract attention rather than be sympathetic to the building and surrounding area and are not considered to be sympathetic to the character and appearance of the Conservation Area. Although the main fascia sign is externally illuminated with only the logo internally illuminated, its design and overall physical appearance is out of keeping within the Conservation Area and THI and is considered to cause detriment to the character and appearance of the area, adversely affecting visual amenity.

SUMMARY AND CONCLUSIONS:

7. It is considered that there would be an adverse impact on the visual amenities of the area and on the character and appearance of the Conservation Area.

RECOMMENDATION: - REFUSE for the following reasons:-

1. The fascia sign due to its design, materials, colours, method of illumination and overall appearance has an unacceptable impact on the visual amenity of the area and on the character and appearance of the Conservation Area, contrary to Policies CON 5, CON 8, GEN 11 of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Notes 13, (Conservation Area), 12 (Shop fronts), 17 (Advertisements), Technical Advice Note Wales (Outside Advertisement Control) and Welsh Office Circular 61/96 - Planning and The Historic Environment.

NOTES TO APPLICANT: None

ENFORCEMENT ITEM TO FOLLOW

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2008/00118

LOCATION: The Local, 56 High Street, Denbigh

INFRINGEMENT: Unauthorised Illuminated Fascia Sign in Conservation Area

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 11 - Advertisements within Development Boundaries
Policy CON 5 - Conservation Areas
Policy CON 8 - Advertisements in Conservation Areas

Supplementary Planning Guidance Note 12 - Shop Fronts
Supplementary Planning Guidance Note 13 - Conservation Areas
Supplementary Planning Guidance Note 17 - Advertisements

GOVERNMENT GUIDANCE

Planning Policy Wales - March 2002
Technical Advice Note (Wales) 7 - Outside Advertisement Control
Welsh Office Circular 61/96 and 1/98 - Planning and The Historic Environment

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action in relation to unauthorised advertisements in conservation areas. In this case the matter under consideration relates to the rights of a shop premises owner to install a modern style illuminated fascia advertisement 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 premises in question holds a prominent position in the town centre shopping area of Denbigh. The property is situated in a terrace of buildings and operates as an 'off-licence'. It is located on High Street, within the Denbigh Conservation Area and is adjacent to a Grade II Listed Building and in close proximity to other Listed Buildings.
- 1.2 The shop owner has installed a new fascia advertisement which is partly internally illuminated and extends the full width of the shop front. The internal illumination highlights the name 'The Local' in the centre of the fascia. It is constructed in a modern style, using modern plastic type materials and in colours unsympathetic with the surroundings, which do not preserve or enhance the character and appearance of the area.
- 1.3 This is contrary to Policy CON 8 which states that advertisements within Conservation Areas will be permitted, but excludes glossy and highly reflective materials and internal illumination. Any signage should respect the physical appearance of the premises in order to readily integrate with its surroundings. Although the main fascia sign is externally illuminated with only the logo internally illuminated, its design and overall physical appearance is out of keeping within the Conservation Area and

Townscape Heritage Initiative and is considered to cause detriment to the character and appearance of the area.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised change of use has occurred within the last 4 years.
- 2.2 The site is located within the Denbigh Conservation Area, adjacent to a Listed Building and in close proximity to other Listed Buildings. The design of the fascia advertisement and the materials used are not traditional and are considered not to be appropriate in that they do not preserve or enhance the character and appearance of the area.
- 2.3 In particular due to the design, materials, colours, method of illumination and overall appearance of the fascia sign, it has an unacceptable impact on the visual amenity of the area and on the character and appearance of the Conservation Area. The sign therefore does not preserve or enhance the character of the building and conservation area which is contrary to Policies CON 5, CON 8, GEN 11 of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Notes 13, (Conservation Area), 12 (Shop fronts), 17 (Advertisements), Technical Advice Note Wales (Outside Advertisement Control) and Welsh Office Circular 61/96 - Planning and The Historic Environment.
- 2.4 The use of conditions as part of any grant of planning permission for retention of the fascia sign could not overcome these objections.

3. RECOMMENDATION

That authorisation be granted for the following:

- (i) Serve an Enforcement Notice to secure the removal of the unauthorised illuminated fascia advertisement.
- (ii) Instigate prosecution proceedings, or any other appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served, should they fail to comply with the requirements thereof.

ITEM NO: 10

WARD NO: Ruthin

APPLICATION NO: 02/2007/0867/ PO

PROPOSAL: Development of 0.02ha of land for residential purposes (Outline application - all matters reserved for subsequent approval)

LOCATION: Land rear of Land rear of 27 Well Street fronting Wynnstay Road Ruthin

APPLICANT: Mr & Mrs Roberts

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

“Object for the following reason: Semi-detached properties set back from the street line are out of character and of poor design for this prominent site. Design is akin to a suburban or estate residential property and not in-keeping with the predominant street fronted properties within the Conservation Area of the town. Set back of development from the street / pavement line leaves little free space around the building at the back.”

WELSH WATER

No objection.

THE CLWYD-POWYS ARCHAEOLOGICAL TRUST

Initially raised an objection to the scheme on the basis that the site is located within the medieval historic core of the town and that Wynnstay Road is thought to mark the line of the original town wall. As such, it was considered that the development could disturb and damage and important remains. In the intervening period the applicant has undertaken an archaeological evaluation in line with the brief produced by CPAT, which has failed to identify any significant remains. As such, CPAT have now withdrawn any objection to the proposal in their letter dated 12 November 2008.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 25/11/2007

REASON FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site is comprised of an open piece of land fronting Wynnstay Road to the north of 27 Well Street. The site has a road frontage of 20 metres and a depth which

varies between 7 metres and 14 metres. To the east of the site lies further open land, with the car park for the Co-Operative store standing to the north. The site lies close to the centre of the town with residential, commercial, retail and leisure buildings of differing styles in the vicinity.

2. The application is in outline form with no matters included for approval. The only plan formally submitted is therefore the 1:1250 location plan although indicative siting and appearance plans have been lodged. The plans show a pair of two-storey two-bedroom semi-detached houses of a traditional appearance with small garden areas to both sides and a parking area to accommodate two cars.

RELEVANT PLANNING HISTORY:

3. 2/14041 – Change of use of land from garden to commercial garden centre: Granted May 1994.

2/10820 – Erection of lock-up shops and first floor flats: Granted March 1990.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy CON 5 – Development within Conservation Areas
Policy CON 11 – Areas of Archaeological Importance
Policy HSG 2 – Housing Development in Main Centres

SUPPLEMENTARY PLANNING GUIDANCE

SPG 13 – Conservation Areas

SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle
 - ii) Impact on the Conservation Area
 - iii) Archaeology
 - iv) Highways
 - v) Form of development / amenity impact
6. In relation to the considerations as noted in paragraph 9:
 - i) Principle
The site lies in close proximity to the town centre, and as such its development for residential purposes is acceptable in principle under Policies GEN 1 and HSG 12.
 - ii) Impact on Conservation Area
The site makes no positive contribution at the current time to the Conservation Area given its untidy appearance. As the application is in outline form with no matters included, control can be exercised at reserved matters stage over the appearance, design and landscaping of the site to ensure that the development makes a positive contribution and as such the scheme is considered to adhere to Policy CON 5. The indicative layout plan and elevation shows that two dwellings of character can be achieved at the

site.

- iii) Archaeology
The initial concerns raised by CPAT have now been satisfactorily addressed, and therefore the application does not conflict with Policy CON 11.
- iv) Highways
The indicative layout includes provision for two off road spaces to serve the houses, and it is not considered that the scheme will have an adverse impact on the highway.
- v) Form of development / amenity impact
The indicative layout plan submitted demonstrates how a form of residential development can be achieved at the site without detriment to the adjacent occupiers by way of loss of amenity or privacy. Therefore, as the final design and layout can be controlled by the reserved matters submission, the proposal is considered acceptable and in line with Policy GEN 6. In noting the objection raised by the Town Council, as the plans submitted are purely indicative the scheme cannot be resisted on the grounds of appearance or layout as these matters can be controlled by a future application. It would however be appropriate to add a note to any permission to encourage discussion with the Conservation Architect prior to submission to detailed plans, exchange ideas on the general form and appearance of the development.

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. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4. The sketch ideas submitted for the development have been treated for illustrative purposes and do not form part of this permission.

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

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

NOTES TO APPLICANT:

Prior to the submission of detailed plans, you are advised to discuss sketch plans for the development with the Development Control and Conservation Officer.

ITEM NO: 11

WARD NO: Ruthin

APPLICATION NO: 02/2008/1035/ PF

PROPOSAL: Conversion of single dwelling into 2 self-contained flats

LOCATION: Rose Bank Borthyn Ruthin

APPLICANT: Mr T Healy

CONSTRAINTS: C1 Flood Zone

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

"Object: Over-intensification and out of character with other properties in the area".

HEAD OF TRANSPORT AND INFRASTRUCTURE

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

WELSH WATER

Standard comments relating to water discharge.

ENVIRONMENT AGENCY

Note that the site lies within flood zone C1, but consider the risk of flooding to be minimal given that the site is not within either the 1 in 1000 or 1 in 1000 year flood zones. No objection is raised.

RESPONSE TO PUBLICITY:

Representations received from:

1. Ffion and Shane Hughes of 35 Borthyn (adjacent to the south of the site)
2. Jayne Williams of 5 Porth y Dre (to the rear of the site)

Summary of planning based representations:

- i) Principle
The other three houses on Borthyn which are of the same style are family homes and as such the conversion would not be in keeping with the area.
- ii) Access / parking
The proposed parking spaces to the rear will use the access track to the rear which could result in an accident with children walking to school;
- iii) Potential blocking of the access to the rear which serves other houses.
- iv) Planning history
There have not been any changes in circumstances from the previous refusal;

EXPIRY DATE OF APPLICATION: 09/11/2008**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The property is a two-storey semi-detached house. The site is abutted by residential properties to both sides and has a narrow access strip leading to the

school to the rear, beyond which lies further residential properties. The house has gardens to the front and rear and a driveway from Borthyn which runs to the side of the house but stops in line with the rear wall. So far as can be ascertained, surrounding properties in the area are all houses.

2. The application is a revised submission following a previous refusal in May 2008. It proposes to convert the property into two one-bedroom flats with no external alterations proposed. The layout plans submitted show the creation of a two units with living room, kitchen, bath/shower room and toilet. The first floor will require the conversion of one of the existing bedrooms which abuts the party wall to Tegla into a living room. The previous submission proposed a two-bedroom unit at the first floor with a combined kitchen/living/dining room where the living room is now proposed.
3. The scheme shows the elongation of the existing side driveway to the rear of the property with three parking spaces proposed in a line along the rear, which can then egress the site using the access to the rear. This would leave a reasonable garden area to the rear of the property. The previous application proposed to elongate the existing drive past the rear of the house by 23 metres to a point within 5 metres of the rear boundary to allow for access to a new parking area for 4 cars within the rear garden along the side boundary to the adjoining house.

RELEVANT PLANNING HISTORY:

4. 02/2008/0453/PF - Conversion of single dwelling into 2 self-contained flats and laying out of car park to the rear: Refused May 2008 for the following reasons:
 1. *The proposed laying out of the majority of the existing rear garden to hardstanding for the driveway, parking area and turning head is adjudged to represent a form of development which would be out of character with the area and be visually harmful. As such, the proposal is contrary to criteria i) and ii) of Policy GEN 6 and criterion i) of Policy HSG 13 of the Denbighshire Unitary Development Plan, advice contained within Supplementary Planning Guidance 7, and advice set out in paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 Housing.*
 2. *The conversion of the building into two units would have an adverse impact upon its immediate locality which is typified by single dwellings. In addition, the conversion of the upper floor would cause disturbance to the adjoining dwelling of Tegla by way of noise due to the proposed use of the room adjoining the party wall as a kitchen/dining/living room. Furthermore, the extension of the driveway and the laying out of the car parking area adjacent to rear gardens of the abutting residences would cause further harm by way of noise and disturbance. Accordingly, the proposal is contrary to criteria i) and v) of Policy GEN 6 and criterion i) of Policy HSG 13 of the Denbighshire Unitary Development Plan, advice contained within Supplementary Planning Guidance 7, and advice set out in paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 Housing.*

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy HSG 13 – Sub-division of existing premises to self-contained flats

SUPPLEMENTARY PLANNING GUIDANCE

SPG 7 – Self-contained flats and houses in multiple occupation

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on the privacy and amenity of nearby occupiers
 - iii) Parking and access
7. In relation to the considerations as noted in paragraph 10:
 - i) Principle

Policies GEN 6 and HSG 13 allow for conversions subject to a number of criteria including development not having an adverse impact on the character of the area and retaining the inherent character of the property itself. With due respect to the concerns expressed no external alterations are proposed, and the detailing of the area to the rear has been raised to provide amenity area for the flats, the principle of the development is considered not to be contrary to the adopted policies, as there would not be any adverse impact on the character of the unit or the area.
 - ii) Privacy and amenity

The proposed plans have been amended since the previous refusal to re-locate the parking to the rear as compared to the side and to lay out the first floor to provide only a single bedroom and with the kitchen/dining area moved to the outside wall. The laying out of the driveway to the side and the parking area is a matter which could be undertaken without the need for a planning application given the current residential nature of the property. As such, it is not considered that the scheme would result in harm to the adjacent occupiers which could substantiate a refusal of consent on the grounds of an impact on amenity.
 - iii) Parking and access

The parking provided to the rear is considered sufficient for the properties and the existing access from the main road would be used as it would be for a house. As such, the parking and access arrangements are considered acceptable.

SUMMARY AND CONCLUSIONS:

8. The application is not adjudged to be contrary to the stated policies to the extent that a refusal of permission can be substantiated.

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 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.
3. No flat shall be occupied until the parking space(s)/garage and access thereto have been laid out/constructed in accordance with the approved plans.
4. The car parking area shown on the approved plan shall be kept available for that purpose at all times.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Corwen

APPLICATION NO: 05/2008/0784/ PF

PROPOSAL: Erection of 2.4m high palisade fencing adjoining Station House and 1.8m and 2.4m high bar fencing to improve security along front and side boundaries

LOCATION: Ifor Williams Trailers Limited Trailer Sales Office Bridge Street Corwen

APPLICANT: Ifor Williams Trailers Ltd.

CONSTRAINTS: C2 Flood Zone
B Flood Zone
Within 67m Of Trunk Road
EA Floodmap Zone 3
EA Floodmap Zone 2

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

CONSULTATION RESPONSES:

CORWEN COMMUNITY COUNCIL

"We acknowledge that the applicant has lowered the fence opposite 1-7 Northern Terrace but the fence bordering the NFU building remains at 2.4m. However, bar fencing is a reasonable substitution".

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Zonia Jones, Woodbank House, Bridge St., Corwen (via e-mail)
2. Mr. G. W. Jones, 4, Railway Terrace, Bridge St., Corwen
3. J. Wilson, Cilgwyn, Bridge Street, Corwen

Summary of planning based representations:

- i) Impact on the character of the area

EXPIRY DATE OF APPLICATION: 10/12/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site relates to development at the site of Ifor Williams trailers Ltd on Bridge Street in Corwen. The site comprises a building used for sales, parts and servicing along with outdoor display areas. To the front of the site is a public car park, with Station House nearby fronting Bridge Street. To the west of the site is the Fire Station, Ambulance & Police Station.

2. This application is for the erection of a 2.4m high palisade fence in between the building and Station House, the erection of a small section of 1.8m high bar fencing near the building at the front of the outdoor display area and 2.4m high bar fencing to the side of the display area and along the frontage with the public car park and Bridge Street.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

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

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Impact on visual amenity/character of the area
The palisade fence near Station House is well set back within the site and in this location in front of the display area palisade fencing at 2.4m in height is considered acceptable as it is not located in a prominent position and can only be viewed from within the car park. The 1.8m and 2.4m sections of bar fencing to the west of the building would be set back away the highway or residential properties and would not adversely impact upon the character of the area.

Concerns have been expressed in relation to the height of the proposed fence along the section near Bridge Street. At present, there is a low wall with traditional 1m high black railings and the proposal is to replace these railings with bar fencing, the proposed height of the fence to be 2.4m as there is a need for tighter security at the site. Whilst the concerns of the nearby residents are acknowledged in relation to the height proposed, the fence would not be located along the frontage of the site but at an angle from the corner on Bridge Street into the site, away from the highway fronting the car park. The design is a traditional bar fence and should be finished in black to fit in with the character of the area. It is not considered that there would be any adverse impact on visual amenity or on the character of the area.

SUMMARY AND CONCLUSIONS:

6. it is not considered that there would be any adverse impact on visual amenity or on the character of the area.

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 section of 2.4m bar fence fronting the car park towards Bridge Street shall be finished in black.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 13

WARD NO: Corwen

APPLICATION NO: 05/2008/1103/ PC

PROPOSAL: Retention of building forming a) Ground floor WC and smoking shelter in connection with restaurant; b) First floor decking area for use in connection with existing flat

LOCATION: Cardwells The Square Corwen

APPLICANT: Mr S Cardwell

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

CORWEN COMMUNITY COUNCIL:

"No comments"

CONSERVATION OFFICER:

No objections subject to conditions relating to the appearance of the brick piers and timber panels

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. Ifor Sion, Owain Glyndwr Hotel, The Square, Corwen

Summary of planning based comments:

- i) Detrimental impact upon viability of hotel by virtue of increased activity at the rear.

EXPIRY DATE OF APPLICATION: 24/11/2008**REASONS FOR DELAY IN DECISION:**

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Permission is sought for the erection of decking and associated screen panelling at first floor level on top of a partially demolished brick outbuilding. The decking area would be used in conjunction with the adjacent first floor flat and would also provide external access to the flat. The resulting enclosure beneath the decking is to be used by patrons of the ground floor restaurant/bar.
2. The site is located to the rear of Cardwell's Restaurant, The Square, in Corwen. It is within the Corwen Town Conservation Area. To the south of the site is the graveyard of St Maels and St Suliens Church. West of the site lies the Owain Glyndwr Hotel and east lies Bradford House, Medical Hall and Bristol House. The

area is characterised by a mix of commercial and residential properties.

3. The 'floor level' of the decking would be approximately 2.2 metres above ground level. The screening around the decking would, on the south and west sides be 1.2 metres above decking level, whilst to the east the screen would be 1.8 metres high. The screening would be constructed of traditional brick corner pillars, with horizontal timber boarding in between.
4. The development has been partially constructed, although to implement this scheme, the work carried out thus far would have to be removed and amended. The proposal has involved the removal of a pitched roof over an existing out house, works which in themselves do not require planning permission.
5. The application is a revised submission following refusal of permission in April 2008 of a scheme for the decking area and WC.

RELEVANT PLANNING HISTORY:

6. 05/2008/0232/PC – retention of building forming ground floor WC and shelter with decking and access to first floor flat over – REFUSED on grounds of impact upon conservation area and residential amenity – 21/4/08

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy CON 5 – Development within Conservation Areas.

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Principle
 - ii) Impact upon visual amenity/conservation area
 - iii) Impact upon residential amenity
9. With regard to the considerations in paragraph 8:
 - i) Principle:
The use of the ground floor as a restaurant/bar is established, and therefore the creation of facilities to serve this function are considered acceptable in principle. The first floor flat is also established and so the principle of creating functional amenity space and access to it is also considered acceptable provided that the amenity of the area is detrimentally affected. These issues are considered below.
 - ii) Impact upon visual amenity/conservation area:
The proposal is to construct screen walls around the first floor decking area which would feature bricks piers of matching brick work to the existing walls. The horizontal boarding between the piers is considered to compliment the overall design of the screening, and limits its impact upon the character of the area. The removed roof is not considered to be of an exceptional standard in design terms, and therefore its removal is not considered to harm the character of the Conservation Area. The proposal is considered to be an improvement on the previously refused application and no objection has been made by the Council's Conservation Officer. It is therefore considered that the proposal is acceptable and complies with Policy CON 5, (Development Affecting a Conservation Area).

iii) Impact upon residential amenity

The previous application was refused on the grounds that the proposal would result in overlooking of neighbouring dwellings. The proposed scheme seeks to overcome this by increasing the height of the east facing screen from 1.2 metres to 1.8 metres. It is considered that this would prevent any direct overlooking of properties to the east of the decking. To the west, the proposed decking would face a blank gable and so its impact on residential amenity would be limited. With regard to the windows on the rear elevation of the neighbouring properties, it is considered that sufficient separation distance exists, so that the proposal would have minimal impact upon the privacy of those properties.

The use of the decking is clearly indicated on the plans as being for private residential use. It is not considered that this would be an over intense use in this town centre location. Moreover, the existence of the ground floor restaurant/bar indicates that there is already a potential for activity in this area. The proposal would not significantly increase this level of activity and so it is not considered that the residential amenity of the area would suffer unduly.

SUMMARY AND CONCLUSIONS:

10. The proposal complies with policy and it is therefore recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT**
Prior to the works hereby permitted being carried out, a sample of the brick to be used and the boarding to be used shall be submitted to the Local Planning Authority for approval and only those materials as approved in writing shall be used thereafter.
3. The decking area shall only be used as a private amenity area and shall not at any time be used by customers of the restaurant.

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

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

NOTES TO APPLICANT: None

ITEM NO: 14

WARD NO: Llandymog

APPLICATION NO: 09/2008/1036/ PF

PROPOSAL: Erection of pitched-roof extension at side and rear of dwelling

LOCATION: Moel Y Parc Bwthyn Bodfari Denbigh

APPLICANT: Mr J Cadwallader

CONSTRAINTS: PROW
AONB

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

CONSULTATION RESPONSES:

ABERWHEELER TOWN COUNCIL

"Members object to this extension as it is out of character. This is a Welsh Traditional Long House. The proposed extension is built on a PUBLIC RIGHT OF WAY a public footpath and a 'sheepfold' as local Farmers use this route from Ty Isa to Ty Newydd y Llwyn to take their sheep on 'Mole y Parc' mountain under common right."

CLWYDIAN RANGE AONB JOINT ADVISORY COMMITTEE

"The JAC commend the design of the proposed extension and alterations which are sympathetic to the character and appearance of both the existing dwelling and AONB. The window and door details are not specified, but the JAC would recommend that these should be painted timber. Whilst the proposals for the dwelling are to be commended, the JAC notes that the overall site is in a very untidy condition which detracts from the AONB and the enjoyment of users of the public footpath which crosses the site. Details of the layout and treatment of the site should form part of the proposals, including removal of the static caravan, arrangements for the public footpath, landscaping and the replacement of derelict fences with traditional hedges incorporating native local species."

PUBLIC RIGHTS OF WAY OFFICER

Notes that footpath no. 14 abuts the development and therefore no diminution in the width of the footpath of obstruction should occur.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 05/11/2008

PLANNING ASSESSMENT:**THE PROPOSAL:**

8. The site lies outside the village Development Boundary, within the AONB and is a detached single-storey dwelling set amongst woodland and fields adjacent to a public right of way which runs through the site. The southern section of the property is believed to be the original section of the cottage and is formed from

white painted stone walls with two chimneys set within a slate roof. The northern section of the dwelling (to which the application relates) is set at a lower level with stone walls and a corrugated roof over.

9. The application proposes to demolish a corrugated-roofed section of the dwelling (which has an area of around 45 sqm) and to erect a new single-storey extension forming a 'T-shape' to provide a kitchen, lounge, dining room, bathroom and hall. The floor area of the new extension would be around 87 sqm in area, and is therefore approximately 42 sqm larger than that which it replaces. The materials of construction will match the existing main southern section of the dwelling which has an area of around 78 sqm, and will contain three bedrooms and one en-suite shower room.

RELEVANT PLANNING HISTORY:

None

PLANNING POLICIES AND GUIDANCE:

10. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 3 – Development outside Development Boundaries
 - Policy GEN 6 – Development Control Requirements
 - Policy ENV 2 – Development affecting the AONB
 - Policy HSG 12 – Extensions to Dwellings

SUPPLEMENTARY PLANNING GUIDANCE

- SPG 1 – Extensions to Dwellings
- SPG 24 – Householder Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

11.
 - i) Visual appearance and scale
 - ii) Impact on the AONB
 - iii) Impact on public footpath
12. In relation to the considerations as noted in paragraph 4:
 - i) Visual Appearance

The existing dwelling at the site including both the northern and southern sections has a floor area of approximately 123 sqm. The resultant dwelling (if the new extension were constructed) would have a floor area of 165 sqm, an increase of 42 sqm which represents a 34% increase over the existing. With respect to the Community Councils comments this scale of increase is considered to be acceptable given the location of the property outside of the Development Boundary and the fact that all of the existing structure appears to be original. The visual appearance of the proposed extension is more in keeping with the southern section of the dwelling than the current corrugated roof structure and as such the application is acceptable in respect of its appearance and scale.
 - ii) Impact on AONB

The glowing endorsement of the proposed extension by the JAC regarding the extension is noted. On this basis, the proposal is considered to comply with Policy ENV 2 and has no negative impact on the AONB.

iii) Impact on public footpath

Public footpath 14 runs along the western boundary of the site. The extension would be located some 3 metres from this boundary. The applicant would be reminded to ensure no interference takes place with the footpath in connection with the development.

SUMMARY AND CONCLUSIONS:

13. 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. The external surfaces of the walls of the development hereby approved shall be painted in the same colour as on the existing walls.
4. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
5. There shall be no interference with Public Footpath 14 at any time.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of visual amenity.
5. To ensure the protection of the public footpath.

NOTES TO APPLICANT:

You are advised to contact the County Council's footpaths officer prior to any development, to ascertain the exact line of Footpath 14, and the steps necessary to ensure no interference with the footpath in the course of the development.

ITEM NO: 15

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 14/2008/1092/ PO

PROPOSAL: Development of 0.09 ha of land by erection of detached dwelling and construction of new vehicular access (Outline application including access)

LOCATION: Land at (Part garden of) Godre'r Coed Cyffylliog Ruthin

APPLICANT: Mrs B A Dean

CONSTRAINTS:

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

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL-

'The Council have the following observations on the plans:

1. 'There is not enough space for the additional dwelling at this location.
2. The dwelling would be too close to the current other dwellings in the locality, thus invading the privacy of the occupiers of the neighbouring dwellings.
3. The application site land is too steep (embankment) to build a dwelling'.

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection, subject to conditions

WELSH WATER / DWR CYMRU

No objection, subject to conditions.

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 27/11/2008**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Outline permission is sought for the erection of 1 no. dwelling including means of access. All other matters are reserved for future consideration. The site measures 0.09ha and comprises of part of the side garden of and land to the rear of the dwelling Godre'r Coed.
2. The access point and driveway is to the west side of Godre'r Coed. An indicative plan has been provided which shows a two storey, three bed dwelling, on the north of the site.
3. Godre'r Coed a bungalow is located within the development boundary of Cyffylliog, to the east of the centre of the village. The dwelling is sited at a higher level than the road and the land slopes steeply to the west and north. To the north of the

dwelling the application site is level then falls into woodland and a river the Nant Gladur. There is a mix of dwelling types and styles in the surrounding area.

RELEVANT PLANNING HISTORY:

4. None.

PLANNING POLICIES AND GUIDANCE:

5. Denbighshire Unitary Development Plan
Policy GEN 1 Development within development boundaries
Policy GEN 6 Development Control Requirements
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:

6. The main issues are considered to be:

- 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 planning considerations above:

- i) Principle of the development
The site is located within the development boundary of Cyffylliog where the principle of residential development would be acceptable subject to compliance with the general development control criteria of Gen 6.
- ii) Impact on residential amenity
The property closest to the application site is Godre'r Coed which is a single storey detached bungalow constructed of brick with a tiled roof. Whilst the plans are indicative, the siting of the building is considered acceptable and subject to an appropriately designed property, it is not considered that there would be any adverse impact on the amenities of the occupiers of Godre'r Coed 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 over-development of the site.
- iii) Impact on visual amenity/character of the area
Owing to the proposed siting of the dwelling to the rear of Godre'r Coed, it is not considered that the proposal would impact on the character of the area. Subject to an appropriately designed dwelling utilising suitable materials and landscaping, it is not considered that there would be any adverse impact on visual amenity.
- iv) Highways Safety
The highways section has been consulted as part of the application and have raised no objection 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.

SUMMARY AND CONCLUSIONS:

8. The proposal is to develop 0.09ha of land for residential purposes on land within the development boundary. 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. 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.
5. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
6. The access shall be laid out and constructed in accordance with the approved plan and completed before the development is brought into use.
7. Facilities shall be provided within the site for the parking of vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.
8. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is 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. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. 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.
7. To provide for the parking of vehicles clear of the highway.
8. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.

NOTES TO APPLICANT:

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

Welsh Water recommendations:

Foul water and surface water discharges must be drained separately from the site. To protect the integrity of the Public Sewerage System.

No surface water shall be allowed to connect to the public sewerage system. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

No land drainage run-off will be permitted, either directly or indirectly to discharge into the public sewerage system. To prevent hydraulic overload of the sewerage system and pollution of the environment.

ITEM NO:	16
WARD NO:	Llanbedr Dyffryn Clwyd / Llangynhafal
APPLICATION NO:	16/2007/1232/ PF
PROPOSAL:	Erection of 8 no dwellings and construction of new vehicular and pedestrian access (site area 0.66 ha)
LOCATION:	Land Adjacent To Bryn Derw Llanbedr Dyffryn Clwyd Ruthin
APPLICANT:	Orchard Grove Developments Ltd.
CONSTRAINTS:	AONB
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:

LLANBEDR /COMMUNITY COUNCIL –

Original Plans

"I have been instructed by the Community Council to register in the strongest possible terms our concerns about the above planning application.

We have 2 concerns about the site itself:

- a. The neighbouring property, Hollybank is some 10' lower than the proposed semi-detached buildings. Because of the proximity to Hollybank we are concerned about ground stabilisation and suggest that a property ground survey be carried out before any consent is granted.
- b. Again, because Hollybank is significantly lower than the proposed semi-detached dwellings we are concerned that there will be unreasonable loss of privacy and degradation of quality of life for the occupants.

Our main concerns however are for road safety. The area of Tan Yr Unto bends is a well-known accident black spot. The record of accidents in this area alone should dictate that the creation of further hazards must be avoided at all costs. Community Councillors were unanimous in their opposition to the creation of the proposed entrance/exit to the proposed building site. They were surprised to learn that Highways Department and the Trunk Road Agency appear to have indicated some prior agreement to the proposed entrance/exit, given the number of risk factors at stake:

- a. The section of the A494 in question, above Tan Yr Unto bends, is prone to heavy surface water run-off from the hills above, which overloads the inadequate and frequently blocked drainage. This is a significant hazard for braking vehicles.
- b. Night visibility on that part of the A494 is poor and vehicles turning in front of the proposed access pose a threat.
- c. Recent accident history reveals that an oil tanker and a 12-wheel laden truck, together with a number of cars and motorcycles have all crashed off the road at Tan Yr Unto after failing to negotiate the bends. These accidents were all

caused by excessive speed which indicates they were already speeding too fast for road conditions past the location of the proposed access.

- d. There is no pedestrian footpath along this stretch of the A494. It is impossible to walk along the A494 safely. This means that all access to and from the site will be by private vehicles. Given normal lifestyle considerations and the number of bedrooms in the proposed family homes we must expect around 20 cars, plus normal commercial, visiting and service vehicles to use the proposed access daily. This will create a high number of turnings in front of the site. We consider this to be an unacceptable risk.
- e. The stretch of A494 from far above Tan Yr Unto, through the bends and downhill to the Griffin Inn is considered too dangerous for local bus services to stop and pick up/drop off. This is an indication of the high risks involved along this stretch of the road. How then can it be acceptable to allow turning vehicles on the same stretch of road?
- f. We consider it a real danger that, in common with normal practice, there will be no warning sign of the private access road joining the main highway. Drivers will be focussed on the bends ahead rather than joining traffic.
- g. Vehicles exiting the proposed access road and turning Right (uphill) will be joining a flow of traffic accelerating hard after slowing through the bends.
- h. The uphill stretch of A494 immediately above the bends is one of only 2 safe stretches for overtaking slow, heavy traffic. Traffic from the proposed access road will pose a high risk for overtaking vehicles, already frustrated by a long wait because of the gradient.
- i. It is no secret that the A494 has a high level of speeding motorcycles. Records will show that a number drive too fast into the bends (hence the crashes in to the gravel pit). Local knowledge tells that many motorcyclists, often in groups, race out of Tan Yr Unto bends accelerating hard uphill, at speeds up to 80 mph in either direction. They are a dangerous menace for any vehicle using the proposed access.
- j. Vehicles turning Right into the proposed access will inevitably hold up and frequently halt the uphill flow of traffic, whilst waiting for a safe turning break in the downhill traffic. Given the high density of heavy goods vehicles on this main trunk road, together with the urge to overtake slow traffic, after the bends, we believe there is a high risk of overtaking vehicles crashing from behind into cars turning Right.

To conclude, we believe that creation of an access road direct onto the A494 in this area is fraught with danger. We take the view that to create a considerably higher risk of accidents than exists at the black spot already is nothing short of irresponsible. Planners should be looking to improve road safety rather than add to the risks. It is the cumulative effect of the dangers highlighted that compel us to oppose the plans. We must ask you to re-consider the road safety aspects of this planning application. This Community Council is totally opposed to the existing plans for the proposed development, mainly on road safety grounds. We urge you to take full note of our observations and strength of opposition.”

Amended Plans

No further comments received.

PRINCIPAL COUNTRYSIDE OFFICER

Raised objections to the proposal, and suggests a condition to protect the mature oak tree on the roadside boundary throughout construction period.

WELSH ASSEMBLY GOVERNMENT – TRANSPORT

Directs that any planning permission shall include 7 conditions;

- i) Visibility splays 2.4 metres by 120 metres shall be constructed either side of the access and maintained clear of any obstruction greater than 1.05 metres in height.
- ii) The access road shall be at right angles to the trunk road carriageway for a distance of at least 5 metres over which it shall not exceed a gradient of 1:40
- iii) The access road shall have entry and exit radii of 6 metres and the access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5 metres from the edge of the trunk road carriageway
- iv) There shall be no other new vehicular or pedestrian access from the development to the trunk road.
- v) Adequate provision shall be made within the development site to enable vehicles to turn around so that they can enter and leave the site in a forward gear.
- vi) The new junction and visibility requirements shall be substantially complete and suitable for use prior to commencement of any other work associated with the development
- vii) The proposed access shall be completed to the satisfaction of the Local Planning Authority before the proposed development is brought into use.

Additionally, notes to applicant should also be included, covering procedural and technical matters including engineering drawings; signs; construction stage details.

Additional comments on additional/revised plan:

With the submission of a plan detailing the required visibility splays WAG confirm that the details (drawing ref 4800/ID) comply with conditions i-v as detailed above,

DENBIGHSHIRE COUNTY COUNCIL CONTAMINATED LAND OFFICER

Advises that there are no historical land uses to suggest presence of contamination, but recommends a condition to deal with unexpected land contamination, as a precautionary approach.

DENBIGHSHIRE COUNTY COUNCIL ARCHAEOLOGIST

Whilst evidence for prehistoric activity exists in the wider area, there is none for the proposed development site. However, given the proposal, a watching brief condition should be included.

CLWYDIAN RANGE AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE

“The JAC welcomes the proposed changes to building materials to incorporate natural slate, random coursed local stone and render, and clear proposals to protect the existing mature tree and hedge on the A494. However, the JAC still has some concerns about the design of the proposed dwellings, notably in respect of the hipped roof design. A more traditional approach incorporating conventional gables would be more sympathetic to the character of development in the AONB. In addition, the JAC would question the intention to lop/top the tree screen along the western boundary and consider that this proposal should be reassessed.”

DENBIGHSHIRE COUNTY COUNCIL ECOLOGIST

No comments, subject to a condition to safeguard the mature site frontage tree.

WELSH WATER

Requires conditions to secure separate foul and surface water discharges.

DENBIGHSHIRE COUNTY COUNCIL HOUSING SERVICES

Happy to accept the 4 affordable housing units, as identified on proposed plans.

Advises that negotiations with the developer concerning topographical constraints and size of the site resulted in the reduction in the total amount of dwelling units for the site and therefore the amount of affordable provision.

Currently – July 2008 – the low cost price would be £104,505. It is understood that the developer is in discussions with a Registered Social Landlord in terms of the property tenure being socially rented (the preferred option in this case.) There are 59 people on the social housing list, with the greatest need for 2 bedroom houses.

Discussions have confirmed that the 2 bed units must be 70 m² or above and materials and quality consistent with on site open market dwellings.

HEAD OF TRANSPORT AND INFRASTRUCTURE

No comments in relation to the access as Welsh Assembly Government have responded. In relation to the internal estate road, there are no objections subject to the inclusion of standard conditions.

NORTH WALES POLICE

No response at time of drafting report. (See Planning Assessment)

DENBIGHSHIRE COUNTY COUNCIL PASSENGER TRANSPORT UNIT

- Currently, there is a bus stop at the top of the Tan yr Unto bends on the opposite side of the road in the Mold direction.
- There is no stop at all for people wishing to catch the bus into Ruthin and, at the moment, people have to walk all the way down to the Griffin Inn, which is the nearest bus stop into Ruthin. There is also no footway for people to walk on to do this making it extremely dangerous for anyone wanting to travel by bus.
- The situation causes a problem for school transport ; there are a number of fare paying pupils, who wouldn't qualify for free school transport as they live under 3 miles to their nearest appropriate school. However, they too make their way to the nearest bus stop at the Griffin Inn to catch the bus to school on what is otherwise a dangerous stretch of road without a footway.
- Aware that some bus drivers do stop near to where the proposed entrance/exit of the new housing development, but there is no official stop there as it wasn't deemed safe unless a lay-by could be provided for the bus to pull off the road and stopping here is down to driver's discretion.

RESPONSE TO PUBLICITY:

Objections received from:

1. Robert Winstanley, Henllys, Llanbedr DC
2. Mr & Mrs R Roberts, Coedfa, Llanbedr DC
3. Arthur Dalrymple, Fron Deg, Llanbedr DC
4. S D Mountford, Hollybank, Llanbedr DC
5. David W & Judith A Riches, Bryn Golygfa, Llanbedr DC
6. J. & S. Askins, Hillcrest, Llanbedr D.C.
7. Mr. & Mrs. R. W. Roberts, Coedfa (via e-mail)
8. Sian Williams, Llwyn Dedwydd (via e-mail)

The basis of objections include comments received on both the initial, additional / revised plans.

Highways and access

Concerns over hazards and dangers to all road users from highway conditions along A494; overtaking in vicinity of site entrance / unlit at night / wet road surface / incidence of accidents / traffic speeds are in excess of 40 mph limit / no pedestrian footway. Development can only add to problems and dangers.

Affordable Housing

Confusion over numbers proposed
Obligation would remain unfulfilled by the developer.

Development Boundary

Unsure of status of the whole site in relation to the Llanbedr development Boundary.

Area of Outstanding Natural Beauty

Proposal would affect the essential character of the area, impacting on views into the site.

Amenity/privacy

Differences in land levels between adjacent properties and application site will affect existing privacy levels; adverse views into blank wall.

Councillor P Dobb has asked that due consideration is given to detailed highway impacts and ground stability issues.

EXPIRY DATE OF APPLICATION: 08/09/2008

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Members deferred consideration of the application at the 3rd September Planning Committee to allow further investigation with the applicant/agent of alternative access arrangements and, to consult with North Wales Police in terms of highway safety issues and accident records on the A494. The application was also the subject of a Site Inspection panel which met at 9.00a.m. on Wednesday, 26th November, 2008

In attendance were:-

CHAIR	-	Apologies
VICE CHAIR	-	Cllr P Owen
LOCAL MEMBERS	-	Cllr P Dobb
COMMUNITY COUNCIL	-	Not in attendance

ASSEMBLY HIGHWAYS - Mr Ben Beachall

The officer's present – Mr. Ian Weaver and Mr Medwyn Williams

The site panel met initially at County Hall, Ruthin for a factual briefing, and then visited the site.

At the site panel, Members considered the following matters:-

- i) The details of the proposed development.
- ii) The relationship between the site and the A494 trunk road.
- iii) The respective position of the Highways Officer's.
- iv) Road conditions in the vicinity of the site.

In relation to the matters outlined, members noted:-

- i) The proposal was to develop 8 dwellings with a single access point onto the A494. The plans showed the intention to create a footway along the site frontage.
 - ii) The site lay at the entrance to the village on its approach from the Mold direction. It sloped quickly down from the trunk road. There were no public footpaths along the A494 in the vicinity of the site. The proposed point of access was within the 40mph speed limit on the easterly approach to the Tan yr Unto bends.
 - iii) The Assembly Highways Section had previously directed refusal of permission for an application submitted in 2006 for two dwellings on the site, with access from the existing entrance to Bryn Derw on grounds of inadequate visibility. The application had been withdrawn before determination. Highways officers considered the access as now proposed met current standards in TAN 18, having regard to visibility and the speed limit applying to the section of highway. There was discussion over the practicalities of introducing traffic calming measures and other safety solutions in association with the scheme.
 - iv) From site inspection, it was observed that the proposed access off the A494 was on a straight section of road leading down to the Tan yr Unto bends. The local member pointed out the absence of footpaths and drainage problems in the area which regularly led to the road surface being wet. Members noted the position of the 40 mph sign and double white (no overtaking) lines.
2. The proposal is a full application for the erection of 8 dwellings and the creation of a new vehicular access point from the adjoining A494 Trunk Road. The site has a south facing slope; lies in the easterly half of the village, adjacent to the A494 trunk road, and is within the Clwydian Range Area of Outstanding Natural Beauty. The site is currently accessed, from the south via the private drive to Bryn Derw.
 3. The scheme includes 4 semi detached houses (two with detached garages) and 4 detached houses; all two storey in height. Drainage would be by way of soakaways for surface water and by connection to the foul sewer, with a new vehicular access point along the easterly boundary with the A494.
 4. The site is presently laid down to pasture/grass, with residential properties adjoining the west and south boundaries. A detached, 2 storey property Henllys lies further to the east. Adjoining the northerly boundary is the split level bungalow, identified as 'Hollybank', with a detached, elevated 2 storey property 'Coedfa', to the north east, along the A494.
 5. The site is bounded by mature hedgerows and includes a mature Oak tree on the easterly (A494) boundary.

6. The proposal includes the following documents:
 - i) Ecological Assessment
 - ii) Archaeological Assessment
 - iii) Design Statement (Revised)
7. The Ecological Assessment is comprehensive, providing full details of site features and considers the wider survey area. It confirms that the site is an improved grassland field, bordered by mature hedgerows, includes a mature Oak tree (on the eastern site boundary) ; highlights retention of boundary hedgerows as habitat features, with Oak trees having the potential to support roosting bats.
8. The Archaeological Assessment notes close proximity to Llanbedr Dyffryn Clwyd historic core, below the Clwydian range of hill forts. The assessment confirms no archaeological evidence directly related to the application site, and indicates that the site's use has been solely for agricultural purposes for the past two centuries. The proposal may have the potential to reveal unknown remains and deposits.
9. The Design Statement recognises the AONB designation, emphasising a number of points, that the scheme has a mix of 3 different dwelling types; the sloping topography; understanding neighbouring property styles/design; proposes use of natural slate on roofs, with smooth render and stone porches; use of a landscape plan to include native hedgerows; contribution to biodiversity features; and the proposed mix of 50% open market and 50% affordable units.

RELEVANT PLANNING HISTORY:

10. 16/2006/0630/PF
Erection of 2 no. detached dwellings and garages and alterations to existing vehicular access - WITHDRAWN 20/09/2006

PLANNING POLICIES AND GUIDANCE:

11. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 1 – General
 - Policy STRAT 5 – Design
 - Policy STRAT 6 – Location
 - Policy STRAT 7 – Environment
 - Policy STRAT 13 - New Development
 - Policy STRAT 15 – Housing
 - Policy GEN 1 – Development within development boundaries
 - Policy GEN 2- Development of Un-annotated land
 - Policy GEN 6 - Development Control requirements
 - Policy GEN 8 – Planning Obligations
 - Policy GEN 10 – Supplementary Planning Guidance
 - Policy ENV 1 – Protection of the Natural Environment
 - Policy ENV 2 – Development affecting the AONB/AOB
 - Policy ENV 7 – Landscape/Townscape Features
 - Policy CON 11 – Areas of Archaeological importance
 - Policy ENP 4- Foul and surface water drainage
 - Policy ENP 7 – Unstable Land
 - Policy HSG 4 – Housing development in villages
 - Policy HSG 10 – Affordable Housing within development boundaries
 - Policy TRA 6 – Impact of New Development on Traffic Flows
 - Policy TRA 9 – Parking and Servicing Provision

Supplementary Planning Guidance
SPG 6 – Trees and Development

SPG 15 – Archaeology
SPG 18 – Nature Conservation and Species protection
SPG 21- Parking
SPG 22 – Affordable Housing
SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002
MIPPS – Housing 2006
MIPPS – Planning for Good Design – 01/2008

Technical Advice Notes

TAN 2 – Planning and affordable housing June 2006
TAN 5- Nature Conservation
TAN 12 – Design
TAN 18 – Transport

Circulars;
60/96 – Archaeology

Other Council documents

AONB Management Plan

MAIN PLANNING CONSIDERATIONS:

12.

- i) Principle & planning history
- ii) Design & Landscape
- iii) Affordable Housing
- iv) Archaeology
- v) Highways
- vi) Protected Species
- vii) Contaminated Land
- viii) Drainage
- ix) Amenity and privacy impact

13. In relation to the main planning considerations in paragraph 12 above:

- i) Principle and planning history

The site is positioned within the current development boundary for the village of Llanbedr, and is 'Un- Annotated Land'. The principle of development would be acceptable in accordance with Policy GEN 2 of the Unitary Development Plan.

The policy accords with MIPPS - Housing 2006 in relation to the development of unallocated sites. The surrounding land use is essentially residential.

A previous planning application on the site in 2006 proposed two, detached properties, and included the use of an existing, shared vehicular access serving Bryn Derw and two adjacent properties, (Hollybank and Fron Deg) to the south of the site, off the A494 Trunk Road. In assessing this proposal, the National Assembly for Wales (NAW) (Transport) issued a direction to refuse permission on the basis that ' *The proposal would generate increased use of a sub-standard access. The additional stopping and turning manoeuvres would lead to conditions prejudicial to the safety and free flow of traffic on the trunk road.*' . The proposal was subsequently withdrawn before

determination.

ii) Design and visual impact.

The character of housing development in the locality is varied, with a mixture of property styles and building materials. The existing, detached, Bryn Derw house is 2 storey, of Georgian style and proportions, with natural slate roofing and pebbledash wall finish, and includes hipped gable design.

Other residential properties include a number of bungalow styles; 2 storey detached and semi detached house; red pan tiled; tiled, and slate roofs.; a mixture of render, brick, pebbledash and stone on the walls.

The detailed plans have been revised from the original proposals, which included a standard house design, with brick walls and concrete tile roofs.

The amended design detailing seeks to incorporate common features across 3 house types, i.e. use of strong vertical emphasis with the windows, use of natural stone and render on the walls, and natural mineral slates on the roofs. Additional clarification and details now includes the enhancement and retention of the majority of the existing site features, including the hedgerow and mature Oak tree. Additional, new hedgerow planting is also included for the south east boundary.

With regard to the AO.N.B concerns, it is considered that these can be adequately covered by conditions to allow for detailed landscaping measures along the western boundary, and a suitable alternative approach to gable end design. Overall, the revised scheme is considered acceptable in the context of the development and density in the locality and the AONB, and complies with the aims of the relevant design and landscape policies and guidance.

iii) Affordable Housing

Whilst the site area is 0.6 ha in extent, the steep slope and land take for the access and landscaping make a substantial proportion undevelopable. The approach to affordable provision has been discussed with officers of the planning, highways, and housing section, and it has been agreed that as a total of 8 dwellings can be accommodated, of which 50% (i.e. 4 units) would be offered as affordables, for social rental.

The submitted affordable housing questionnaire and other information confirms the following:

Plot No. for affordables	1-4
Tenure	Social rented
House type	Semi-detached House
No. of bedrooms	3
Floor area	82 m ²
Timing of AH availability in relation to market value units	Unknown
Details of Housing Association contacts/discussions.	Tentative discussions held with RSL.

The floorspace area of affordable units complies with the Design Quality Requirements set by WAG.

The current available waiting list (August 2008) indicates the following details for Llanbedr Community:

	1 bed flat	1 bed. House.	2 bed. bungalow	2 bed. flat	2bed. house	2 bed. bungalow	3.bed. house.	3 bed. bungalow	4 or more bed. house	TOTAL
General	2	1	1	15	11	1	7	0	1	49
Sheltered	8	0	7	9	0	7	0	0	0	31
TOTAL										80

The Council's Affordable Housing Officer is happy with this approach.

(iv) Archaeology

There are no objections from the County Archaeologist. A watching brief condition can be included in line with planning policy CON 11, SPG 15 and Circular 60/96 – Archaeology.

(v) Highways

The proposal includes a new, vehicular access onto the A494.

The A494 Trunk road provides vehicular access for a small number of properties in the village boundary to the east of Tan yr Unto Bends. There is a 40mph speed restriction from a point some 120 metres to the east of the proposed access. Existing vehicular access points have differing standards of visibility and design. The proposal is for one vehicular access point, on a straight section of road with a visibility distance of approximately 80 metres along the A494. The new access involves the removal of a small section of the existing hedge. The access design and visibility provision satisfies all NAW standards. NAW have assessed the trip generation potential and related technical standards involved with the proposed eight houses. Following further meetings and considerations of options for the site, the conclusion reached is that a refusal of planning permission is not justified, in light of conditions and relevant highway standards.

Having regard to the consultation comments in respect of local bus stops, it is considered that there is scope to relocate the existing Tan Yr Unto bus stop to the edge of the current planning application site, adjoining the A494 trunk road, to include a pedestrian footway link to the site. Both the DCC Passenger Transport and the Welsh Assembly Trunk Road Officer are supportive of this approach. The precise detailing and position can be conditioned, should permission be granted.

The application has clearly generated concerns over the highway implications. Both the County Highways Officer and Welsh Assembly Government are aware of local concerns, in particular that of the Community Council. In response to the highways issues raised, the Welsh Assembly Highways Officer has commented as follows:

‘Fundamentally the actual access point is on a predominantly straight section of road within a 40 mph speed limit. The access is located far enough from the bend to meet the required highway standards in terms of forward visibility along the road and the application has been conditioned to meet adequate visibility standards from the access.

The Trunk Road Authority introduced the speed limits in recognition of the traffic conditions at Llanbedr DC in order to improve safety. As the Community Council is aware, this wasn't in itself straight forward due to objections raised in response to the these proposals.

The issues associated with the traffic manoeuvres described in the letter were all considered in the making of the speed limit orders and the associated signing and road markings.

The introduction of a speed limit does change the criteria for a section of road. The road environment appropriate for a 40 mph road is stated as having a high number of bends, junctions or accesses. The visibility requirements are also reduced for a 40 mph speed limit and the existing proposal meets these criteria and therefore there are no grounds for refusing a new access in respect to this. In addition, whilst this is a new access there are already several accesses along this section of road.

The visibility distances are set in relation to the speed limit. The whole basis of the visibility standards are to ensure that drivers on the main road and the access are able to see potential hazards (e.g. overtaking vehicle, right turning vehicle etc. as described) in time to slow down or stop comfortable before reaching it. The Trunk Road Authority would be judged as unreasonable if conditions above the required standards were conditioned.

A drainage scheme for this section of the trunk road is currently in development by the Trunk Road Authority and is awaiting the successful allocation of funding.

With regard to night time visibility the road is outside the criteria for providing street lighting, especially in relation to the Clwyd AONB. Again, in this respect the access is no different to the many other access along the unlit rural network.

In relation to the number of turning movements, these govern the standard of the access required. A development of this size falls well below the criteria for a more complex access arrangement, e.g. right turn lane.

Whilst measures have been implemented within Llanbedr DC to tackle speeding, excess speeding such motorcyclist as described can only be dealt with as a police enforcement issue. Such hazards exist on various parts of the network and Arrive Alive are actively pursuing this. ‘

Whilst acknowledging concerns over the highway implications, officers do not consider, having regard to the scale of development and the response of the Assembly Highways officer, that permission should be refused. Matters of detail relating to the construction of the access, visibility splays, and measures to ensure the stability of the A494 along the site frontage can be covered by condition if a permission were to be granted.

At the time of preparing the report no detailed response had been received from North Wales Police in relation to highway safety issues and accident records in the vicinity.

(vi) Protected Species

The Ecological report has been assessed by the Countryside Council for Wales, the County Ecologist and the Principal Countryside Officer. Subject to the inclusion of conditions, to secure the retention of the mature Oak tree on the eastern boundary, and measures to encourage native habitats site landscaping, the proposal is considered to be acceptable and in line with policy and guidance.

(vii) Contaminated Land

Comments received from the Contaminated Land Officer are noted and the relevant matters can be controlled through appropriate conditions.

(viii) Drainage

With respect to local concerns, highway drainage issues can be controlled as part of any permission.

Additionally, there are other controlling measures in relation to site drainage which are enforced by the Environment Agency and Building Control.

(ix) Amenity and privacy

With due respect to the comments of the Community Council, the layout has been designed to ensure adequate distances between existing and proposed dwellings to retain proper levels of privacy and amenity, taking due account of site levels. Additionally, landscaping and planting would assist in modifying the impact of the new development., and ensuring suitable boundary details.

There are adequate controls through the Building Regulation process to ensure proper foundation designs are adopted for each dwelling, to take account of any ground stability issues.

SUMMARY AND CONCLUSIONS:

14. The site lies within the development boundary and the layout and detailing of the development are considered acceptable. There are local concerns over highway impact, but the Assembly Highways Officers do not consider the impacts merit refusal of permission. The potential relocation of the existing bus stop may provide a positive benefit for public transport users. The recommendation is therefore for the grant of permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No works shall be permitted to commence on the external walls and roofs of any of the dwellings until the written approval of the Local Planning Authority has been obtained to the type of stone and mortar mix, and the type, colour, and texture of render.
3. The new junction and visibility requirements shall be complete and suitable for use prior to commencement of any other work associated with the development.
4. The proposed access onto the A494, the estate road, turning areas and driveways shall be completed before any of the dwellings are brought into use.
5. The detailed layout, design, signing, drainage, street lighting and construction of the internal estate road shall be submitted to and approved by the Local Planning Authority prior to the commencement of any site works.
6. The car parking spaces for each plot shall be laid out and constructed strictly in accordance with the approved plans prior to the occupation of the units to which they relate.
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.
9. Land drainage runoff shall not be permitted to discharge, either directly or indirectly into the public sewerage system.
10. No work shall be permitted to be carried out on the lopping, topping, or felling of the oak tree on the eastern boundary other than with the prior written approval of the Local Planning Authority.
11. **PRE-COMMENCEMENT CONDITION**
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.
12. 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.
13. No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on site, at the developer's expense, according to the prescriptions set out in a curatorial design brief approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.
14. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
15. No development shall commence until a detailed scheme for the relocation of the

existing bus stop, on the Tan yr Unto bend, to the application site has been submitted for the written consideration and approval of the Local Planning Authority. The agreed details shall be undertaken on site prior to the occupation of any of the dwellings hereby granted.

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

17. The roof detailing shall not be as shown on the submitted plans, but shall be in accordance with such plans as are submitted to and are approved in writing by the Local Planning Authority prior to the commencement of development.

18. No works shall begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i) the number, type, and location on the site of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing;
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identify of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

19. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the local planning authority has been obtained to a detailed construction method statement, to include details of how the site is to be accessed by construction vehicles (access road gradients and construction), hours of operation, traffic control arrangements etc.

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 the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. In the interests of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access road.
5. To ensure the formation of a safe and satisfactory access road.
6. To provide for the loading, unloading and parking of vehicles clear of the highway.
7. To ensure the development is properly drained and to avoid overloading the existing sewer system.
8. To ensure the development is properly drained and to avoid overloading the existing sewer system.
9. To ensure the development is properly drained and to avoid overloading the existing sewer system.
10. In the interests of the visual amenity.
11. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
12. In the interests of visual amenity.
13. In the interests of archaeological investigation and recording.
14. In the interests of visual amenity.
15. In the interest of maximising a sustainable approach satisfactory highway safety.
16. To ensure an appropriate phasing of the development.
17. In the interests of visual amenity.

18. In the interests of complying with affordable housing policies.
19. In the interests of highway safety.

NOTES TO APPLICANT:

The Assembly's Highways Section draw attention to the following:

1. the applicant will need to submit engineering drawings for the access, visibility splays and construction details for approval prior to works commencing on site.
2. Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980 and shall only be commenced with the specific agreement of the Highway Authority.
3. The Applicant shall agree with the Highway Authority the relocation of the existing road traffic signs clear of the visibility splays.
4. No drainage from the development site shall be connected to or allowed to discharge onto the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
5. The Applicant shall agree with the Highway Authority a system of temporary road signing in accordance with Chapter 8 of the Traffic Signs Manual and the New Roads and Street Works Act 1991.
6. The Applicant shall take due care and attention to avoid the deposit of mud on the road from construction vehicles using the access.

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).

You are advised that a suitable legal agreement will be required in relation to the internal estate road and they should contact the Highway Authority at an early stage.

ITEM NO: 17

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2008/0176/ PS

PROPOSAL: Removal of condition no. 4 of planning permission code no. 05/30/208 thereby deleting agricultural occupancy condition

LOCATION: Bryn Dibyn Graigfechan Ruthin

APPLICANT: Mr G.L & Mrs G.M Jones

CONSTRAINTS: PROW
AONB

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

CONSULTATION RESPONSES:

LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL

"Members voiced very sympathetic views on this application feeling an approval should be given as well as being concerned that it should be rejected. Overall they leaned towards giving approval but realised that the final difficult decision was vested in the local authority."

ADAS

Have been commissioned by the Council to provide their appraisal on the justification for the removal of the condition. The appraisal notes that Mrs Hughes retired from farming 10 years ago and that since this time there was no connection between her and any agricultural enterprise. It is further noted that the property was marketed for 12 months without any interest and that the two neighbouring farms have been directly approached but have no need for a house for any key workers. The appraisal therefore concludes that there is not a continuing need for an agricultural worker's dwelling at this location, and supports the application for the removal of the condition.

PROPERTY SERVICES

Have provided detailed comments over the course of the negotiations of the application on the matter of the valuation of the property and the price at which it should have been offered for sale. This advice has concluded that the sales price at which the property was marketed with the agricultural occupancy restriction (offers over £195,000) represented a percentage reduction of only 15% from its full market value of £230,000, when in fact the reduction should have been 25%. Therefore, the proper value at which the dwelling should have been marketed is £175,000 and as such the application is contrary to criterion ii) of Policy HSG 7 as the £195,000 price at which the property was marketed fails to adequately reflect the existence of the occupancy condition.

RESPONSE TO PUBLICITY:

None.

MEMBERS' COMMENTS: None.

EXPIRY DATE OF APPLICATION: 09/04/2008

PLANNING ASSESSMENT:

THE PROPOSAL:

14. The application relates to a detached bungalow lying outside of the Development Boundary which was constructed in the late 1970s as an agricultural worker's dwelling under planning permission ref 30/802. Condition 4 of this consent reads: *"The proposed dwelling shall be occupied only by persons wholly employed or last employed locally in agriculture or forestry, and the dependants of such persons residing with them, but including the widow or widower of such persons."* The reason for this condition is stated as *"In order that the proposal shall not conflict with the policy of the District Planning Authority in regard to the provision of new dwellings in the countryside."*
15. The application is accompanied by a statement which informs that the property was occupied by Mrs J E Hughes until 2001 when she moved into a residential home and subsequently passed away in 2006. The property was let on a short term basis from 2001 until November 2006, since when it has stood vacant. The applicant (Mrs G M Jones) is the daughter of the late Mrs J E Hughes who currently resides outside of Denbighshire and is not involved in farming. Given that the adjacent farm holdings have confirmed that they have no need for any workers dwellings and the marketing of the property for 12 months from 15 December 2006 revealed no interest, it is suggested that the proposal complies with Policy HSG 7 of the UDP and paragraph 6.8 of SPG 9.
16. During discussions with the agent for the application, it was confirmed that the property was advertised for sale by Clough & Co from 15 December 2006 until 14 January 2008 at a price of "offers over £195,000" with a total of 18 advertisements placed in the Farmers Guardian, the Daily Post and the Denbighshire Free Press, along with the property being listed on Clough & Co's website and their office window. In response, a total of 12 brochures were sent out but no viewings took place and no offers were received.
17. The agent for the application has submitted lengthy documentation in support of the valuation placed on the property seeking to justify the price at which it was listed i.e. offers over £195,000. This states that the unrestricted value of the property without the occupancy condition would be around £230,000, and that a reduction in price of around 15% as marketed is entirely justified on the basis that it reflects the location of the property and the expectation that such a property would be of interest to a larger proportion of the qualifying population including those who are lastly employed, i.e. retired workers, as allowed for by the condition. The marketing of other comparable properties are also referred to, as is the suggested guidelines from the Valuation Office which states that properties subject to such occupancy conditions should be reduced by between 10% and 30%.

RELEVANT PLANNING HISTORY:

18. 30/802 – Outline application for the development of land by the erection of a bungalow, alteration of existing access and construction of septic tank: Granted 1 July 1975.

PLANNING POLICIES AND GUIDANCE:

19. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy HSG 7 – Removal of Agricultural Occupancy Conditions

SUPPLEMENTARY PLANNING GUIDANCE
SPG 9 – Agricultural Workers Dwellings

GOVERNMENT GUIDANCE

MAIN PLANNING CONSIDERATIONS:

- 20.
- i) Justification for removing the condition
 - ii) Need for agricultural workers dwellings in the locality
21. In relation to the considerations as noted in paragraph 7:
- i) Criterion ii) of Policy HSG 7 of the Denbighshire UDP states that the submission of any application to remove a farm or forestry occupancy condition should include details of a realistic valuation of the property for at least a period of 12 months to demonstrate that there is no agricultural need for the property in the locality. The explanation to this policy states that a realistic valuation must reflect the depreciated value of the property due to the occupancy condition. In this respect, the Council's Property Services department have stated very clearly that the advertised price of £195,000 is around £20,000 too high as a percentage reduction of 25% to the £230,000 open market value of the bungalow should be applied rather than the 15% utilised in the marketing exercise. The only evidence put forward by the agent relating to a similar situation is 8 years old and fails to make reference to the value of the 3.3 acres of land sold with the comparable case. As such, it is considered that the suggested realistic valuation of the property at which the dwelling should have been marketed is £175,000 and as such the application fails to comply with Policy HSG 7.
 - ii) In respect of the need for agricultural workers dwellings in the locality, the fact that the adjacent farming enterprises have no requirement for any key workers accommodation is noted, but although the changes in circumstances outlined in the application are accepted by ADAS it is not considered that the marketing of the property has been satisfactorily undertaken due to the sales price advertised.

SUMMARY AND CONCLUSIONS:

22. The proposal fails to comply with the requirements set out in Policy HSG 7 and SPG 9 in respect of the realistic valuation on the property as the marketed price does not reflect the depreciated value arising from the limitation of occupation to which it is subjected. As such, the application is recommended to be refused.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The Council consider that the advertised price of £195,000 represents a reduction of only 15% of the open market value of the property and that this sales figure is unrealistic. A percentage reduction of 25% is more appropriate which would have resulted in the marketing of the property at £175,000 which is more likely to have attracted interest from suitable current or retired workers to occupy the property. As such, the application fails to comply with criterion ii) of Policy HSG 7 and the Council's Supplementary Planning Guidance 7 'Removal of Agricultural Occupancy Conditions' as the property has not been marketed for a period of over 12 months at a price properly reflecting the existence of the occupancy condition.

NOTES TO APPLICANT:

None

ITEM NO: 18

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2008/0919/ PF

PROPOSAL: Conversion of existing chapel to dwelling, change of use of adjacent land to form part of residential curtilage and formation of 2 new vehicular access points

LOCATION: Capel Bethel Graigfechan Ruthin

APPLICANT: Ben & Sam Thornton

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL-

'The amended submission does not alter the views of my members. The alterations now submitted in no way alter their original comments/concerns regarding access to the highway and therefore they continue to object to this part of the planning application'.

AONB JAC-

'The JAC welcomes the revised residential curtilage which now excludes most of the woodland'

HEAD OF TRANSPORT & INFRASTRUCTURE-

No objection, subject to conditions

WELSH WATER / DWR CYMRU-

No objection, subject to conditions.

CLWYD-POWYS ARCHAEOLOGICAL TRUST-

No objection, subject to condition for photographic survey.

RESPONSE TO PUBLICITY:

None received

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 02/12/2008

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application proposes the conversion of a redundant chapel to a 5-bedroom dwelling. The proposed external alterations to the building comprise the removal of

a single storey lean-to on the southern side and the installation of 1 door and window on the southern end and 11 conservation style roof lights.

2. Vehicular access with a hard standing and parking for 4 no. cars is proposed to the south of chapel, with an additional access and overspill parking space to the north.
3. Capel Bethel is a stone built, slate roof construction, with single storey vestry and lean-to attached to the southern end. Located on the eastern side of the B5429, on the northern side of the village of Graigfechan, in the open countryside and AONB. The redundant chapel is bounded by a dwelling to the south and some woodland and a public footpath to the north, the site rises steeply to the east.

RELEVANT PLANNING HISTORY:

4. None.

PLANNING POLICIES AND GUIDANCE:

5. Denbighshire Unitary Development Plan
Policy GEN 6 Development Control Requirements
Policy HSG 9 Residential Conversion of Rural Buildings to Dwellings
Policy ENV 2 Development affecting the AONB

SPG 16 Conversion of Rural Buildings

Planning Policy Wales

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Visual Amenity
 - iii) Residential Amenity
 - iv) Highways Safety
7. In relation to the planning considerations set out above:
 - i) Principle
Policy HSG 9 permits the conversion of redundant rural buildings to dwellings, providing the policy criteria relating to structural soundness, character, amenity and highway safety can be met. It is considered the proposal meets these criteria for reasons discussed below. Policy ENV 2 relates specifically to development within the AONB and states that development should not detract from the character and appearance of the AONB. This proposal is a sympathetic conversion, which will result in the reuse and renovation of a redundant building in the AONB, with minimal impact on the surrounding area.
 - ii) Visual Amenity
In order to convert the former chapel to a dwelling, limited external alterations are proposed. The removal of the brick lean-to is a positive element, contributing to returning the building to its original character and appearance. Conservation roof lights are proposed over the existing windows, giving some uniformity to the pattern of new fenestration.
 - iii) Residential amenity
Adequate amenity space is proposed for the dwelling. Whilst the site rises to the rear of the building, there is amenity space to the north and south. Owing

to the distance to the dwelling to the south, the proposed first floor window will not impact on the amenity of adjoining occupiers.

iv) Highway Safety

Highways Officers have been consulted on the proposal, and having requested some amendments to the original scheme, are now satisfied with the proposed access and parking areas. Whilst the comments of the Community Council relating to the access are noted, it is considered that the proposal is acceptable in terms of highway safety.

SUMMARY AND CONCLUSIONS:

8. The proposal is acceptable and recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

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

2. **PRE-COMMENCEMENT**

No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.

3. **PRE-COMMENCEMENT CONDITION**

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

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

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

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

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

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

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

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

6. **PRE-COMMENCEMENT CONDITION**

Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).

7. **PRE-COMMENCEMENT CONDITION**

The access shall be laid out and constructed in accordance with the submitted plan and completed to the satisfaction of the Local Planning Authority before any works commence on

site.

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

9. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is brought into use.

10. The visibility splays shown on the approved plans shall be kept free of any planting, tree or shrub growth or any obstruction in excess of 1.05metres above the level of the adjoining carriageway.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of residential and/or visual amenity.
6. In the interests of investigation and recording of historic/listed buildings.
7. 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.
8. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
10. To ensure that adequate visibility is provided at the point of access 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.

Welsh Water recommendations:

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

Reason: To protect the integrity of the Public Sewerage System.

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

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

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the sewerage system and pollution of the environment.

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.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

PLANNING APPEAL

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

Location: Gorsedd Bran, Nantglyn

1. PURPOSE OF REPORT

- 1.1 The report seeks a resolution from the Committee on two matters relating to a planning appeal lodged by Tegni Cymru Cyf. against the County Council's refusal of planning permission for the above described windfarm application:
- (a) The contents of a letter received from the Planning Inspectorate, seeking confirmation of the Council's intentions over presenting evidence in relation to the particular reasons for refusal.
 - (b) Member involvement in the Inquiry process

2. BACKGROUND

- 2.1 Planning application Code No. 25/2007/0642/PF for a windfarm development at Gorsedd Bran, Nantglyn was reported for consideration by the Planning Committee on 23rd January 2008.
- 2.2 A separate application, Code No. 25/2007/0565/PF, for a 16 turbine windfarm on land east of Llyn brenig, was reported to the same meeting.
- 2.3 The officer recommendation was to grant permission on both applications. The Planning Committee resolved to refuse both applications on grounds of impact on noise, flooding and landscape impact.
- 2.4 Following consultation with the Monitoring Officer, and in accordance with para. 8.3 of 'Code of Best Practice for Councillors and Officers dealing with planning applications', I referred both applications to Full Council for reconsideration. The grounds for refusal were that in the professional opinion of officers, backed by legal advice, the reasons for

refusal were unsustainable, and placed the Council at risk of cost claims at appeal.

- 2.5 The two applications were considered at Full Council on the 26th February 2008. On the day, the application for the Brenig windfarm was granted permission (subject to completion of a legal agreement), and the Gorsedd Brand application was refused permission. The four reasons for refusal of the Gorsedd Bran application are set out in Appendix 1 to this report. They relate to impact on landscape, noise, surface water runoff/flooding, and protected species.
- 2.6 Tegni lodged an appeal against the refusal of permission in May 2008. The Planning Inspectorate confirmed at that time that the appeal file had been sent to the Planning Division of the Welsh Assembly, who would assess the adequacy and completeness of the Environmental Statement. The Inspectorate advised that the appeal timetable would not commence until the adequacy of the Environmental Statement had been confirmed and the file was returned to them.
- 2.7 No further correspondence has been received from the Planning Inspectorate until a letter in early November 2008. The letter contains the following request:
- "The issues raised by the reasons for refusal are; landscape/visual impact, flooding and water quality, noise and protected species. I note that both the Environment Agency Wales and Countryside Council for Wales apparently have no objection. I would be grateful if you could inform us as to whether or not you intend to present evidence upon each of the issues mentioned above."
- 2.8 It is likely that the letter is a precursor to confirmation from the Planning Inspectorate of the timescale for the Inquiry process on the appeal. This will set in motion the deadlines by which the Council has to submit its Statement of Case, Statement of Common Ground, and Statements of Evidence. The Council will need to move quickly to organise its approach to defending the appeal through engaging legal representation, and expert witnesses to present evidence in respect of the reasons for refusal.

3 REQUEST FOR RESOLUTION

- 3.1 The Planning Inspectorate's letter obliges officers to seek agreement from the Committee on two key matters.
- (a) The Planning Inspectorate's letter is asking for confirmation that the Council intends to present evidence on the four reasons for refusal. The letter refers specifically to the absence of objection from the Environment Agency and the Countryside Council for Wales. This is an unusual step by the Planning Inspectorate, and may be interpreted as an invitation to the Council to consider at the very least dropping the particular reasons which may not be supported

by Statutory consultees, to save all parties unnecessary preparatory work and costs in the appeal process. In officers opinion, the letter serves as an advance warning that unless the Council has clear evidence to support a particular ground of refusal, it may face (at least a partial) costs claim.

- (b) As the decision to refuse planning permission for the Gorsedd Bran Windfarm was against officer recommendation, the adopted protocol for Planning Appeals and Member involvement (in the Code of Best Practice for Members and Officers in dealing with Planning Matters) requests that Members of the Planning Committee give evidence for the Council. Section 9.3 states the planning committee shall appoint representatives to give evidence, and suggests this will normally be the proposer and seconder of the proposal.

RECOMMENDATION

It is recommended that:

- (a) In light of the letter from the Planning Inspectorate, the Committee confirm whether the Council should continue to present evidence on all 4 of the reasons for refusal.

- (b) The Committee nominate 2 members to act as witnesses for the Council at the Inquiry in accordance with the Code of Best Practice for Members and Officers in dealing with planning matters.

Graham H Boase
Head of Planning & Public Protection



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THE REASON(s) for the Council's decision to refuse permission is (are):-

1. The erection of 13 turbines of 125 metres height in a prominent ridge top location would have an unacceptable impact on the character and appearance of the landscape, including views into and out of the Clwydian Range Area of Outstanding Natural Beauty and the Snowdonia National Park, and would contribute to an unacceptable cumulative visual impact adversely affecting views across the Denbigh Moors towards Snowdonia from the Clwydian Hills and Offa's Dyke National Trail, and adversely affecting the community of Nantglyn by creating an arc of turbines around the village, also giving rise to harm to the enjoyment of the local landscape for recreational and tourist uses, in conflict with Policies MEW 10 iii, vii and viii, MEW 8, GEN 6 ii, iii, and iv, ENV 2, and STRAT 7 iii of the Denbighshire Unitary Development Plan, and guidance on siting of turbines in the Council's Interim Planning Guidance Note No 1 - On Shore Wind Farms.
2. The operation of the turbines at Gorsedd Bran is considered likely to lead to noise levels which in itself, and cumulatively with the noise from turbines on nearby windfarms, would have an unacceptable impact on the local community, including the amenities of occupiers of residential properties in the locality, in conflict with Policies MEW 10 iv, MEW 8, GEN 6 v, ENP 1 iii, and STRAT 7 v of the Denbighshire Unitary Development Plan.
3. The proposed clear felling of trees is considered likely to lead to a significant increase in the run off of surface water from the site, and to increased potential for flooding in susceptible locations downstream in the Clwyd catchment area, and to an adverse impact on the quality of private water supplies in the locality, and in the absence of information demonstrating the extent of run off and whether specific mitigation measures could address the impacts, the development is considered to be in conflict with Policies MEW 10 ix, MEW 8, GEN 6 x, ENP 6, and STRAT 7 iii of the Denbighshire Unitary Development Plan.
4. The application does not demonstrate that adequate pre - determination surveys have been undertaken to identify and assess whether there would be significant effects from the development on protected species, or adequate measures to avoid, reduce, or remedy such effects, in conflict with Policies MEW 10 x, MEW 8, ENV 6, and STRAT 7iii of the Denbighshire Unitary Development Plan, and the requirements of the Environmental Impact Assessment Regulations.

PLANNING POLICIES RELEVANT TO THE DECISION

The Denbighshire Unitary Development Plan (UDP)

Policy MEW 8 -	Renewable energy
Policy MEW 10 -	Wind power
Policy STRAT 1 -	General
Policy STRAT 2 -	Energy
Policy STRAT 5 -	Design

Keith Bellis / Huw Smallwood
Tegni Cymru Cyf.
Bron Graig
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Head of Planning and Public Protection
02/04/2008

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEM FOR PLANNING COMMITTEE
TOWN AND COMMUNITY COUNCIL TRAINING PROGRAMME FOR 2009

1. PURPOSE OF REPORT

To inform Members of the Training Programme set out for Town and Community Councils in 2009.

BACKGROUND

There are constant revisions in legislation, policy and protocols within Development Control nation wide and within individual Local Planning Authorities. Understandably these changes raise many questions for Statutory Consultees including Town and Community Councils.

To try and address any issues that the Town and Community Councils may have regarding consultation responses, a series of Training Sessions have been arranged. These will be carried out on a quarterly basis in 2009. An invitation will be sent out to all the Clerks providing dates for their diaries.

The dates will be as follows:

Tuesday	-	27 January 2009
Tuesday	-	28 April 2009
Tuesday	-	28 July 2009
Tuesday	-	27 October 2009

All sessions will start at 6.30 p.m.

These will be evening sessions to be held either in Caledfryn or Denbigh Town Hall and will be confirmed nearer to the time. A note will be made on the County Councillors diary also for information.

2. RECOMMENDATION

That Members make note of the contents of this report.