

**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
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ITEM NO: 1

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 25/2008/0799/ PF

PROPOSAL: Erection of replacement dwelling

LOCATION: Hafod Wen Nantglyn Denbigh

APPLICANT: D Luhde-Thompson & S.L McLaren

CONSTRAINTS:

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

CONSULTATION RESPONSES:

(Original submission – comments awaited on revised plans)

NANTGLYN COMMUNITY COUNCIL

Note that the scheme is a large development and over 300% more than the original house. As such it is out of character to the other surrounding properties and local area. The Council also seek assurances that all trees will stay, that all local materials are used and well suited to the area, and that the exterior of the house proposed suits the local and surrounding area.

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection.

ENVIRONMENT AGENCY

Have assessed the application as having a low environmental risk, but are unable to offer a full response due to workload prioritisation.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Hefin Wyn Lloyd Edwards, Pennant Ucha, Nantglyn. Mr Edwards is a Community Councillor for Nantglyn and also a landowner which borders the subject site.

Summary of planning based representations (on original submission):

- i) Visual impact on an as yet unspoilt area;
- ii) The proposed plans are greatly bigger than the existing consent;
- iii) Increasing the house by 300% is unsightly;
- iv) Setting of a precedent for other such developments

EXPIRY DATE OF APPLICATION: 06/10/2008

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site is an irregular shaped piece of land currently occupied by the remains of a dwelling which is in a poor condition, without a roof and with some walls having collapsed, and its attached agricultural outbuildings. The original house is two-storey in nature and has an internal floor area of 75 sqm with a maximum height of

8.5 metres up to the ridge of the roof (if it were still in place).

2. The site lies on sloping land down from the road with the valley below, and is largely screened from the road by the existing topography of the land with only the roofs of the main buildings visible. Access to the site is via a track leading down from the road to the west, with this track being grassed over in the main due to its lack of use. The maximum dimensions of the site are 70 metres in depth and 80 metres in width.
3. The application proposes the demolition of the existing buildings and the erection of a split-level four-bedroom house with accommodation spread across three floors. The areas proposed when originally submitted were as follows:
 - Basement – Games room, conservatory, store room, wet room, wc (92 sqm);
 - Ground floor – Two bedrooms, bathroom, wc, utility, pantry, porch, kitchen/living/dining room (131 sqm);
 - First floor – Two bedrooms, two shower rooms, study, gallery (79 sqm).
 - Total floor area proposed = 302 sqm.

Since the time of the original submission, discussions with the applicant and agent have been ongoing and have secured a reduction in internal floor area down to 276 sqm.

4. Due to the sloping nature of the site, the elevation to the west appears as two-storeys with a height to the pitched roof of 7.7 metres in height with the rear (east) elevation having three floors of glazing and a height of 10.3 metres. The materials of construction include wooden cladding, a steel flue, stonework, slate roof, and solar panels fitted to the south-facing roof slope. The footprint of the proposed house has a maximum width of 18.4 metres and a maximum depth of 13.3 metres.
5. The aforementioned discussions with the agent and applicant have also resulted in a reduction in height of the building due to its setting into the ground levels by a further 0.75 metres.
6. The proposed site plan shows the footprint of the new house overlapping that of the agricultural buildings at the site, but with no part on the site of the existing house. A new parking area will be created to the west of the new house with open parking for two/three cars along with a turning area. The garden curtilage for the house will extend down the slopes to the east and south.
7. The application is accompanied by a supporting statement and other documentation, which demonstrates the ecologically friendly nature of the proposed house. The statement suggests that the house is set across and into the slope, with sustainability being an important consideration in the design. The need to bring new stone onto the site is avoided by the use of slate block walling using the existing house materials, and the building is considered to be a welcome replacement of the corrugated steel barn and derelict house.
8. In respect of the design of the property, it is stated that:
“The plan form of the house is roughly square making for a compact and efficient services installation. The major roof pitch is aligned to face south with solar panels fixed in a modular array. The roof is slated and the rainwater stored for domestic use. The site landscape features are valued and will be retained. The derelict pigsty and outhouses will be renovated, the large standing stone slabs left in place. The drifts of wild plants will be retained and reinforced. The spring fed pool and stream will form the water supply. The house is designed to be carbon neutral. The strategy for zero net energy divides the generation into several methods. This will

spread the load and provide mutual backup at times of low input by one or more of the installations:

- *Passive heating through the south facing conservatory;*
- *A wind turbine of 6kw will supply electricity;*
- *Ground source heat pump operating at an efficiency of at least 300%;*
- *Solar panels of 10 sqm operating in conjunction with a solar heat store of approximately 500 litres.*

In summary, the impact both visually and ecologically of the house is minimal. The form and materials will ensure a gentle assimilation into the landscape. The carbon footprint will be light.”

RELEVANT PLANNING HISTORY:

9. 25/2003/1294/PF – Extension of existing dwelling into attached shippon and installation of new septic tank: Approved 22 November 2004. This consent added a further 115 sqm of floor area to the existing house, resulting in a dwelling with an internal floor area of 191 sqm if the conversion works were undertaken i.e. an increase in floor area of 154% over the existing house.

PLANNING POLICIES AND GUIDANCE:

10. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 3 – Development outside Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG 8 – Replacement Dwellings in the Open Countryside

SUPPLEMENTARY PLANNING GUIDANCE

SPG25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

11.
 - i) Principle
 - ii) Compliance with replacement dwelling policy
 - iii) Access
12. In relation to the considerations as noted in paragraph 11:
 - i) Principle
The principle of a replacement dwelling at this site is allowed for under the terms of Policy HSG 8, the criteria of which is further scrutinised in the following paragraph. Pre-application discussions were held with the agent for the scheme on in March 2008, where the principle of a replacement dwelling was considered to be acceptable, subject to compliance with Policy HSG 8, although at that time concerns were expressed at the design and scale of the proposed property and how it would be assimilated into the landscape and reflect the existing dwelling.
 - ii) Compliance with replacement dwelling policies
The proposal as now submitted is analysed against the six criteria of Policy HSG 8 as follows:
 - a) The existing dwelling has a lawful use as a dwelling

This issue was discussed at the time of the application for the extension of the dwelling into the adjacent buildings. The information on the file contains photographs which show that damage to the building occurred mainly during a storm in mid December 2006. Advice was given to the owners of the property at that time that it

might be beneficial to submit a lawful use certificate to demonstrate that the use of the building as a dwelling remained valid. However, no such certificate was ever submitted and this matter therefore remains inconclusive. This said, as the 2004 consent issued for the extension of the dwelling into the shippon remains extant, this could be implemented and gives further credence to the lawful use of the building as a dwelling. On the balance of probabilities, therefore, it is not considered that the proposal is contrary to the first criterion given the extant consent.

- b) The existing dwelling is not architecturally or historically important

The existing dwelling at the site is very traditional with its slate/stone walls, sliding sash windows and a slate roof, albeit that the roof has now disappeared. However, the building is not considered to be sufficiently important either architecturally or historically for its retention.

- c) The existing dwelling cannot be reasonably renovated, converted or extended without major or complete reconstruction

The 2004 consent at the site (which remains extant) accepted that the existing property could be increased significantly from its existing 75 sqm up to 191 sqm by the extension of the dwelling into the shippon to create a three/four-bedroom house, without detriment to the existing landscape and retaining the character of the buildings. However, it is self evident by the current condition of the house at the site that this conversion is now no longer a feasible option.

- d) The replacement dwelling should not be substantially different to the existing in terms of siting, scale, form, design and materials, unless the existing dwelling is of a low standard in terms of its design and appearance.

The existing dwelling at the site was formerly a slate-roofed house with stone walls, typical of such buildings in the open countryside. It's current appearance due to its state of dereliction can only be considered to be of a limited quality. The proposed dwelling would be constructed of traditional materials i.e. a slate roof with stone walls and wooden panelling, albeit of a wholly different design to the original house. It has been designed to be ecologically friendly and this must be considered as a material consideration on the application given current government advice on lowering carbon emissions and footprints.

The proposed house would have an internal floor area of 276 sqm, some 85 sqm more than the floor area permitted by the 2004 consent, representing an increase of 44% over this consent and an increase of around 270% over the original floor area of the house (75 sqm). The height of the existing dwelling is 8.5 metres, with the proposed dwelling seeking to increase this up to 10.3 metres, albeit with the revised scheme sunk into the ground by 0.75 metres therefore effectively reducing the overall height above ground level down to 9.55 metres, an increase over the existing house of 1.05 metres. In officers opinion the issues are finely balanced, with the use of traditional materials and ecologically friendly nature of the dwelling to be weighed against the increase in scale and marginal increase in

height. Given the limited quality of the existing dwelling it is not considered that the proposal would result in material harm to justify a refusal with due respect to comments from the Community Council and the objector.

- e) The replacement dwelling does not have an unacceptable effect on the landscape by virtue of its siting, scale, design and materials

The site is well screened from public vantage points and from the road up the hill in particular, by the topography of the land and by the existing landscaping which will remain in place. It is not therefore adjudged that the scheme would be contrary to this criterion of Policy HGS 8.

- f) The replacement dwelling should be located on the site of the existing

The proposed house is not on exactly the same footprint as the existing dwelling, but is partially sited on the area covered by the shippon which has the consent to be converted into part of the dwelling. Therefore, the proposed siting of the new house is not considered to be substantially different to the existing permitted dwelling extension to be contrary to this criterion.

- iii) Access

In respect of access, there are no objections from highway officers, and the use of the existing access is considered to be acceptable.

SUMMARY AND CONCLUSIONS:

13. On the basis of the use of suitable materials and the objective of providing an ecologically friendly dwelling with a carbon neutral footprint, the application is considered to be acceptable on balance 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. Notwithstanding the provisions of Classes A-D 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 of the Local Planning Authority.
4. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
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. 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 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.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of residential and/or visual amenity.
4. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
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: 2

WARD NO: Denbigh Upper / Henllan

APPLICATION NO: 28/2008/0578/ PF

PROPOSAL: Demolition of existing agricultural centre buildings and erection of 15 dwellings, alterations to existing vehicular access and associated car parking

LOCATION: Ty Coch Farmhouse Ty Coch Street Henllan Denbigh

APPLICANT: David Hooson & Linda Wright

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

HENLLAN COMMUNITY COUNCIL - In respect of amended plans;
 'As long as Welsh Water (in respect of the public sewer problem) and the Highways Department (in respect of entrances and additional traffic) are happy with the application and the Affordable Housing issue is addressed then this Council has no objections to the amended plans in respect of the above planning application and plans.'

HEAD OF TRANSPORT & INFRASTRUCTURE
 No objection subject to condition.

CONSERVATION ARCHITECT
 Informal discussions undertaken with case officer with suggested conditions.

PUBLIC PROTECTION
 No objection subject to conditions, including controls during construction stage.

HEAD OF HOUSING
 Confirms that the affordable properties are acceptable and working with an RSL (Tai Clwyd), the Rural Housing Enabler and local members to ascertain shared ownership/social rented.

COUNTY ECOLOGIST
 Accepts the submitted Bat and Bird Survey conclusions. Suggests that the report recommendations are highlighted to any contractors i.e. bats could potentially still be found due to site location and most buildings offer potential for over-wintering and single seasonal occupancy. Therefore, advise that the precautionary, generic recommendations should be followed as good working practice during the demolition phase. : Additionally, supports the survey recommendations to adopt good construction practices for the new buildings, to use 'bat-friendly' traditional designs and materials to encourage their use of the new buildings.

COUNTY ARCHAEOLOGIST
 In relation to the revised plans, notes that initially it was suggested that there should be pre-determination evaluation linked to this application. Is aware of works undertaken at

the site frontage by Earthworks Archaeology some time ago, and that access to the remainder of the site currently impossible. Recommends an archaeological scheme of investigation, if consent is granted, with a condition. This written scheme of investigation would outline trenches to be excavated towards the rear of the site where no previous work has taken place, to preserve by record any archaeology present.

CLWYD POWYS ARCHAEOLOGICAL TRUST

In relation to the archaeological report, requires additional evaluation at the post consent stage to confirm if there is archaeology in the main yard area inaccessible for evaluation. Highlights that the location of the building found during the 1999 evaluation of the street frontage areas also needs further investigation, as the origin and function of this structure is unclear and there may be earlier archaeology beneath the foundations. Therefore advises on the need for a condition, to secure additional archaeological site investigation.

WELSH WATER

No objection subject to conditions

ENVIRONMENT AGENCY

No objection subject to conditions, specifically in relation to contaminated land treatment

PRINCIPAL PARKS, PLAYGROUNDS AND PLAYING FIELDS OFFICER

Notes that the site is located across the road from the playing field in the village, which could use substantial investment to enhance it, and is a prime location for some play equipment to be installed. Based on a proposed 15 dwellings, this equates to 1,440 sq m of combined formal (360 children's play) and informal (1080 CROS) open space.

There is a preference for the children's play area to be on site, but accepts this would affect the numbers of properties proposed, and the proximity of the residential development would be problematic (the equipment would need to be 10m away from the buildings). Given the density involved, accepts it would be difficult to introduce this in to the site effectively. Therefore, would be supportive of off-site provision, with the developer providing appropriate commuted sums which (subject to inflation being added) are currently £47,577.60 (total including maintenance)

COUNTRYSIDE COUNCIL FOR WALES

No objection to the proposal. Based on the ecological information submitted, statutory protected species are unlikely to be affected by the proposal.

ECONOMIC DEVELOPMENT SERVICES

Has no comment to submit.

RESPONSE TO PUBLICITY:

Initial Plans

Letters of representation received from the following:

Jenny Rowley-Williams, & Ty Coch Street, Henllan (e-mail)
Sian Gough-Roberts, Ty Gwyn, School St., Henllan (via e-mail)

Summary of planning based representations:

In objection (2 letters)

Drainage - existing capacity of the system to cope with an additional 15 dwellings

Density -15 dwellings seems high for the area compared to other recent developments in Henllan

Traffic and parking - Ty Coch St, Church St and School St are largely terrace houses with no private parking; the current proposal, means that spaces on Ty Coch street and the area of land currently forming part of the application site will be lost ; exacerbating existing street parking problems - with visitors and events on adjacent football field; additional parking spaces beyond those shown should be provided. .

In support

Untidy land/amenity - the current state of the site and the activity currently pursued there are generally detrimental to the overall environment of the conservation area; The site currently represents untidy land

Unnamed resident (via email)

History of site – application refers to previous use as Garden Centre and Agricultural repairs – but in recent years used as a scrap yard.

EXPIRY DATE OF APPLICATION: 13/07/2008

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located within the development boundary and designated conservation area for the village of Henllan. Historically, the site has been used as an agricultural centre; more recently used as a garden centre, storage and workshops.
2. An existing vehicular access serves the site, off Ty Coch Street. A number of stone and modern agricultural type buildings exist on the site. It is bounded by residential properties, on the west by Ty Coch Street and to the south and south west by Church Street. The rear of School Street residential properties back on to the site, to the south west. A number of cottages on School Street are listed for their architectural or historic interest. To the west, across Ty Coch Street, lies the Henllan Playing Field.
3. The proposal involves the demolition of the existing buildings on the site and the redevelopment of land for residential purposes for 15 dwellings, with associated gardens, car parking areas and alterations to the existing vehicular access (off Ty Coch Street.) Proposed units 1 – 9 are designed in a courtyard type arrangement with units 10- 15 in a terrace fronting on to Church Street.
4. A separate planning application seeking Conservation Area consent for demolition of the outbuildings has been submitted.
5. The application includes the following supporting information:
 - i) Affordable housing questionnaire
 - ii) Contaminated land survey – stage 1 phase 1 and phase 2 reports
 - iii) Preliminary Drainage Assessment
 - iv) Design and access statement
 - v) Planning support statement
 - vi) Bat and bird survey
 - vii) Pre- determination archaeological evaluation report

6. The Affordable Housing questionnaire identifies 5 no units for affordable housing (units 10 – 14), as either shared ownership and/or low cost homeownership. All 5 units include terrace housing with 4 no. 2 bed roomed and 1no. 3 bed roomed. No details of timing or phasing of these units, in relation to the development site, and no draft 106 agreement has been provided with the submission.
7. The contaminated land survey Stage 2 notes the existence of potential sources of contamination on the site. The report indicates that the near surface ground materials do not contain any significant concentration of contaminants with human health risks classed as negligible. It notes that the site is underlain by an Aquifer which has a possible higher sensitivity level to pollution.
8. The preliminary drainage assessment identifies a public combined sewer in the roadways enclosing the site, with a public foul/sewer laid within the site curtilage. Existing roofs and hardstanding appear to have a formal stormwater system. The proposal involves foul water discharge to the public sewer in Church Street, with Storm Water, if conditions are acceptable, to connect into the existing sewer connection, with suitable attenuation measures.
9. The Design and access statement acknowledges the site constraints and character of the locality. Information is provided to demonstrate inclusive design and provision of access for persons with disabilities.
10. The Planning support statement refers to the relevance of planning policies and opportunities afforded with the current proposal.
11. The Bat and bird survey highlights that no evidence of bats were found, but the site is sensitive to the potential for bats. It highlights guidelines for dealing with this issue, together with possible incorporation of bat friendly features. Notes that the existing Ty Coch farmhouse has not been surveyed. – and a survey is recommended if works are undertaken to this building. The report advises on the lack of use by nesting birds, but suggests incorporating positive features to encourage their use.
12. The Pre- determination archaeological evaluation report concludes that an archaeological evaluation of the same development plot was undertaken in 1999, comprising two trenches along the street frontage, revealing the remains of a presumed 18 th century building along Church Street, but given the limited extent of excavations, earlier activity remains unknown. It acknowledges that problems over access around the site have led to four trenches being deferred, which should be investigated and dealt with by condition.
13. The application has been subject to amended plans to including design and access revisions, primarily focusing on conservation approach with detailed design considerations. The proposal includes for natural slate pitched roofs, with the majority of external walls finished with coloured render, and porches with natural stone.

RELEVANT PLANNING HISTORY:

14. 28/2000/0036/PO – Demolition of existing buildings and redevelopment of 0.40ha of land for residential purposes and construction of new vehicular and pedestrian access (renewal of outline application previously approved under code no 28/540/98/PO). - GRANTED 16 March 2000

28/540/98/PO - Demolition of existing buildings and redevelopment of 0.40ha of land for residential purposes and construction of new vehicular and pedestrian

access. - GRANTED 2 March 1998

28/2008/0579/CA. Conservation Area consent for demolition of existing agricultural centre buildings. PENDING.

PLANNING POLICIES AND GUIDANCE:

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

Strategic Policies

- RESOURCES
- 1 General
- ENVIRONMENT
- 5 Design
- 7 Environment
- ECONOMY
- 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 10 – Supplementary Planning Guidance
- Policy ENV 6 - Species Protection
- Policy ENV 7 - Landscape/Townscape Features
- Policy CON 11 – Development at Scheduled ancient monuments
- Policy EMP 10 - Protection of employment land/buildings
- Policy ENP 1 - Pollution
- Policy ENP 4 - Foul and Surface Water Drainage
- Policy ENP 8 - Contaminated Land
- Policy HSG 3 - Housing Development in main villages.
- Policy HSG 10 - Affordable Housing in Development Boundaries
- Policy RET 11 – Car showrooms & Vehicle Related uses
- 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 8 Access for All
- SPG 13 Conservation Areas
- SPG 14 Listed Buildings
- 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
Access for All
Access Statements

North Wales Authorities

Protected Wildlife and Buildings – Guidance for Property Owners and Developers.

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
TAN 21 Waste

Circular 60/96 Planning and the Historic Environment: Archaeology
Circular 61/96 – Planning and the Historic Environment – Historic Buildings and Conservation Areas
Circular 35/05 – The Use of conditions in planning permissions
PPG 14 Development on Unstable Land 1990 (Extracts only)

DRAFT TANS

5 – Nature Conservation
12- Design

Other Governmental related documents

Planning and Inclusive Design (Access Statements) Final Interim Guidance WAG
November 2007
Design Commission companion Design and Access Statements in Wales (2008)

MAIN PLANNING CONSIDERATIONS:

16. The main considerations in this case are:
- i) Principle of development
 - ii) Impact on amenity and privacy.
 - iii) Impact on the conservation area / design
 - iv) Archaeology
 - v) Drainage
 - vi) Contamination
 - vii) Highways, including parking and sustainability
 - viii) Protected species
 - ix) Affordable housing.
 - x) Open Space
 - xi) Landscape
 - xii) Access for All
17. In relation to the main planning considerations noted above:
- i) Principle of development
The site lies within the current development boundary for the village, and is

'Un-Annotated' land in the proposals map in the Unitary Plan. The principle of this development would therefore be acceptable, in accordance with Policy GEN 2 of the Unitary Development Plan. This policy accords with the 2006 Housing MIPPS, in relation to development of an unallocated site. The surrounding land use is predominantly residential.

In relation to Planning Policy Wales, the site is categorised as 'previously developed land'.

The principle of development is therefore acceptable subject to site specific considerations.

ii) Impact on amenity and privacy.

Having regard to the site topography, the layout and design ensures acceptable distances and relationships between existing and proposed dwellings, with dwellings orientated to maximise daylight penetration and sufficient garden areas for all units.

At the time of writing this report, detailed site levels are awaited, but it is considered that this can be covered by a suitably worded condition, thereby ensuring minimum impact, in compliance with the general thrust of GEN 6.

The Public Protection comments highlight the need to ensure adequate safeguards during the construction stage, minimising disruption to local residents. In this context, it is considered reasonable given the position and extent of development, to condition a construction stage approach relating to limit noise and disturbance

iii) Impact on the conservation area / design

The initial plans were considered lacking in key detail and approach, given the important location of the site within the conservation area, together with nearby listed buildings. Following discussions with the applicants, the scheme has been amended to take on board these concerns.

It is considered that the demolition of some of the older, stone buildings on the site, brings an opportunity to re-use and re-cycle the stone as part of the proposal. A condition can be included to this effect, in line with the TAN 21 approach.

iv) Archaeology

Having regard to the consultation responses, 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 the developers may wish to consider insuring themselves against this risk.

In accordance with planning policy and guidance there would be a need to condition an investigation here.

v) Drainage

With respect to the Community Council comments and local concerns over capacity issues, both Welsh Water and the Environment Agency raise no objections, subject to the inclusion of conditions. In light of this, the proposal is considered to comply with policies ENP 1 – Pollution and Policy ENP 4 - Foul and Surface Water Drainage

vi) Contamination

Consultation responses from the County Council's Public Protection Section,

and the Environment Agency highlight the need for further, contamination investigations, and possible remediation measures to ensure suitable safeguards; this is supported by Policy ENP 8 - Contaminated Land, and can be addressed by the use of appropriate conditions.

vii) Highways, including parking and sustainability

The site lies within a 30 mph restricted area, with no parking restrictions existing along Ty Coch Street. School Street has restrictions relating to access vehicles only.

The site is considered to be sustainable with regard to proximity to local services, public transport, and density, and the development would be in line with the governmental approach for maximising the sustainable use of land.

The County's Head of Transport and Infrastructure is aware of the site and locality, and the existing use.

Discussions with the Conservation and Highway Officer have resulted in alterations to details, principally the main vehicular access point to the site, which is now considered acceptable to achieve the relevant visibility requirements, together with on site car parking spaces.

Given the existing traffic implications involved with the existing use, it is considered difficult to conclude on this occasion that the development would incur a significant increase in highway danger and traffic. The development will include on site parking spaces for all new dwellings, in accordance with SPG 21 Parking Requirements In New Developments. This also includes the provision of a cycling stand area, which could be conditioned

viii) Nature conservation, protected species and trees and woodlands

The Bat and Bird Survey has been assessed by the relevant consultees. Subject to the inclusion of a condition to include positive incorporation of bat and bird design features, the proposal is considered acceptable and in line with the policy and guidance referenced.

ix) Housing – affordable housing.

The approach to affordable housing provision has been discussed with officers of both planning and housing services, and it has been agreed that a total of 5 dwellings (plots 10-14) should be provided.

The current available waiting list (August 2008) indicates the following details for Henllan 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	29	0	1	27	24	1	26	0	7	115
Sheltered	3	0	6	5	0	8	0	0	0	22
TOTAL										137

average household income (2007) for Denbigh Upper/Henllan is £26,011.

The floor space area complies with the minimum standards of 70 sq.m for a 2 bedroom property and 80 square metres for a 3 bed roomed property, as set by WAG.

In order to secure and safeguard the delivery of the affordable units, suitable planning conditions should be imposed, in line with Policy HSG 10 - Affordable Housing in Development Boundaries and the accompanying SPG.

- x) Open Space
Given the position/proximity of the proposal, within walking distance, to the village Play Area, and the need to reflect the character and density of the conservation area in this case, the comments from the Council's Parks and Gardens Officer are considered to be a practical, local and reasonable approach, in line with the aims of Policy REC 2 - Amenity & Recreational open space requirements in new developments, and the accompanying SPG. In the event of a permission being granted, the financial contribution required for off site provision and maintenance would need to be the subject of a legal agreement.
- xi) Landscape
The submission includes a landscaping scheme. However, the relationship with Access for all remains unclear: no lighting details, and no fence or walling details. In light of the site's built character sensitivity and the inter-relationship with various issues, including timing, phasing and maintenance responsibilities, these details would ultimately achieve the necessary standards for the scheme. Appropriate conditions can safeguard this issue.
- xii) Access for all
Having regard to the information submitted and the details required, in particular with the new WAG document, the proposal requires further attention. E.g. parking provision; handrails, textured surfaces, and lighting provision. Further details can be conditioned.

SUMMARY AND CONCLUSIONS:

18. The scheme provides an opportunity to provide a quality scheme, enhancing the Conservation Area; involves previously developed site, in a sustainable location, and provides potential community gains in the form of affordable housing and contributions to the local Play Area. Provided various conditions are included, the proposal would comply with current planning policies and guidance in this case

The recommendation is subject to the completion of an obligation under section 106 of the 1990 Planning Act to secure the following, in relation to open space provision :

- The payment of £47,577.60 - off site provision £31,006.80; maintenance £19,929 .60 of open space (subject to inflation)

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
No development shall commence until details of the design, height and materials proposed for the screen walls and/or fences shown on the layout plan have been submitted to and approved in writing by the Local Planning Authority. Such screen walls and/or fences shall be erected before the dwellings to which they relate are completed or occupied whichever is the

earlier.

3. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned, domestic gardens, shall be submitted for the consideration of the Local Planning Authority prior to the occupation of any dwellings and the landscape management plan shall be carried out as approved in accordance with such time scale to be agreed in writing by the Local Planning Authority.

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 final dwelling of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5. 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.

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

7. PRE-COMMENCEMENT

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

8. PRE-COMMENCEMENT CONDITION

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

9. No development shall take place within 3 metres either side of the public sewer, which crosses the site.

10. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

11. The use hereby permitted shall not be commenced until the means of vehicular access has been constructed in accordance with the plans hereby approved.

12. 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.

13. The car parking area shown on the approved plan shall be kept available for that purpose at all times.

14. PRE-COMMENCEMENT CONDITION

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute of Field Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological Trust for approval.

15. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

16. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

17. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring program a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

19. PRE-COMMENCEMENT CONDITION

No development approved by this permission shall be commenced until a scheme for the disposal of surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

20. 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.

21. 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 site of the affordable housing provision to be made;
- ii. The timing of the construction of the affordable housing;
- iii. The arrangement 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 identity of occupiers of affordable housing and the means by which such occupancy criteria should be enforced.

22. PRE-COMMENCEMENT CONDITION

Before the development hereby permitted commences a scheme indicating the provision to be made for inclusive approach to use the site and buildings shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

23. Cycle parking shall be provided prior to the occupation of any of the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

24. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development a sustainable construction and waste scheme in the form of a waste audit, shall be submitted to the Local Planning Authority, with the aim of reusing the existing building materials on site, specifically the natural stone, and sourcing other methods and approach for the remaining materials, and the development undertaken in accordance with the agreed details.

25. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development a scheme for protecting adjacent residential properties from noise, traffic, dust, vibration and pollution, including security methods, lighting, method of foundation, and all other works and structure involved in the construction stage of the site shall be submitted to and approved by the local planning authority; all works which form this scheme shall be undertaken within the agreed time.

26. Work which is audible beyond the site boundary shall only be carried out between 08.00 hrs to 18.00 hrs Monday to Friday, 08.00 hrs to 13.00 hrs Saturday and not at all on Sundays or Bank Holidays.

27. Deliveries involved with the demolition and/or re-development of the site shall only be undertaken within the hours detailed in condition 27 above.

28. There shall be no burning on site.

29. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development on the site details of proposed site levels shall be submitted to and approved by the Local Planning Authority and the development completed in accordance with the agreed scheme.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of residential and visual amenity.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. To ensure satisfactory drainage of the site and to avoid flooding.
9. To ensure access to the public sewer is maintained and to protect the building's foundations if access is required.
10. To ensure the proper drainage of the site and to minimise the risk of pollution.
11. In the interests of highway safety.

12. In order that adequate parking facilities are available within the curtilage of the site.
13. In order that adequate parking facilities are available within the curtilage of the site.
14. In the interests of archaeological investigation and recording.
15. Environment Agency Wales considers that the controlled waters at this site are of high environmental sensitivity due to the underlying major aquifer and contamination is known/strongly suspected at the site.

16. To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
17. To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
18. Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
19. To prevent pollution of the water environment and to prevent any increase in flood risk from surface water.
20. To ensure an appropriate phasing of the development.
21. In the interests of complying with affordable housing policies.
23. In order to maintain sustainable transport.
24. In order to maximise the reuse of site materials.
25. In the interests of safeguarding the amenities of the locality
26. In the interests of safeguarding the amenities of the locality.
27. In the interests of safeguarding the amenities of the locality.
28. In the interests of safeguarding the amenities of the locality.
29. In the interests of safeguarding the amenities of the locality.

NOTES TO APPLICANT:

Drainage, Water & Contamination

The Environment Agency (EA) notes that the Preliminary Assessment of the Drainage Strategy states that there will be no increase in run-off from the site following development. The EA however recommend that where possible, the existing surface water run-off is restricted to 2/3 of the existing rate.

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

In relation to land contamination, the Environment Agency only considered issues relating to controlled waters.

The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at <http://www.environment-agency.gov.uk/> for more information.

Condition 15 has been recommended as the Environment Agency is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks

are appropriately addressed prior to development commencing.

See attached details received from Welsh Water.

Protected species - Bats

In the interests of safeguarding the potential for bats on site, all contractors should follow precautionary generic recommendations

1. If possible, demolition works should be carried out between November and end of March to avoid potential disturbance to breeding bats.
2. Slates, ridge tiles/finishers, abutment flashings, door frames and window frames, structural members, lintel bearings, purlins or wall plates where these are involved, are all removed by hand where possible and with care to ensure that no torpid or hibernating bats are injured during the works. Similarly, defects to structural masonry should be lowered to prevent torpid / hibernating bats being injured.
3. If torpid or hibernating bats are uncovered at any time during the works, works must stop immediately and further advice sought from a licensed bat worker.

Asbestos

If materials containing asbestos are present on site, a specialist contractor must remove such material to a licensed facility before demolition works commence. This is to ensure that the material is not broken up and left on the site and does not pose a health risk to site workers or neighbouring residents. The enforcing authority with regard to asbestos on a demolition or construction site is the Health and Safety Executive.

Noise and Nuisance

The Council's Public Protection Unit advises that a number of measures will need to be taken during the demolition and development of the site. They have also advised that the method of foundations, if using a piling approach, will also need to be considered as part of the conditions attached to this permission.

Further details of all measures can be obtained from the Council's Environmental Health Division.

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

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

ITEM NO: 3

WARD NO: Prestatyn Meliden

APPLICATION NO: 42/2007/1108/ PF

PROPOSAL: Replacement of and re-spacing of existing 14 no. static caravans, extension to existing caravan park site area, provision of 4 no. additional static caravans and removal of caravan and barn

LOCATION: Carmel Caravan Park Bryniau Dyserth Rhyl

APPLICANT: Mr R Thomas-Evelyn

CONSTRAINTS: Wildlife Site
Common Land
AONB

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

CONSULTATION RESPONSES:

DYSERTH COMMUNITY COUNCIL:
"No objection"

LANDSCAPE ARCHITECT:
In principle no objection subject to an appropriate landscaping scheme being submitted

HEAD OF HIGHWAYS & TRANSPORTATION:
No objection subject to conditions

PUBLIC PROTECTION:
Awaiting response

ENVIRONMENT AGENCY:
No objection

AONB COMMITTEE:
"The JAC welcomes the revised proposals which now incorporate additional landscaping to help screen the site from both the Offa's Dyke Path and Y Graig. The JAC would recommend conditions to ensure that the landscaping is implemented as soon as possible and is maintained in the long term. In addition, the JAC considers that 18 caravans is the maximum capacity of this site and will object to any further proposals to increase the number of static caravans in this location"

RESPONSE TO PUBLICITY:

Letters of responses received from:

1. J Thorburn, Portico, Bryniau
2. Mr and Mrs Jones, Pan Yr Eithin, Bryniau
3. Miss A Brophy and Mrs JM Pullen, Bryn Goleu, Bryniau
4. JT Tibbels, Clarence House, Bryniau
5. Mr and Mrs AP Pemberton, Henblas Farm, Bryniau
6. Mr and Mrs Lamb, The Shambles, Bryniau
7. Mr P Thorburn, The Hollies, Bryniau
8. Ian Hillard, Hawthorn Dene, Bryniau

9. Mr and Mrs Jones
10. Zack Jones, Tyddyn Olive, Bryniau
11. Mr and Mrs Atack, Pen Y Waen, Bryniau
12. Alison Lacey, Laburnum Cottage, Bryniau
13. 31 name signature petition

Summary of planning based representations:

- i) insufficient surrounding infrastructure
- ii) detrimental impact upon character of AONB and visual amenity
- iii) Highway safety
- iv) Character of area
- v) Impact upon privacy/residential amenity by increased activity
- vi) Drainage issues

EXPIRY DATE OF APPLICATION: 9/6/08

REASON FOR DELAY IN DECISION:

- Timing of receipt of key responses

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Permission is sought for the extension of an existing caravan park to allow for the siting of an additional 4 static caravans. At present the site accommodates 14 caravans; this proposal would increase the number to 18. A scheme of landscaping is proposed which incorporates native species planting of a blackthorn/hawthorn hedge supplemented with beech and ash trees. The new caravans would be coloured green, and the existing caravans, as replaced would also be green.
2. The site is a small static caravan park located at the former Mulberry Farm, now Carmel Caravan Park, Bryniau. The site slopes downwards in a westerly direction and is clearly visible from the adjacent footpaths and Graig Fawr. Within the site landscaping is minimal.
3. Access is off a narrow country lane, which currently serves 2 residential properties, the caravan site itself, and The Cattery.

RELEVANT PLANNING HISTORY:

4. Site originally granted permission in 1960's

DYS/84/86 - Revised application for the proposed siting of additional static holiday caravans GRANTED February 1986 with conditions limiting number of static units to 12

42/491/96/PF – Variation of condition no 2 on planning permission 2/DYS/84/86 to allow an increase in number of static caravan units from 12 to 16. REFUSED October 1997

42/59/98/PS - Variation of condition 2 on pp DYS/84/86 to allow increase in number of static caravans from 12 to 14. REFUSED March 1998. Allowed on Appeal September 1998

42/2005/1355/PF - Removal of existing residential caravan, barn, cattery, annexe and associated structures, addition of 2 static caravans for holiday use and 9 timber clad twin units for holiday use and installation of new septic tank.
WITHDRAWN

42/2006/1363/PF – Re-spacing of existing 14 no static caravans and provision of 4 no. additional static caravans. REFUSED 16th January 2007 for the reason of impact upon visual amenity of the area and impact upon character of the AONB.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 – Development Control Requirements
 - Policy GEN 3 – Development Outside Development Boundaries
 - Policy ENV 2 – Development Affecting the AONB
 - Policy TSM 10 – Extensions of/Improvements to existing static caravan and chalet sites
 - Policy TRA 6 – Impact of New Development On Traffic Flows

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact upon visual amenity/landscape/AONB
 - iii) Highways Issues
 - iv) Impact upon residential amenity
7. In relation to the considerations in paragraph 6:
 - i) Principle of development:

Policy TSM 10 allows for modest extensions to existing caravan parks provided there is no detrimental impact upon the character and amenity of the area. Proposals for such extensions are required to demonstrate that they will have a significant and permanent improvement to the appearance of the site and its surroundings. Therefore, it is considered that subject to a detailed consideration of the proposal's impact upon the visual amenity of the area/AONB the proposal is acceptable in principle.
 - ii) Impact upon visual amenity/landscape/AONB:

The site as existing is extremely prominent when viewed from Graig Fawr and impacts on the character of the AONB. The site does not assimilate well into the landscape/ AONB. Therefore the proposal must demonstrate that the impact upon AONB/landscape would be improved as a result.

The proposal incorporates a scheme of planting which is intended to screen the proposed development from views from Graig Fawr. Planting would be a new blackthorn/hawthorn hedge around the site with new beech and ash trees planted at 3 metre centres. Of most importance would be the planting to the west boundary which would directly screen the new caravans from views from Graig Fawr. It is noted that the siting of the new caravans would be some 10 metres lower than the highest existing caravans, and they would therefore be less prominent. However, it is considered that the proposed trees being only 2 metres in height are insufficient and that more substantial specimens would be required so as to have a more instant effect.

It is also proposed to change (over time) all caravans to a suitable green colour. It is considered that this would be a significant improvement to the appearance of the site as the present colour of the caravans only serves to highlight the site's prominence within the landscape. It is considered that this

can be dealt with via a suitable planning condition.

iii) Highways Issues:

Highway Officers have not raised any objections to this application. It is therefore concluded that the proposed additional units would not have a detrimental impact upon the highway network of the area, and would not result in a loss of highway safety.

iv) Impact upon residential activity:

Given the nature of the existing site it is not considered that the proposed increase in caravan numbers would result in a significant loss of amenity for neighbouring properties.

SUMMARY AND CONCLUSIONS:

8. Policy TSM 10 allows for extensions to caravan parks provided they improve the appearance and impact of the site on the character of the area. It is considered that the additional 4 units would not negatively impact upon the character of the AONB as a result of the scheme of landscaping submitted. It is further considered that this proposal serves to offer a mechanism with which to address the impact the existing site has upon the visual amenity of the AONB. It is concluded that the proposal is compliant with policy TSM 10 and ENV 2 as the scheme of landscaping is an improvement to that submitted in the 2006 application.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the submitted details, no development shall commence until the exact details (species, type and size) of the proposed trees has been submitted to and approved in writing by the Local Planning Authority and only those details approved shall be implemented thereafter.
3. The approved planting scheme incorporating those details as submitted in compliance with condition number 2 of this permission shall be fully implemented prior to the installation of the 4 additional static caravan units hereby approved.
4. Prior to the commencement of development the colour of the static caravans hereby approved shall be agreed in writing with the Local Planning Authority, and only those details shall be implemented and the caravans shall be maintained that colour in perpetuity.
5. Any existing caravan to be replaced shall be of the same colour as agreed in writing in compliance with condition number 4 of this permission.
6. The access shall be laid out as shown on the approved drawing and completed to the satisfaction of the Local Planning Authority before the development is brought into use.
7. The hedge to the east of the access shall be maintained at a height not exceeding 1.05m 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 interest of visual amenity and the character of the AONB.
3. In the interest of visual amenity and the character of the AONB.
4. In the interest of visual amenity and the character of the AONB.
5. In the interest of visual amenity and the character of the AONB.
6. To ensure the formation of a safe and satisfactory access in the interest of traffic safety.
7. 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). You are advised that it is considered the caravan park has now reached its capacity, and further expansion and it is likely that any further expansion would not be supported by the Local Planning Authority.

ITEM NO:	4
WARD NO:	Prestatyn Meliden
APPLICATION NO:	43/2007/1089/ PR
PROPOSAL:	Details of siting, design, external appearance of dwelling, means of access and landscaping of site submitted in accordance with Condition No. 1 of outline planning permission Ref. No. 43/2006/0243/PO
LOCATION:	(Land adjoining 30) 28 Calthorpe Drive Prestatyn
APPLICANT:	Mr and Mr M Murphy
CONSTRAINTS:	Previous Mining Area Groundwater Vulnerability 1 Enforcement Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Observation. Concerns about possible future development."

HIGHWAY AUTHORITY

No objection subject to conditions.

RESPONSE TO PUBLICITY:

Consultations were issued on 25 November 2008 following the receipt of amended plans.

Representations were received from:

1. Mr R Morris-Evans, 11 Calthorpe Drive, Prestatyn;
2. M A Clark, 11a Calthorpe Drive, Prestatyn;
3. M E Hedley, 17 Calthorpe Drive, Prestatyn;
4. A Lodwick, 19 Calthorpe Drive, Prestatyn;
5. Ash, 20 Calthorpe Drive, Prestatyn;
6. B James, 21 Calthorpe Drive, Prestatyn;
7. Mr Andrew Knapp, 22 Calthorpe Drive, Prestatyn;
8. Susan W M Ewen, 24 Calthorpe Drive, Prestatyn;
9. Mrs Julia Hogg, 26 Calthorpe Drive, Prestatyn;
10. Mr Alex Hogg, 26 Calthorpe Drive, Prestatyn;
11. Mr & Mrs Drinkwater, 30 Calthorpe Drive, Prestatyn;
12. Mr David Pearse, 32 Calthorpe Drive, Prestatyn;
13. F Linley, 34 Calthorpe Drive, Prestatyn;
14. C E Butler, 8 Cambrian Drive, Prestatyn;

Summary of planning based representations:

- i) The depth of the proposed dwelling is too large for the plot;
- ii) Loss of privacy and amenity to the adjacent properties;
- iii) The double-fronted design of the front elevation is out of keeping;
- iv) The flat-roofed rear extension is out of line with the SPG of the Council which requires such projections to have a pitched roof;
- v) Insufficient parking and turning facilities;
- vi) Scaffolding will need to be erected in adjacent gardens;

- vii) Existing drainage problems will be compounded;
- viii) The proposal conflicts with criteria i), ii), iii), v), ix) and x) of Policy GEN 6;
- ix) A bungalow would be better suited to the site;
- x) Detrimental impact on the character of the area;
- xi) Lack of separation to the side boundaries;
- xii) Loss of privacy due to the proposed Juliet style first floor rear doors;
- xiii) Projection of the dwelling onto the rear of the adjacent properties;
- xiv) The proposed flat roof at the rear could be used as a balcony;
- xv) The house proposed is too large for the plot size.

EXPIRY DATE OF APPLICATION: 07/01/2009

REASON FOR DELAY IN DECISION:

- Revised plans

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site is a broadly rectangular piece of land with a depth of 53.0 metres and a width of 9.7 metres. The site stands within a residential estate with two-storey houses to each side and backs onto open land used by the St Melyd Golf Course. The land slopes downwards from east to west, with the property to the east (no. 30) set at a higher level with habitable room windows facing the site and the property to the west (no. 26) set at a lower level and at an angle to the site. The site has a long range of visibility due to its position on the outside of a ninety degree bend in the road.
2. The application follows the previous granting of a purely outline consent (see below) reference 43/2006/0243/PO and provides details of all five of the reserved matters.
3. The submission has been the subject of extensive negotiations with the agent and the applicants since its original submission in October 2007, with the plans having now been amended to reduce the depth, width and height of the proposed dwelling (which initially included a lower ground floor) and to make changes to the fenestration and parking/access arrangements. Amended plans were formally submitted with neighbours and consultees notified in November 2008.
4. The current plans show the development of a three bedroom two-storey house at the site with two bathrooms on the first floor, with the ground floor containing a sitting room, utility and an open-plan dining/kitchen/living area. The main two-storey element of the house has a width of 7.7 metres and a depth of 10.9 metres, with a flat-roofed single-storey element then projecting to the rear by a further 4.5 metres. The rear projection has been proposed as a flat-roof to keep its height down to 2.8 metres therefore seeking to limit any visual impact to the adjacent properties. The house has its main habitable room windows to the front and rear elevations only (including a set of French doors at the first floor to the rear) with only windows to the bathrooms or secondary windows to the living room and main bedroom to the side elevations. The design of the house to the front includes two main hipped roofs over two full height bay windows, with the main house then having a gable-ended pitched roof over. The house has a distance of 1 metre to each of the side boundaries.
5. Parking and access to the site takes the form of two sets of gate posts in local stone to match the existing to enable an 'in and out' access to be created with

parking and turning facilities within the front curtilage which measures 9.7 metres in width by around 8 metres in depth.

6. The details provided for the landscaping of the site are minimal, with a small area of planting shown to the front and with the rear garden annotated as retaining the existing features. Boundary treatment for the site is shown as retaining the existing fencing and hedges along the side boundaries.

RELEVANT PLANNING HISTORY:

7. 43/2006/0243/PO – Outline application with all matters reserved for the erection of one detached dwelling: Approved 24 May 2006 subject to conditions relating to the submission of reserved matters, landscaping and parking.

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements

SUPPLEMENTARY PLANNING GUIDANCE
SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002
Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

9.
 - i) Visual appearance and scale
 - ii) Impact on the privacy and amenity of nearby occupiers
 - iii) Highways
 - iv) Landscaping
 - v) The comments of the objectors
10. In relation to the considerations as noted in paragraph 8:
 - i) Visual appearance
The area is comprised of dwellings of a variety of forms and scale including gable-ended roofs, hipped-roofs and dormer windows with a combination of brick and rendered appearance with tiled and slate roofs. Accordingly, the proposed appearance of the house with rendered walls and a tiled roof is not out of keeping with the area. The scale of the proposed property has been reduced significantly from its original submission to allow for more space around the development and for a two-storey appearance only with the height of the dwelling in line with those adjacent to it. The flat-roofed rear extension has been the subject of much debate with the agent for the scheme, but as it is to the rear and of a limited height its general appearance to the street scene will be very limited and its nature will serve to mitigate the visual impact to the adjacent occupiers. As outline consent has been given at this stage the principle of a dwelling is established. It is considered, having regard to the mix of dwelling styles in the area, that the proposed dwelling meets the general criteria of adopted UDP policies and guidance with no material visual harm created.
 - ii) Impact on the privacy and amenity of nearby occupiers
The dwelling is set off the side boundaries by a limited amount (1 metre to each side) but this is more a reflection of the tight nature of the plot rather

than any suggestion of over-development or impact on the adjacent occupiers. The fenestration to the side elevations is limited to only secondary windows or non-habitable room windows and all of these can be obscure glazed by condition. It is recognised that the adjacent property at no. 30 has windows which will directly face the new dwelling, but the extant outline consent has already established the principle of a dwelling at the site and it is difficult to envisage how any other form of development could mitigate any impact more than the house currently proposed. A bungalow at the site would be wholly out of character with the area and would look completely out of place. As such, it is not considered that the house will cause sufficient harm to justify a refusal of consent on the grounds of impact on the adjacent occupiers.

- iii) Highways
The lack of objection raised by the Highway Authority is noted and the parking and access arrangements shown are considered to be satisfactory.
- iv) Landscaping
The details of landscaping provided with the application are in no real depth, but are adjudged to be satisfactory for a single residential plot in an already developed area.
- v) The comments of the objectors
The level of objection raised by local residents is duly noted, in particular those from the occupiers of the adjacent houses at nos. 26 and 30 Calthorpe Drive who will clearly suffer a degree of impact from the erection of a new dwelling at this currently open site. However, as stated above there is an extant outline consent for the erection of a dwelling at the site and it is therefore only a matter of detailing to be considered by this current application. The current dwelling proposed is one which is considered to satisfy the relevant criteria of Policy GEN 6 and the guidance of SPG 25 and will not result in a level of harm to the area in general or to the adjacent occupiers which would justify a refusal of consent. The comments made relating to the potential future use of the rear flat roof as a balcony are noted and a condition can be attached to preclude any such future use.

SUMMARY AND CONCLUSIONS:

11. On balance, given the extant consent for a dwelling at the site it is not adjudged that the proposed house represents sufficient harm on which a refusal of permission could be substantiated. As such, the application is recommended to be granted subject to appropriate conditions.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. 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.

2. The flat-roofed rear projection of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

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

5. **PRE-COMMENCEMENT CONDITION**

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

6. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

8. 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.

9. The dwelling shall not be occupied until its parking space and the access thereto have been laid out in accordance with the approved plans.

10. The windows fitted in the side elevations of the dwelling shall be fitted and subsequently retained at all times with obscure glazing.

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

1. In the interests of visual amenity.
2. In the interests of the privacy/amenity of the occupiers of nearby properties.
3. In the interests of residential and/or visual amenity.
4. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
5. To ensure satisfactory drainage of the site and to avoid flooding.
6. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. In order that adequate parking facilities are available within the curtilage of the site.
10. In order to prevent overlooking in the interests of the privacy and amenity of the adjacent occupiers.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Rhyl East

APPLICATION NO: 45/2008/0987/ PF

PROPOSAL: Erection of a convenience store

LOCATION: Former Esplanade Service Station Rhyl Coast Road Rhyl

APPLICANT: Tesco Stores Limited

CONSTRAINTS: C2 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Object on the following grounds:

The proposed parking by customers is considered likely to create significant disruption to traffic movement on the Rhyl Coast Road when accessing the store. The proposed arrangements for stock delivery is likely to lead to create highway safety in that the delivery lorries will need to either reverse into or out of the designated parking/delivery obstructing the Rhyl Coast Road"

HEAD OF TRANSPORT & INFRASTRUCTURE

Object, concerns relating to parking provision, impact on free flow of traffic and safety of traffic

ENVIRONMENT AGENCY

No objection subject to the inclusion of conditions relating to contamination, discharge of water and surface water regulation.

PUBLIC PROTECTION

No response received

DWR CYMRU WELSH WATER

No objection subject to the inclusion of conditions

RESPONSE TO PUBLICITY:

Representations of objection received from:

1. G. & K.J. Jones, 102, Coast Road, Rhyl (4 other signatories on letter)
2. G. Edwards, 2, Larch Drive, Rhyl
3. Graham J Drabble BA (via e-mail)
4. Mrs. D. J. Mitchell, 19, Weston Court, Rhyl
5. Mrs. M. I. Matthews, 43, Lynton Walk, Rhyl
6. Residents of Eastville Avenue, Rhyl
7. G. Roberts, 83, Rhyl Coast Road, Rhyl
8. Misty Taylor (via e-mail)

9. J. Nolan, 3, Hilton Drive, Rhyl (via e-mail)
 10. Paula Home (via e-mail)
 11. Mrs. M. Sanders, 52 Lynton Walk, Rhyl
 12. The Owner/Occupier, The Off-Licence, Coast Road, Rhyl
 13. B. & A. Sykes, 97, Coast Road, Rhyl (via e-mail)
 14. Chris Ruane MP, House of Commons, London (on behalf of residents)
 15. Angela Sykes, 97 Coast Road, Rhyl
 16. Mrs Amanda Thorpe, 6 Knowles Avenue, Rhyl
 17. Mrs. P. P. Karvik, 17, Knowles Avenue, Rhyl
 18. Ann Jones AM (via e-mail)
 19. I. & S. Doig, 11 Tynewydd Road, Rhyl (via e-mail)
 20. Ann Jonse AM, 25 Kinmel Street, Rhyl
 21. G. Gunaraj, The Offlicence Wine Store, 69, Rhyl Coast Rd., Rhyl
 22. R. White, 10, Glan y Gors, Prestatyn
 23. G Roberts, 83 Rhyl Coast Road, Rhyl
 24. D. Owen (via E-mail)
25. Local Councillors & Local Businesses objection, containing 1580 signatures from local residents

Summary of planning based representations:

- i) Highway safety
- ii) Impact on traffic
- iii) Vitality and viability of the surrounding area
- iv) Disturbance to neighbours
- v) Anti social behaviour
- vi) Impact on the outlook of residents of Weston Court

Representations of support received from:

1. L. Warhurst, 44, Grove Park Avenue, Rhyl
2. Mr. D. Dale, 7, Knowles Avenue, Rhyl
3. Mrs. V. Powell, 1, Weston Court, Rhyl
4. Mrs. V. Williams (via e-mail)

Summary of planning based representations:

- i) Welcomes competition to the area
- ii) Welcomes availability of goods, services and extended opening hours

EXPIRY DATE OF APPLICATION: 03/11/2008

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises a vacant site formerly in use as a petrol filling station, which has been removed in its entirety and the ground levelled. The site has been vacant for approx 4 years. Residential properties about the site to the west and north, Weston Court to the west comprises a 2 storey block of 24 no flats for the elderly and the dwellings to the rear on Knowles Avenue are single storey.

To the east is the Esplanade Social Club and on the opposite side of Rhyl Coast Road stands a run of retail and commercial properties. The site is served by 2 accesses due to its previous use and located approx 45m to the west is a traffic light controlled junction with Ty Newydd Road.

2. The site itself has a width of 27m and a depth of 34.5 m and lies within an area allocated as a Local or Neighbourhood Shopping Centre under Policy RET 10. This local shopping centre comprises a mix of uses such as a convenience store, off licence, charity shops, hairdressers, hot food takeaways and garage.
3. This application is for the erection of a convenience store on the site. The proposal is to build a single storey unit measuring 16m in width, 27.5m in length with an overall height of 5.1m to the ridge. The building would be located immediately along the boundary with Weston Court, approx 5m set back into the site and 2.5m away from the rear boundary with dwellings on Knowles Avenue. It is proposed to construct the building of red stock facing brick and tiled roof. The main entrance to the store would be from the side elevation fronting the Esplanade Club, with parking for 10 no cars, including 2 no disabled spaces, to the front of the store, cycle stands provided to the rear and towards the front of the site adjacent to Rhyl Coast Road. It is proposed to provide a service vehicle standing area, with 10 no. bollards shown along the public footpath. Access to the site would be from the existing access to the east with some improvements, with the access to the west blocked off.

RELEVANT PLANNING HISTORY:

4. 45/2005/0997/PF Erection of building for tyre, battery and exhaust fitting to private cars and vans GRANTED 26th October, 2005

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 - Development Within Development Boundaries
Policy GEN 6 - Development Control Requirements
Policy ENP 6 - Flooding
Policy RET 10 - Local and Neighbourhood Shopping Centres
Policy TRA 6 - Impact of new development on traffic flows
Policy TRA 9 - Parking and Servicing Provision

Supplementary Planning Guidance
SPG 21 - Parking Requirements in New Developments

GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)
TAN 15: Development and Flood Risk (2004)
TAN 18: Transport (2007)

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of the development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Impact on highway safety
 - v) Flooding & Contamination Issues
7. In relation to the main planning considerations noted above in paragraph 6:-

i) Principle of the development
The site is located within a Policy RET 10 Local and Neighbourhood Shopping Centre, which mainly provide convenience shopping services to a small local population. This centre is however located in a prominent position on a very busy main highway in between Rhyl and Prestatyn, and is a larger centre than many others in the town. The principle of the redeveloping a vacant site for the erection of a convenience store is therefore considered acceptable in relation to Policy RET 10, and in this context it is not considered there would be any adverse impact on the vitality and viability of the local shopping centre.

ii) Impact on residential amenity
In relation to the impact on nearby residents, and the concerns raised by local residents in relation to noise, disturbance and anti social behaviour, it is considered that due account should be taken of the former use of the site as a petrol station with a small retail element. It is considered this would have given rise to fumes, noise and disturbance to a far greater degree than the use now proposed. Therefore, although the observations made by residents of the area are noted in this respect, the use is not considered likely to result in impacts worse than those arising from previous uses.

In relation to the location of the store, whilst the unit would be 27.5m long and located immediately along the boundary of the site with Weston Court, the building itself would be single storey with an eaves height of 3m with the pitch of the roof sloping away from the boundary. The main activity would be on the side fronting the Esplanade Club, where the main entrance to the unit would be sited. There are no openings proposed along this elevation. Whilst it is appreciated that the building is long and located in close proximity to Weston Court, it is not considered that the amenities and outlook of these properties would be harmed to a sufficient degree to warrant a refusal. It is therefore not considered that the proposal would adversely impact upon the amenities of nearby residents.

iii) Impact on visual amenity
The size, scale, siting and design of the proposed store is considered acceptable and with the use of appropriate external materials and hard and soft landscaping of the site, it is not considered that there would be any adverse impact on the visual amenities of the area.

iv) Impact on highway safety
The application has been accompanied by a Transport Assessment. The proposal is to use the existing access to the site to the east with some improvements, with the access to the west closed off. It is proposed to provide 10 no. car parking spaces within the site. The site is located 45m to the east of a main traffic signalled junction. Residents in the area have serious concerns relating to highway safety issues.

In accordance with SPG 21, based on the gross internal floor area of 371sq m, 26.5 spaces should be provided. Whilst this is a maximum number of spaces that would be required and a reduction can be allowed in certain circumstances, in this case it is considered that due to the location of the site next to a very busy highway with limited alternative parking facilities, with a signalled junction within close proximity, that 10 no. car parking spaces is insufficient. In addition, whilst delivery vehicles are manoeuvring into the site, there would be a need to lose 2 spaces in order to achieve this and more vehicles would be forced to wait on the adjacent highway leading to congestion and danger to all users of the highway. The Head of Highways

therefore objects to the proposal for these reasons.

Whilst the former use involved petrol tankers visiting the site, the layout and built development on the site did not interfere with the free flow of traffic on the highway. Also with regard to the nature of the store being as a convenience use and the likelihood that many visitors would be on foot, it is to be noted that the site is located on the main coast road which carries a high volume of traffic and for this reason is likely to attract many visitors by car. It is therefore considered that there an insufficient level of parking proposed, and this could inevitably encourage parking on the highway, and the slowing and turning of vehicles would adversely affect the free flow and safety of traffic, causing a danger to all road users.

v) Flooding & Contamination Issues

The site is located within a C1 flood zone as defined on the development advice maps contained within TAN 15: Development and Flood Risk. The application has been accompanied by a Flood Consequences Assessment and Environmental Assessment and Groundwater Monitoring Reports which have been considered by the Environment Agency. The Agency have raised no objection, subject to the imposition of conditions.

SUMMARY AND CONCLUSIONS:

7. The principle of the development is considered acceptable with no unacceptable impact on residential or visual amenity. However, there would be insufficient parking available and the development would impact on the free flow and safety of traffic leading to an adverse impact on highway safety. There are no objections in relation to flooding or contamination, subject to conditions.

RECOMMENDATION: - REFUSE for the following reasons:-

1. It is the view of the Local Planning Authority that the proposal does make adequate provision for the parking of vehicles within the site, and is likely to lead to the occurrence of additional parking on the adjacent highway detrimental to the safety and convenience of all highway users, contrary to criteria vi) and vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan and SPG 21: Parking Requirements in New Developments.
2. It is considered that the slowing and turning of vehicles into the site will adversely impact upon the free flow and safety of traffic, which would be contrary to through traffic interests and a likely source of danger to users, due to the heavy volume of traffic using the highway. The development would therefore be detrimental to the safety and convenience of all highway users, contrary to criteria vi) and vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Rhyl West

APPLICATION NO: 45/2008/1077/ PF

PROPOSAL: Conversion of loft space into 1 no. self-contained apartment

LOCATION: 44 Abbey Street Rhyl

APPLICANT: Mr David Jones

CONSTRAINTS: C2 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:
RHYL TOWN COUNCIL
"Object – over intensification of site".

RESPONSE TO PUBLICITY:
None.

EXPIRY DATE OF APPLICATION: 01/01/2009

REASON FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The property is a three-storey building standing within the Conservation Area and containing three apartments i.e. one per floor. Other properties within the run are of a similar style with rendered walls and a slate roof, with nos. 46 and 48 having been subject to roof space conversions via the inclusion of roof lights (at no. 46) and pitched roof dormer windows (at no. 48).
2. The application proposes to provide an additional apartment within the roof space of the property via the addition of a pitched roof dormer window and two roof lights within the rear roof slope. The apartment would contain one bedroom, a bathroom, living room and kitchen. When originally submitted, the proposal included a large flat-roofed dormer window to the rear but given the existing dormers at no. 48 and the location of the site within the conservation area, discussions with the agent have secured changes to the plans.

RELEVANT PLANNING HISTORY:

3. 45/2007/0969/PF – Conversion and alterations to existing dwelling to create three self-contained flats: Granted October 2007 including refuse facilities and a garden area to the rear of the building.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG13 – Subdivision of Existing Premises to Self-Contained Flats
Policy HSG 15 – Residential Conversions in East and West Rhyl
Policy CON 5 – Development within Conservation Areas

SUPPLEMENTARY PLANNING GUIDANCE

SPG7 – Self-contained Flats and HMOs
SPG13 – Conservation Areas

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002
Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle
 - ii) Visual appearance and impact on the Conservation Area
 - iii) Impact on the privacy and amenity of nearby occupiers
6. In relation to the considerations as noted in paragraph 5:
 - i) Principle
The site lies within an area of buildings containing flats, with the two adjacent properties having had their roof space converted into similar additional accommodation. Policy HSG 13 allows for flat conversions of the type proposed, with Policy HSG 15 providing additional criteria that must be satisfied, along with SPG 7. Given that the building already contains three flats, has a rear amenity space, provides a refuse store, and the flat conversion proposed shows adequate floorspace, the principle of the development is acceptable, and would not represent an over development of the site.
 - ii) Visual appearance / impact on Conservation Area
The scheme, as amended, with its pitched-roof rear dormer instead of the flat-roofed structure originally submitted is considered to blend well with the features on no. 48, and will not detract from the visual amenities of the area.

The application is therefore in accord with Policies GEN 6 and CON 5.
 - iii) Privacy and amenity
The roof conversion is not adjudged to cause any substantive harm to the adjacent occupiers.

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 roofs of the development hereby permitted and no materials other than those approved shall be used.
3. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

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

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

NOTES TO APPLICANT:

None

ITEM NO:	
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:

(Responses are based on a revised document received at the end of November 2008).

DENBIGH TOWN COUNCIL

"Does not wish to raise any objections to the application".

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

Feel it is important that the proposal is treated as an extension to the town of Denbigh, with its own identifiable character, rather than as a separate new village. Suggest the following issues should be addressed:

1. The architectural expression of the new buildings will be critical but the illustrations contained within the masterplan are unconvincing and uninspiring. The elevations suggest typical suburban development, which do not match the quality of the retained existing building. The design guidance needs to identify those elements considered important, and set out principles as to how they should be treated. For example, it should stipulate the window detailing expected, especially where large format corner glazing is suggested.
2. The sustainability statement is poor, couched in general terms, and there is no site-specific strategy to show how a low-carbon development will be delivered. The achievement of Code for Sustainable Homes Level 3 (EcoHomes no longer exists) would be modest for such a significant scheme. Given the policy aspirations of the Welsh Assembly Government for zero carbon buildings by 2011, we would expect a commitment to Code Level 4 as a minimum with an aspiration to achieve Code Level 5. The promised carbon reductions on Part L 2006 should be quantified (e.g. 10%, 20%). There is no justification of economic sustainability, beyond the basic principle of saving the listed buildings, and consideration of social sustainability is limited to a mix of

residential uses.

3. The design concept should be reinforced by the development of meaningful character areas. Currently, these are suggested simply through the use of different materials, whereas edge treatments, densities, height, and public space are all just as important. The applicant should reconsider the way each set of dwellings addresses the public spaces, introduce more compact forms of terraced and semi-detached units, and create more differentiation in building heights and densities.
4. Boundary treatments are defined only where they abut the roads. The rear courtyard boundaries and perimeter boundaries will be just as important, and montages from important surrounding public footpaths and viewpoints should be included showing those treatments.
5. The proposed commercial and business uses should be justified in terms of their feasibility, size and format. It may be that live/work units would be more appropriate and deliverable.

HEAD OF TRANSPORT AND INFRASTRUCTURE

Response awaited, but is supportive of the general approach to highway layout and principles to be adopted.

COUNTY CONSERVATION ARCHITECT

Formal response awaited.

RESPONSE TO PUBLICITY:

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

EXPIRY DATE OF APPLICATION: 15/01/2009

REASONS FOR DELAY IN DECISION:

- Awaiting revised Site Brief documents

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Consideration of this approval of condition application was deferred at the December 17th 2008 meeting of the Committee to allow further dialogue with the applicant's agents following receipt of consultation responses.
2. 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.
3. 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.
4. The particular condition on the outline permission, 01/2004/1445 which is the subject of this Application, is worded as follows:

4. "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."

5. 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.

6. The application document has now been further revised following consideration of consultee responses. It is entitled 'Phase 1 Development Brief', and is split into 4 main sections 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.

7. 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'.

8. Points of note in the submission are reference to:

- 6 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.

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:

10. 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:

11. 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:

12. 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.

13. 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.

13. 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.

In relation to:-

(i) The phasing of development

The Brief has been revised to show how the new build residential development would relate to the carrying out of refurbishment works on the listed buildings, over 6 phases. It includes for the refurbishment of the main front block in conjunction with the Phase 1 new build development immediately to the rear of that block, and suggestions for a mechanism for linking refurbishment works on the listed buildings to new build development.

(ii) The number of dwellings

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. The amended brief refers to the likelihood that there would be a range of smaller residential units in the converted buildings, providing additional opportunity for affordable properties. Whilst the mix of uses is considered broadly consistent with the indicative masterplan in the outline consent, given the 'in principle' nature of the Site Brief document, it is officers' view that it would be inappropriate at this point to approve a specific number of dwellings by new build or by conversion. 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. There is no detailed justification for the numbers proposed. 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 approval should be given to the extension of the new build residential development 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. This can be covered by a suitable condition.

(iii) Road hierarchies

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 has been revised to demonstrate how the principles are incorporated into the scheme.

The document also shows a revised bus route, through the site, cycle routes and main public footpath circulation routes within the site, including the potential to link with the main open space area and to develop links between the site and the town.

(iv) Design principles for new buildings and open spaces

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 Design Codes 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 .

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.

15. 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 agreed that a satisfactory mechanism is required to ensure works on the listed buildings are undertaken concurrently with the newbuild development.
 - The brief does offer considerable scope for a modern approach to design.
 - There are specific proposals relating to sustainable forms of construction (ecohomes ratings, reuse/recycling, energy use, passive solar gain)
 - There are basic 'design code' proposals, which offer a useful guide for future developers to specific elements of design.
 - 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.
 - There is a commitment to the principles of sustainable development through the phased adoption of Codes for Sustainable Development, which reflect WAG aspirations for carbon neutral development.

SUMMARY AND CONCLUSIONS:

16. 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.

In officers' opinion, the revised document addresses a number of concerns expressed over the contents of the original submission and merits support.

RECOMMENDATION: - APPROVE

1. The consent is a partial approval of the matters specified in Condition 4A and B, and does not relate to the renovation works on retained dwellings or conversion works on retained buildings.
2. Reference in the submitted documents to a specific number of dwellings and conversions has been treated for illustrative purposes only and does not form part of the approval.
3. The approval does not relate to the proposed extent of the new build development into the field between the Chapel and the Nurses' Home, which shall be further agreed in writing with the Local Planning Authority.

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

1. For the avoidance of doubt.
2. For the avoidance of doubt.
3. In order to protect the setting of the listed buildings and the Castle.

NOTES TO APPLICANT:

None

ENFORCEMENT MATTERS

- (i) **ENF/ 2007/00052 :**
68 Ashley Court St Asaph

Mixed use of dwelling and storage of cars not incidental to the enjoyment of the dwelling

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2007/00052

LOCATION: 68 Ashly Court, St. Asaph

INFRINGEMENT: Mixed use to dwelling and the storage of cars not incidental to the enjoyment of the dwelling

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 2 – Development of Un-annotated Land
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE
Planning Policy Wales - March 2002

HUMAN RIGHTS CONSIDERATIONS

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

1. BACKGROUND INFORMATION

- 1.1 The property is located in a prominent corner plot position within the residential area of Ashley Court, St Asaph. The residential area is open plan being characterised by well landscaped front gardens with no boundary walls/fences to the front of the properties.
- 1.2 The owner of the property states that he is an enthusiast in the hobby of repairing unroadworthy vehicles and retains a number of such vehicles at his property.
- 1.3 The site has been observed on a number of occasions and for some time there have been 7 vehicles parked on the driveway and front garden area of the dwelling. Two of the vehicles have recently been covered and one is in a damaged and particularly untidy condition.
- 1.4 It is considered that the use of the dwelling for the storage of such vehicles is unacceptable and affects the visual amenity of the residential area and the general amenity of local residents who live in the vicinity of the dwelling.
- 1.5 The occupier of the site has been advised to relocate some of the stored vehicles; however, he states that he is unable to do so.

- 1.6 It is considered that the only course of action that can be taken is to serve an Enforcement Notice to secure the cessation of the storage of vehicles which are not considered to be incidental to the enjoyment of the dwelling.
- 1.7 This action is based on the fact that Officers consider that there has been a material change of use of the dwelling and that the change of use has had a significant detrimental impact on the visual amenity of the area and local residents.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised change of use has occurred within the last 10 years.
- 2.2 The site is located within a residential area and the storage of motor vehicles is not in keeping with the residential use and character of the dwelling and represents an unauthorised change of use of the land as their storage cannot be described as incidental to the dwelling.
- 2.3 The storage of such vehicles represents an intrusive feature within the area which is characterised by open planned landscaped residential gardens and accordingly the use has a significant detrimental impact upon the visual amenity of the area and the general amenity of local residents who live within close proximity to the dwelling.
- 2.4 The unauthorised use is therefore contrary to the provisions of Policies GEN 2 and GEN 6 of the adopted Unitary Development Plan.
- 2.5 The use of conditions as part of any grant of planning permission for retention of the unauthorised use could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
- (i) Serve an Enforcement Notice to secure the cessation of the unauthorised storage of vehicles which cannot be described as being incidental to the enjoyment of the dwelling and secure the removal from the land of such vehicles.
 - (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.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

PLANNING APPEAL

Erection of 5 no. dwellings and construction of new vehicular/pedestrian access (site area 0.37ha)

Glebe Land off Rectory Lane, Llanferres, Mold

1. PURPOSE OF REPORT

- 1.1 This report relates to a refusal decision of the Planning Committee against which a formal appeal has subsequently been lodged.
- 1.2 The report will provide Members with the relevant background information and request that members appoint two representatives to give evidence at the hearing in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol.

2. BACKGROUND

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to grant full planning permission for the erection of 5 dwellings at the Glebe Land in Llanferres.
- 2.2 The application was reported to Committee on the 11th June 2008. The officer recommendation was to GRANT permission. The Committee resolved to REFUSE permission for the following reasons:
 1. In the opinion of the Local Planning Authority the approach road to the site off the A494 is inadequate to serve the proposed development, being narrow in width and likely to lead to conflicts between vehicles, and vehicles and pedestrians, contrary to Denbighshire Unitary Development Plan policies GEN 6 (vi) (vii) and TRA 6.
 2. The proposed layout, design and use of materials for the proposed dwellings are considered inappropriate in this sensitive location within the village Conservation Area, and in combination with the loss of an attractive frontage hedgerow would have an adverse impact on the character of the locality and the setting of the Conservation area and the listed St Berres Church, contrary to Denbighshire Unitary Development Plan policies CON1, CON5, GEN6 (i) and (ii).

3. The development of the site would result in the loss of an important open area of significant amenity value close to the village centre, and would have an adverse impact on the rural setting of this part of the Conservation Area and St Berres Church, identified as an important element of the Llanferres Conservation Area Appraisal, contrary to Denbighshire Unitary Development Plan policies CON 1, CON 5 and GEN 6(ii).
 4. The detailing of the affordable housing units is considered inappropriate being of a different design to the other dwellings and cramped into a corner of the site, contrary to Denbighshire Unitary Development Plan Policy GEN6 (i) and guidance in Supplementary Planning Guidance Note No. 22 - Affordable Housing in New Developments.
- 2.3 The resolution to refuse permission was proposed by Councillor G C Evans, and seconded by Councillor B Blakeley.
 - 2.4 The decision to refuse permission was dated 11th June 2008.
 - 2.5 The applicants have requested that the appeal is heard by way of a Hearing. The Hearing is arranged for Wednesday 15th April 2009.
 - 2.6 The Council's Statement of Case has to be submitted to the Planning Inspectorate by the 29th January.

3. DECISION SOUGHT

- 3.1 As the refusal decision was contrary to officer recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement.

Paragraph 9.3 states:

“Members of the Planning Committee will be required to give evidence at inquiry or informal hearing in appeals where an officer recommendation has been reversed. The Planning Committee shall appoint representatives to give evidence at the hearing/inquiry (normally the proposer and the seconder of the proposal.”

4. RECOMMENDATION

- 4.1 That the Planning Committee appoint two representatives to give evidence at the Hearing.

CALL IN PLANNING APPLICATION

**PROPOSED CONSTRUCTION OF 15 WOODLAND LODGES
RUTHIN CASTLE HOTEL, RUTHIN
APPLICATION CODE NO. 02/2007/0177/PF**

INFORMATION REPORT

1. PURPOSE OF REPORT

- 1.1 To update Members on the current situation pertaining to the 'call in' Inquiry on the proposed woodland lodge planning application at Ruthin Castle.
- 1.2 The full background to the 'call in' of the application was reported to the October 2008 meeting of the Committee.

2. CURRENT SITUATION

- 2.1 Members may recall that a one day public inquiry was arranged for March 2009 to hear the case for and against the proposals.
- 2.2 The Planning Inspectorate has recently confirmed that the Inquiry has now been postponed, pending receipt of additional Environmental Impact Assessment information from the applicants.
- 2.3 The basis of the postponement is a requirement from Planning Division of Welsh Assembly Government for further information on the potential impacts of the development on the archaeological, visual and historic value of the site and its surrounds; and on the conservation status of the lesser horseshoe bat.
- 2.4 It is understood that the applicants hope to provide the additional information by February 2009, so that the Planning Inspectorate can arrange a new date for the Inquiry and the submission of Statements of Evidence.
- 2.5 Members will be advised of developments.

3. RECOMMENDATION

- 3.1 That members accept this information report.

Graham H. Boase
Head of Planning & Public Protection

REPORT BY THE HEAD OF PLANNING & PUBLIC PROTECTION

**INFORMATION ITEM FOR PLANNING COMMITTEE
THE FORMER NORTH WALES HOSPITAL, DENBIGH**

1. PURPOSE OF REPORT

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

2. PROGRESS SINCE LAST REPORT

2.1 The last information report was presented to the Planning Committee on 29th October 2008.

2.2 In relation to the Listed Buildings:

There was a serious fire on the 22nd November 2009, which substantially destroyed the Main Hall building of the hospital. Officers have been working closely with the Countryside Council for Wales, Welsh Assembly Government and the Health and Safety Executive, to address health and safety risks from sections of the building in a dangerous condition.

It is understood that demolition works on other buildings are on hold pending resolution of Licensing issues with Welsh Assembly Government over potential disturbance to bat roosts.

In relation to the new build development

The owner's agents are revising the contents of the Phase 1 Site Brief document, which has been submitted for consideration and approval in relation to a Condition on the outline planning consent. The document would set basic principles for the housing development within the site, which any subsequent detailed plans would need to follow. There is no current indication of interest in the site from house builders.

3. RECOMMENDATION

3.1 That the Committee accepts this information report.

Graham H Boase
Head of Planning and Public Protection