

PWYLLGOR CYNLLUNIO
CYFARFOD: 15fed Ebrill 2009
Eitem Agenda: 2

PLANNING COMMITTEE
MEETING: 15th April 2009
Agenda Item: 2

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

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

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

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

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

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

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

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

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

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
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ITEM NO: 1

WARD NO: Dyserth

APPLICATION NO: 42/2009/0031/ PF

PROPOSAL: Erection of 1 No. detached dwelling (on 0.09 ha of land)

LOCATION: Land at rear of 25-35inc. St. Asaph Road Dyserth Rhyl

APPLICANT: Messrs M & S Trefor

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. DYSERTH COMMUNITY COUNCIL
"Object on the grounds of over intensification of development and insufficient access for emergency vehicles to the site"
2. WELSH WATER/ DWR CYMRU
No objection subject to conditions
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to a condition

RESPONSE TO PUBLICITY:

Letter of representation received:-

1. Mr. G. Rogers, Brentwood, St Asaph Road, Dyserth

Summary of planning based representations:

- i) Poor access to the site

EXPIRY DATE OF APPLICATION: 16/03/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Full planning permission is sought for the development of 0.099ha of land located to the rear of 25 – 35 St Asaph Road, which is accessed via a 3.1m wide track off St Asaph Road.
2. A detached 2 storey 4 bed dwelling is proposed, measuring approx 16.8m by 10.3m. The property would be orientated to face towards a recently erected dwelling to the south, having an overall ridge height of 8m .It is proposed to construct the property with facing brickwork and slate grey coloured roof tiles. Off

street parking and turning space is proposed to the front

3. The site is a relatively level vacant grassed plot. The existing access serves a recently erected dwelling. Historically the site of the recently erected dwelling had a lawful use for storage of building materials and siting of 2 no. caravans. The site is bounded by some trees, conifer hedging and panel fencing.

RELEVANT PLANNING HISTORY:

4. Adjoining land- 42/2001/219/LE Certificate of Lawful use, storage of buildings and siting of 2 no. caravans, land to rear of 37 St Asaph Road.

Adjoining land - 42/2004/0651/PF Detached dwelling and garage - GRANTED June 2004

42/2005/649/PF Erection of 2 no. detached dwellings and detached garages - REFUSED July 2004. Reason for refusal was based on amenity and highway safety.

42/2008/0585/PF Erection of detached dwelling on 0.086ha of land and garage GRANTED 30th July 2008

PLANNING POLICIES AND GUIDANCE:

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

Denbighshire Unitary Development Plan

Policy GEN 1 Development Boundaries

Policy GEN 6 Development Control Requirements

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Impact on highway safety
7. In relation to the main considerations in paragraph 6 above:-
 - i) Principle of development
The site lies within the development boundary of Dyserth, a main village as identified in the Unitary Development Plan. The principle of new residential development is generally acceptable within development boundaries subject to compliance with general development control criteria.
 - ii) Visual amenity
The application site is located to the rear of residential properties on St. Asaph Road and also Cwm Road to the rear. Adjoining the site on St. Asaph Road are 2 storey dwellings and on Cwm Road there are a mixture of single storey and 2 storey properties. It is considered that given the scale and type of surrounding properties with large rear gardens in excess of 21m in length that the proposed dwelling, orientated and sited in the location proposed would be acceptable. The property itself is set in a large plot with sufficient amenity space and car parking and turning areas, and the proposal is not considered to be overdevelopment .

- iii) Residential amenity
The scale, design and external appearance of the proposed dwelling is considered acceptable in this location. Whilst the recently constructed dwelling is of dormer style, the proposed dwelling is of different detailing but would be in keeping with this property as its scale and design would reflect its location in a significantly larger plot. There would be no adverse impact on the character of the area or on residential amenity.

- iv) Highway safety
The access has previously served uses involving the storage of building materials and 2 caravans. Highway officers have had regard to this history and raise no objections to this application for a single dwelling.

SUMMARY AND CONCLUSIONS:

- 8. The proposal complies with the relevant planning policies as such it is recommended for grant.

RECOMMENDATION: GRANT - subject to the following conditions:-

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. 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. The parking and turning facilities shall be laid out as shown on the approved plans and completed in accordance with the approved details prior to the proposed development being brought into use.
- 4. Notwithstanding the provisions of Classes A, B, C, D, & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.
- 5. All screen walls and/or fences relating to the dwelling shall be erected before the dwelling is occupied or completed whichever is the sooner
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the rear and side elevations of the dwelling hereby permitted at first floor level.

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 provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
- 4. In the interests of residential and/or visual amenity.
- 5. In the interests of residential and visual amenity.

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

NOTES TO APPLICANT:

Please be advised Welsh Water have recommended the following:

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

No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system. Reason To prevent hydraulic overloading of the public sewerage system.

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

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

ITEM NO: 2

WARD NO: Prestatyn East

APPLICATION NO: 43/2009/0195/ PF

PROPOSAL: Erection of first-floor extension to front section of dwelling and re-roofing of rear section

LOCATION: 31 Aberconway Road Prestatyn

APPLICANT: Mr & Mrs L Fryer

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:
 PRESTATYN TOWN COUNCIL
 "No objections"

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr J Williamson 31a, Aberconway Road, Prestatyn (via e-mail)
 Mr B Leigh, 29 Aberconway Road, Prestatyn
 Mrs. E. Summers, Delfryn, 9, Parc Aberconwy
 H.P. Edwards, 40A, Aberconway Road, Prestatyn

Summary of material planning based comments:

- Size and height of extension is out of character with the area
- Loss of light and privacy to neighbouring dwellings
- Overbearing impact on neighbouring dwellings

EXPIRY DATE OF APPLICATION: 23/04/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Permission is sought for the erection of a first floor 'extension' above what is an existing single storey dwelling. The ridge height would be raised by approximately 2.2 metres and the eaves by 2.4 metres, and the roof would be pitched with a hipped design on the front and back. The proposed first floor would project 10 metres back from the front elevation leaving an element of the original single storey building unaffected at the rear. A first floor bedroom window and landing window are proposed on the east elevation, and an obscure glazed bathroom window on the western elevation. Materials are to match the existing dwelling.
2. The site is located within the Prestatyn development boundary. The surrounding dwellings are predominantly two storey in height, situated in large plots. The neighbouring dwelling, number 29 Aberconway Road, is at a lower ground level than the application site, whilst number 31A Aberconway Road is higher. Both neighbouring dwellings are two storey in height.

3. Off road parking is located to the front of the dwelling, and there is a large garden area to the rear. The boundary to number 29 Aberconway Road is a block wall, whilst to number 31A and to the rear, the boundaries are planted. Two garden buildings, and a garage are also located along the boundary with number 31A Aberconway Road.
4. This application is an amendment to a previously refused application. The reason for refusal was based on the proposal's impact upon the amenities of neighbouring dwellings with specific regard to the extent to which the first floor would project. This application seeks to overcome this reason for refusal. The key change is that the depth of the first floor extension has been reduced from 13.4 metres to 10 metres. This reduction brings the rear wall of the proposal to approximately the same level as that on number 29, and 5 metres behind that of 31A Aberconway Road (see plan at front of report).

RELEVANT PLANNING HISTORY:

5. 2/PRE/143/81 - Porch and lounge extension – Granted 27/04/81
43/2007/1214 – Erection of first floor extension to form two storey dwelling – Refused 03/12/07

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
GEN 6 – Development Control Requirements
HSG 12 – Extensions to Dwellings
SPG 1 – Supplementary Planning Guidance Notes
SPG 24 – Design guide for Householder Development
7. WELSH ASSEMBLY GOVERNMENT
Planning Policy Wales 2002
Technical Advice Notes – TAN 12 – Design
Ministerial Planning Policy Statements

MAIN PLANNING CONSIDERATIONS:

8. i) Principle of development
ii) Detailed design and amenity considerations
9. With regard to the above considerations:

i) Principle of development:

The principle of extending existing dwellings is acceptable in relation to the policies of the Unitary Development Plan and Supplementary Planning Guidance Notes 1 and 24. The main UDP policy, HSG 12, permits extensions subject to four tests requiring the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. GEN 6 contains a wide range of general development control amenity considerations geared at ensuring a high standard of development with minimal impacts. SPG notes 1 and 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following sections

ii) Detailed design and amenity considerations:

Scale and form – In relation to this consideration, the proposals do not appear subordinate to the existing dwelling, which is a single storey unit. However, in an

urban location such as this, where the dwelling is sited between two storey houses, conflicts with the policy in terms of scale and form relative to the original dwelling are considered of limited significance.

Design and Materials – The design and materials are considered to be acceptable in this location and sympathetic to the existing dwelling. The proposed pitched roof, fenestration and materials are similar to the existing dwelling and those in the immediate vicinity.

Impact on character, appearance and amenity standards of the locality – The proposal is considered to respect the characteristics of development in the surrounding area. The rear wall is approximately level with the rear wall of 29 Aberconway Road, and is 5 metres behind the rear wall of 31A Aberconway Road. It is considered there will be little impact by way of loss of light to the neighbouring properties. With regard to loss of privacy it is noted that the proposed side elevation windows do not directly look into any principal living room windows of the adjacent dwellings, and that with the exception of one bedroom window, are not themselves windows to principal living rooms. The scheme is not considered likely to result in an unacceptable impact on the amenity of neighbouring dwellings

Amenity Space - The proposal is not an overdevelopment of the site. The footprint of the dwelling would not be increased and the garden area is considered acceptable.

SUMMARY AND CONCLUSIONS:

10. The application is considered to be acceptable in relation to UDP policies and guidance, and is accordingly recommended for approval

RECOMMENDATION: GRANT - subject to the following conditions:-

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

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

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

NOTES TO APPLICANT:

None

ITEM NO: 3
WARD NO: St Asaph East
APPLICATION NO: 46/2009/0050/ PS
PROPOSAL: Variation of approved details for Condition No. 3 on planning permission Ref. No. 46/2001/0159/PF to allow creation of fish pond using part of area designated for overflow in case of flooding (change cubic capacity from 45 cu.m to 39 cu.m)
LOCATION: Newgrove House 2 Clos Coed Ywen/ Yew Tree Close St Asaph
APPLICANT: Mr S & Mrs J Adams
CONSTRAINTS: Tree Preservation Order
PUBLICITY UNDERTAKEN: Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

ST ASAPH TOWN COUNCIL

“Object on the grounds that any reduction of cubic capacity increases the risk of flooding, thereby defeating the object of the original provision.”

ENVIRONMENT AGENCY

No objection subject to the cubic capacity being rounded up to 40 cu.m

RESPONSE TO PUBLICITY:

Eugene Grube, 28, Rhodfa Glenys, St. Asaph (via e-mail)

Summary of Planning Based Representations

1. No objection to the reduction, as the property owner affected, however, would like to see the figure rounded up to 40cu.m and notes attached to any permission regarding the structural integrity of the embankment.

EXPIRY DATE OF APPLICATION: 27/04/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site consists of an area of rear garden at the property 2 Yew Tree Close. The large, detached dwelling is situated in a small close of similar dwellings to the north of St. Asaph.
2. The close was constructed some 8 years ago and as part of the original permission landscaping details indicated the provision of an overflow pond area in the rear garden of the application property. This area was designed to assist in flood prevention as the site slopes down to the rear towards dwellings on Rhodfa Glenys. The details shown on the original landscaping plan showed a cubic capacity for this overflow area of some 45 cu.m.

3. Permission is sought to vary the originally shown capacity of this overflow area from 45cu.m to 39 cu.m. This is due to the property owner wishing to further landscape the area around the pond to create a decking area.

RELEVANT PLANNING HISTORY:

4. 46/2001/159/PF
Erection of 5 dwellings and garages and new vehicular access – GRANTED

46/2001/425/AC – Details of condition 3 (surface water regulation) on the above permission - GRANTED

PLANNING POLICIES AND GUIDANCE:

5. **Denbighshire Unitary Development Plan**
Policy GEN 6 – Development Control Requirements
Policy ENP 4 – Foul and Surface Water Drainage
Policy ENP 6 - Flooding

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Impact upon risk of flooding
7. In relation to the points identified in paragraph 6 above:-
 - i) Impact upon risk of flooding
The proposal has been assessed on site by a surface water specialist from the Environment Agency. Concern had been raised as to the potential impact of the landscape works on the effectiveness of the surface water drainage capacity of this overflow area once the decking and other works were completed. The plans actually indicate a finished figure of 39.62 cu.m for the overflow area. The Environment Agency have responded by stating that, for the avoidance of doubt, this figure be rounded up to 40cu.m. This can be controlled through a re-imposed condition stating 40cu.m as a minimum capacity.

Further to this it is intended to make the applicant aware through a note to applicant of his responsibility to ensure the structural integrity of any works undertaken in this area including the embankment.

SUMMARY AND CONCLUSIONS:

8. The works proposed have been assessed on-site by the Environment Agency. The risk of flooding to adjacent land is not considered to be an issue subject to the capacity not being less than 40 cu.m.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Notwithstanding the submitted details, the storage capacity of the pond area shall not be less than 40cu.m.

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

1. To prevent the risk of flooding and to ensure adequate surface water drainage for the site and surroundings.

NOTES TO APPLICANT:

The applicant should note that the structural integrity of the overflow area and embankment is his responsibility and any works undertaken which de-stabilise the land or reduce the storage capacity to below 40cu.m is at his own risk.

ITEM NO: 4

WARD NO: Rhyl West

APPLICATION NO: 45/2008/1128/ PF

PROPOSAL: Conversion of upper floors of existing building to provide 2 No. self contained apartments

LOCATION: Upper Floors 83 High Street Rhyl

APPLICANT: Mr Bill Heaney Local Shopping REIT

CONSTRAINTS: C1 Flood Zone Town Heritage Area Conservation Area Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

'Object on the grounds that the development will result in over intensification of the property.'

PROJECT MANAGER, RHYL THI

Accepts the proposal subject to conditions covering details of window treatment, including sky lights.

DENBIGHSHIRE COUNTY COUNCIL HEAD OF TRANSPORT AND INFRASTRUCTURE No comments.

DWR CYMRU

No objection, subject to standard conditions

THE COUNTRYSIDE COUNCIL FOR WALES

No objections to the proposal and agrees with the conclusions of the Bat and Breeding Birds report survey

ENVIRONMENT AGENCY

Site lies within C1 flood zone. Advises as the proposal involves alteration to the upper floors only, a Flood Consequences Assessment is not required in this case. Suggests that the developer is made aware of the potential for flood risk in the event of an extreme flood event, and may wish to install flood –proofing measures on the ground floor.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 09/12/2008

REASONS FOR DELAY IN DECISION:

- Additional details from applicant

PLANNING ASSESSMENT

1. The application relates to the conversion into 2 flats of the upper three floors, above the ground floor retail use , currently occupied by 'Oxfam' and 'Smalls',

located on the corner of Russell Road and the High Street.

2. The site lies within the Rhyl Conservation Area, which includes the Rhyl Townscape Heritage Area. The property occupies an important corner street position, and is a prominent, three storey, brick building with intact, traditional bay and sash windows at first floor level.
3. The agent has provided a short statement which attempts to clarify the historical use of the upper floor areas, and advises as follows:-

‘Our understanding of the history of both 83 and 85 High Street is that both buildings were erected in the 1860’s as shops at ground floor level, with residential accommodation arranged on three floors above. Whilst the upper floors are in a poor condition, there is vestigial evidence of their residential use. The remains of shelving indicate that the front room on the first floor of no. 83 was most recently used as an office, but the wall decoration here and everywhere else on the upper floors of both buildings demonstrate historical use as dwellings. It seems clear that other than this one room for a period, the upper floors have always been in residential use. This is backed up by the arrangement of bathroom and kitchen accommodation. Based on this and the position of the doors and staircases it appears that each of no 83 and no. 85 could have contained one, two or three household – between two and six households in all. ‘

4. With the exception of the installation of rooflights, and blocking up of a rear, upper level doorway, there are no other external alterations proposed in connection with the conversion. Pedestrian access to the flats is via a single doorway, positioned off Russell Road.
5. It is understood that the upper floors are currently vacant. The proposal includes one flat on the first floor, with the second flat occupying the second and third floor. The existing rear yard area is understood to serve other, adjoining properties, and lies outside the control of the applicant.
6. The three storey ‘National Milk Bar’ premises adjoins the application site, to the south, with three retail premises within a two storey attached building, to the north east. As with most town centre areas, the area has a mixture of residential and retail uses. Public transport connections and services are within walking distance of the site.
7. The application documents include:
 - i) Design and Access Statement
 - ii) Assessment report for Bats and Breeding Birds
8. The Design and Access Statement highlights minimal alternations, with new roof lights and windows to be installed, and an existing access to remain. The Bats and Breeding Birds assessment highlight that CCW have recorded a bats presence in close proximity to the site, but concludes that there is no evidence for bats and birds opportunities, however if during any works/activity the situation should change, recommendations works should cease.

RELEVANT PLANNING HISTORY:

9. 45/2008/0430
Alterations to upper floors to provide 4 no. self-contained flats - WITHDRAWN

PLANNING POLICIES AND GUIDANCE:

10. Denbighshire Unitary Development Plan

- GEN 6 - Development Control Requirements
- ENV 6 - Protected Species.
- HSG 13 - Subdivision of Existing premises into self contained flats.
- ENP 6 - Flooding
- RET 1 - Town and District Centres

Supplementary Planning Guidance

- 7 - Self Contained Flats and Houses in Multiple Occupation
- 21 - Parking Requirements in New Developments
- 13 - Conservation Areas
Nature Conservation

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002 (as amended via Ministerial Interim Planning Policy Statements)

TAN'S

- 5 - Nature Conservation
- 12 - Design

Circulars

Circular 61/96 Planning and the Historic Environment – Historic Buildings and Conservation Area.

MAIN PLANNING CONSIDERATIONS:

11.

- i) Principle
- ii) Amenity considerations – space for bin storage etc
- iii) Highways – accessibility and sustainability
- iv) Design and conservation
- v) Flooding
- vi) Nature Conservation

12. In relation to the main considerations:

- i) Principle
National and local planning policies encourage a mixture of uses in town centre locations, in particular, in those cases involving Conservation Area designations, and upper floor uses, with the emphasis on enhancing the character and vitality of the centre.

Historically, the site has previously been used for residential purposes.

Members may recall granting an application for a similar proposal at 34 Kinmel Street, Rhyl which was presented to the February 2009 Planning Committee(change of use of part ground floor) (rear) and first and second floors to 1 no. self contained flat). The proposal was considered acceptable, given the beneficial use of the upper floor areas over a ground floor commercial use, and that it did not perpetuate the residential problems which can be associated with an over concentration of such uses. The previous planning application for this site – involving alteration to provide 4 flats – was withdrawn on the advice of the Planning Officer, on the basis of concerns over the proposal for relatively small sized flats.

Subject to compliance with other, site specific considerations, covered in the remainder of this report, the principle of the proposal can therefore be supported.

- ii) Amenity considerations – floorspace and storage areas etc
The proposed floorspace is 89m² for the first floor, two bedroomed flat, with the upper floor, three bedroomed flat floorspace at 121 m². These achieve the overall floorspace standards contained within HSG 13, for a 2 person flat and three person flat.

The proposal is not considered to represent an overdevelopment.

The proposal would not give rise to any adverse privacy/overlooking issues, with the flats overlooking rear commercial yard areas.

Bin storage details can be controlled by condition.

- iii) Highways- accessibility and sustainability
There is no scope to provide off street car parking provision. The Highways Officer has assessed the proposal and considers, that in terms of sustainability – the site is a town centre location – the scheme for two flats is acceptable.
- iv) Design and conservation
The proposals involve minimal physical alterations. Given the size and location of the property, a key building within the High Street, THI and Conservation Area, conditions, as suggested by the THI project manager, to control possible changes to window details should be included, to ensure a high standard and sympathetic conservation and design approach is achieved.
- v) Flooding
The Environment Agency has confirmed that the proposal is acceptable. It is suggested that a note to applicant be attached to any decision to raise awareness of the potential flood risk should the occupants leave the building during an extreme event and the potential to install suitable flood – proofing measures, measures on the ground , where possible.
- vi) Nature Conservation
Comments submitted by the Countryside Council for Wales confirm that the proposal complies with both national and local guidance governing protected species and nature conservation responsibilities.

SUMMARY AND CONCLUSIONS:

- 13. It is considered that with respect to the objections put forward by the Town Council, the proposal involves an appropriate use in a key building in the town centre, and provides an opportunity to enhance the locality, within a designated Conservation Area, the Townscape Heritage Initiative area.

RECOMMENDATION: GRANT - subject to the following conditions:-

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. Prior to the commencement of development the following details shall be submitted for the consideration and written approval of the Local Planning Authority:
 - (i) Design, profile, joinery methods, and materials for all windows , including rooflights, and

external doors, including B.S colour codes, to a scale of 1:20

- (ii) None of the flats shall be occupied until the approved details have been implemented.
- (iii) dedicated refuse bin storage area

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenities of the locality and in order to preserve and enhance the character of the Conservation Area.

NOTES TO APPLICANT:

For further information regarding flood prevention and mitigation measures please view the Office of the Deputy Prime Minister (ODPM) publication: 'Preparing for Floods: Interim guidance for improving the flood resistance of domestic and small business properties. This may be viewed on the ODPM's website www.odpm.gov.uk.

ITEM NO: 5

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 for part approval of 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:**DENBIGH TOWN COUNCIL**

Response on February 2009 document awaited.
Previously did not wish to raise any objections to the application.

DENBIGH CIVIC SOCIETY

Response on February 2009 document awaited.
Have commented previously as follows:
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. Express continuing concerns over the condition of the buildings and steps taken to stop the decay.

DESIGN COMMISSION FOR WALES

Response on February 2009 document awaited.
Have commented previously that the proposals should be treated as an extension to the town, with its own identifiable character rather than as a separate new village. Have also drawn attention to specific issues within the document which need developing, e.g. design guidance principles, sustainability statement and boundary treatment.

HEAD OF TRANSPORT AND INFRASTRUCTURE

Confirms there are no objections in principle to the access and highway layout, using guidance documents such as Manual for Streets. Full details of design, layout, and construction of highways, footway links to the town centre, etc., will need further consideration at reserved matters stage.

COUNTY CONSERVATION ARCHITECT

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:

- Deferred from previous committee meetings to allow further dialogue with agents

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Consideration of this approval of condition application was deferred at the December 2008 and January 2009 meetings of the Committee, to allow further dialogue with the applicant's agents.
2. The application seeks the Authority's approval of some of the details required under one of the key 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 issued in September 2006, 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 to which this application relates, 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 effectively seeks approval of a 'masterplan' document setting out basic principles for any new development around the retained listed

buildings. It is intended as a guide for any subsequent housebuilders submitting 'reserved matters' details of new build residential development, setting broad principles for layout, road patterns, house designs, open space, and landscaping. The application contains none of the details required by Condition 4 in respect of the timing and detailing of conversion works on retained buildings, all of which would have to be submitted to and approved by the Authority prior to the submission of any "reserved matters" application. The reserved matters application (s) would be subject to the normal planning consultation process and no development could commence until the approval of these submissions.

6. The Phase 1 Development Brief was originally submitted in September 2008. It has been revised in January 2009 and again following deferral at the January Committee, in late February, 2009.

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 characters (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, reuse 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:
 - Illustrative phasing plans showing the phasing of mothballing works on the retained buildings. A total of 317 new build dwellings, split into 6 phases, with 2, 3, 4 and 5 bedroom units.- the conversion of the main hospital buildings to 85 apartments and 24 sheltered apartments, (with the potential for inclusion of 1 bedroom units dependent on market conditions) Aled Ward to 6 residential units, the farm building to 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 public courtyard at the rear of the retained main buildings, with a 'High Street' leading off this into the new build development, and a shop/caféThe 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.

10. The February 2009 revisions to the Phase 1 Development Brief have been supplemented by an updated valuation appraisal of the site in the light of current market conditions, from the applicant's advisors. The basic conclusions are, that having regard to forecast sale prices, timing of commencement, and sales rates, there is a clear negative land value; and the longer the recovery in the housing market, the scheme becomes less sustainable due to finance costs and general risk factors.

RELEVANT PLANNING HISTORY:

11. 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:

12. 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:

13. 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.
14. 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 new development

- ii) The number of dwellings and the physical extent of new build development
- iii) Road hierarchies
- iv) Design principles for new buildings and open spaces.

15. 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 as noted previously, 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' of the requirements of the condition, if the Committee is minded to support it.

16. In relation to:-

i) The phasing of development

The Design Brief has been revised to show 6 phases of new build residential development. Phase 1 would be immediately to the rear of the main Grade II* listed building, and Phase 2 to the south of Aled and Ogwen wards. The Brief refers to Conversion works on the retained buildings as a 'Phase 2' operation. It also clarifies how the mothballing works on the retained listed buildings would be phased on release of funds from the sale of development land in conjunction with the Section 106 agreement. It shows 6 possible phases of works on the listed buildings, including works on the main front block at Phase 1.

In officers' opinion the proposed phasing of new build development and the mothballing works in conjunction with the new build appears acceptable in particular as the latter deals with the works on key listed buildings as a priority. However, it is considered that a flexible position needs to be adopted here as events may develop which justify a different approach including the possibility of early application for conversion of retained buildings, physical deterioration of particular buildings, and the location/relationship of retained buildings to the first phases of new build housing development.

ii) The number of dwellings and physical extent of new build development

In terms of the number of dwellings, Section 1.2 of the brief 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 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.

The applicant is requesting the Council to approve the number of dwellings proposed, to encourage interest in the site, to provide a degree of certainty for potential developers. He is also at pains to point out that with current market conditions, the scheme is not viable, and that the Council should take these matters into account in considering the application.

The context of the submission and the requirements in the wording of Condition 4 to seek approval of the number of dwellings as part of this process create some difficulties for officers. There remain reservations over approving a specific number of residential units of newbuild and conversions in what is essentially an 'in principle' document with limited details of layout, etc. to demonstrate it is feasible to accommodate the numbers referred to within the confines of the site, and in respect of impact on the character, appearance and setting of the listed buildings. The current financial/housing market situation poses questions over the feasibility arguments advanced previously for the amount of 'enabling development', in particular whether the number of new build units are the minimum necessary to secure the objectives of enabling development around a listed building (a key test of principle at outline stage here, to justify the 17 acres of development around the site).

In conclusion, and having regard to all the issues, it is considered that with respect purely to the issues of the number of new build units suggested, that it is reasonable to accept the principle of accommodating 317 units in the area of land shown around the listed buildings, along with the number of units shown for conversion. The view is taken on the basis that:

(a) The area of land shown for new development is considered capable of taking a development of this scale, all subject to normal consideration of impact on the setting of the listed buildings and the acceptability of the density, layout detailing, etc. In this respect there are concerns over the extent of incursion into the fields to the north west of the main buildings, but these can be noted as matters to address at reserved matter stage (full appraisal of need for extent of development/details to allow assessment of impact).

(b) Financial evaluation suggests development of this scale will not bring about unreasonable developer profit (if any under current conditions)

(c) Detailed consideration can be given at reserved matters stage to the case for the final number of dwellings, with respect to financial viability arguments and to the impacts of the development.

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 at detailed plan stage, and there is a plan showing the distribution of 2, 2.5 and 3 storey units. In officers opinion this approach recognises many of the concerns voiced 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.

17. 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
 - The brief does offer considerable scope for a modern approach to design.
 - There are specific proposals relating to sustainable forms of construction (eco -homes ratings, reuse/recycling, energy use, passive solar gain)
 - There are 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:

18. The submission to be considered relates purely to the requirements part 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 current condition of the buildings and the site should not have any bearing on the determination of the application.

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

Further submissions will be necessary to address the requirements of Condition 4 in respect of proposals to show how the retained buildings are to be renovated and how those works are to be undertaken in conjunction with new build development. Approval of those will be required before any reserved matters applications can be submitted, and any 'enabling development' can commence.

It is officers' opinion that there is a basis for supporting the revised Development Brief, subject to suitable provisos to clarify the need to seek approval of the remaining details required by Condition 4. An approval will demonstrate the Authority's desire to help realise the potential for development and its continued willingness to adopt a flexible approach towards a solution for this site.

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 or conversion works on retained buildings.

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

1. For the avoidance of doubt.

NOTES TO APPLICANT:

In connection with Condition 1 of this approval, you are reminded that this is only a part approval of the details required by Condition 4 of the outline permission, which contains specific requirements to secure the approval of the Authority to proposals relating to the restoration/conversion works on the retained listed buildings. This approval is required before the submission of any reserved matters, and is considered critical by the Authority to demonstrate how works on the renovation of the listed buildings are to be coordinated with the new build housing development.

You are advised that in recognition of the principles on which the outline permission has been granted, and in particular the question of 'enabling development', the Authority will require justification for the total number of newbuild dwellings on the site and how this equates to the minimum necessary to secure the objectives of 'enabling development' around the listed buildings.

In relation to the physical extent of the newbuild development, you are advised to discuss detailed proposals with officers of the Council as it will be necessary to provide detailed appraisals of the impact of development to the north west of the retained listed buildings to determine the acceptability on the setting of the buildings.

ITEM NO: 6

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 06/2009/0141/ PF

PROPOSAL: Change of use from Post Office to residential use in connection with existing dwelling and associated works

LOCATION: Post Office London House Gwyddelwern Corwen

APPLICANT: Mrs C J Braxton

CONSTRAINTS: Within 67m Of Trunk Road PROW

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

CONSULTATION RESPONSES:
GWYDDELWERN COMMUNITY COUNCIL
 Awaiting response.

RESPONSE TO PUBLICITY:
 1. None received.

EXPIRY DATE OF APPLICATION: 21/04/2009

PLANNING ASSESSMENT:
THE PROPOSAL:

1. Planning permission is sought for the change of use of Gwyddelwern Post Office for use as part of the existing dwelling to which it is attached.
2. It is understood that the Post Office is to close in the near future due to the Royal mail modernising service delivery on a national scale. At present, the unit operates purely as a Post Office, as the village shop/retail function was terminated in late 2008.
3. The Post Office is the only remaining A1 use in Gwyddelwern village.
4. The application is reported to committee at the request of Cllr. H Evans to allow full assessment of the viability issues and the general approach to uses in business premises within rural communities.

RELEVANT PLANNING HISTORY:

5. 15/64 – Kitchen Extension in Lieu of existing lean-to kitchen
 GRANTED – 17/06/1974

- 15/488 – Conversion of loft into 2 bedrooms
 GRANTED – 14/01/1975

PLANNING POLICIES AND GUIDANCE:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

6. Policy GEN 6- Development Control Requirements
 Policy RET 12- Local shops & post offices

MAIN PLANNING CONSIDERATIONS:

7. (i) Principle of change of use
(ii) Residential Amenity
(iii) Visual Amenity
8. In relation to the main considerations:
(i) Principle of change of use
Policy RET 12 seeks to retain local shops and post offices due to the important function they play in rural communities. The policy does however recognise that local shops and Post Offices have diminished in numbers in recent years due to a loss in trade and increases in operational costs. To ensure the retention of such uses, the policy requires any application that results in a loss of Post Office or/and Local Shop to demonstrate that the business is no longer commercially viable, and that attempts have been made to retain the shop. It would normally be expected that evidence for such attempts is provided, for example efforts made to sell or let the shop over a realistic period. As the applicant has not submitted such evidence or what attempts have been made to retain the shop use, the change of use is contrary to the basic terms of policy RET 12.
- (ii) Residential amenity
The proposal seeks to connect the Post Office to the existing dwelling London House. The Post Office is currently connected to London House through internal openings, and the proposal would not result in any residential amenity issues for the subject site or surrounding properties. The proposal complies with policy GEN 6 part v.
- (iii) Visual amenity
Little external alteration is proposed to enable the Post Office to be changed into part of the dwelling London House. It is proposed the large shop front windows be altered to two single windows that match those on London House. The proposal would not result in any detrimental impact upon visual amenity, complying with Policy GEN 6 part i.

SUMMARY AND CONCLUSIONS:

9. Although the proposal is adjudged to have no impact on residential and visual amenity, the principle of the scheme is not in compliance with policy as there is no indication of positive attempts made to retain the A1 use of the property, and no evidence to assess the commercial viability of the Post Office/shop.

RECOMMENDATION: REFUSE – for the following reason:

1. The proposal involves the loss of a rural post office/shop which provides a valuable function in the local community, such loss being considered unacceptable in the absence of evidence that the business is no longer commercially viable and that reasonable other means of retaining the shop have been explored, contrary to Policy RET 12 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO: 7

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2009/0063/ PF

PROPOSAL: Erection of livestock/agricultural store building

LOCATION: Land at OS Field No. 0800 Opposite Perthi Chwarae Llandegla Road
Llanarmon-Yn-Ial Mold

APPLICANT: Mr Roger Lightfoot R & E M Lightfoot & Sons

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

CONSULTATION RESPONSES:

LLANARMON YN IAL COMMUNITY COUNCIL-

'Llanarmon yn Ial Community Council felt that as the field was not attached to a farm dwelling or other buildings, that this building was far too large for the size of the field and acreage shown on the planning application. They did not support this application'.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 17/03/2009**REASON FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:

1. The application proposes the erection of an agricultural building on land opposite Perthi Chwarae, Llanarmon Yn Ial. The building would measure 19m by 9.5m, an overall height of 5.2m and 3m to the eaves. External materials proposed are timber boarding and profiled metal sheeting.
2. The site is located on the eastern side of the B5431, accessed from the B road via a track. The proposed building would be sited 24m from the B road. The land slopes down slightly from the road and the site is bounded by a tall hedge.
3. The agent has submitted a supporting statement that details the following:
 - i) The applicant is in control of 22 acres of land surrounding the site (not including leased land).
 - ii) The main farm complex is at Cae Ap Edward some 3.3km from the application site.
 - iii) The size of the building has been calculated from data within the 'Farm Management Pocket Book', which establishes stocking density and FAWL code of recommendations for welfare of livestock, which sets out space requirements for the animals.

- iv) The size is based on a minimum standard of floorspace for sheep and secure storage of fodder and farm materials.
 - v) A letter was also submitted from Davis Peers, of ADAS supporting the data used.
4. The application is submitted following a previous refusal of permission for a 20m x 14m store building in March 2008. An appeal against this refusal was dismissed in October 2008.

RELEVANT PLANNING HISTORY:

5. 15/2008/0087/PF
Erection of a livestock/agricultural store building. Refused 05/03/2008. For the following reason:

'The proposed building is considerable in scale and located in close proximity of the road in a prominent location well away from the farm complex. Accordingly, the proposal would be harmful to the open character of the area and the landscape within an Area of Beauty and the application is therefore contrary to criteria (iii) and (iv) of Policy EMP 13 and criteria (i) and (ii) of Policy ENV 2 of the adopted Unitary Development Plan 2002 and advice as contained within Planning Policy Wales 2002'.

Appeal Dismissed 08/12/2008. In his report the Inspector referred to the principle, justification, siting and size of the building. His primary concern was the size of the building, which the appellant justified on the basis of the holding at Perthi Chwarae and additional rented land. In the decision, the inspector stated 'I am not satisfied that the proposed building is of a scale no larger than required to meet the needs of the farm enterprise'. As a result, the harm to the character and appearance of the AOB's landscape would be unacceptable and would not be outweighed by the need to support investment in farm business'.

PLANNING POLICIES AND GUIDANCE:

6. **Denbighshire Unitary Development Plan**
GEN 3 Development Outside Development Boundaries
EMP 13 Agricultural Development
ENV 2 Development affecting the AONB and AOB

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:

- i) Principle
- ii) Visual Impact/ Impact on AOB

8. In relation to the main considerations:

- i) Principle
Policy GEN 3 allows for certain types of development outside development boundaries, and criterion vi) permits agricultural development providing there is no unacceptable impact on the social, natural, and built environment.

EMP 13 relates to specifically to agricultural development. The aim of this policy is to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four criteria relating to; the need for the development, the use of alternative existing buildings, the impact of development on the character and appearance of the countryside and the siting relating well to the existing complex.

As the site is located in the AOB, policy ENV 2 also applies, development is only allowed in the AOB/AONB where it would not harm the character and appearance of the landscape, and it would not harm the future designation of the AONB.

Taking into account the above policies, there is a case that the proposal meets the policy requirements in terms of need, as no alternative buildings are available for use owing to the isolated location of this parcel of land away from the farm complex. Whilst the isolated location away from any building complex poses questions in terms of compliance with EMP 13, (Criterion iv states that the development must be clearly related to the main complex), clearly this cannot be achieved, owing to the distance to the main holding.

In this instance it is necessary to take full account of the planning history and previous appeal decision. Although the appeal was dismissed, the only element of concern for the Inspector was actually the size of the building. The Inspector was of the opinion that the siting concerns were outweighed by the separation of the block of land from the main holding. The size of the building has been amended in the resubmission and the overall height and dimensions have been reduced (from 20m x 14m, 6m ridge height, to 19m x 8.5m, 5.2 ridge height).

- ii) Visual Impact/ Impact on AOB
Policy ENV 2 does not preclude all development in the AOB/AONB, its aim being to protect the character of the area. The building would be located at a lower level than the adjacent B road, and it would be screened by a 2m hedge, which the drawings indicate will be retained and grown to a height of 3m. It is not unusual to see agricultural buildings in the open countryside, and with the use of appropriate conditions the colour and finish of the building can be controlled to ensure the building blends in well with its surroundings.

SUMMARY AND CONCLUSIONS:

9. Due consideration must be given to the UDP policies in the decision making process, however the planning history and Planning Inspectors report on the previous refusal is a crucial material consideration in assessment of this application. On balance it is considered that the application is acceptable and is recommended for grant.

RECOMMENDATION: GRANT - subject to the following conditions:-

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

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

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

NOTES TO APPLICANT:

None

ITEM NO: 8
WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern
APPLICATION NO: 20/2009/0164/ PF
PROPOSAL: Construction of car park
LOCATION: Coleg Llysfasi Ruthin
APPLICANT: Mr Tony Richards
CONSTRAINTS: AONB
PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - No Neighbour letters - No

CONSULTATION RESPONSES:**LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL**

'Having considered this matter my members cannot support this application. The observations were as follows:-

1. Would urbanise rural environment.
2. Enough parking facilities already on site.
3. The layout is too formal'.

HEAD OF TRANSPORT & INFRASTRUCTURE

No Objection.

AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE

'The JAC would emphasise the need to ensure that the proposed landscaping scheme incorporates traditional native hedge and tree species and is fully implemented at the earliest possible date and maintained thereafter. The use of semi-mature trees to accelerate the impact of the proposed landscaping scheme is also favoured by the JAC.

In addition, the JAC recommends that the proposed lighting should be low-level minimum output units designed and operated to minimise light pollution in the AONB. The JAC also notes that the new car park adjoins a hedgerow planting scheme grant aided by the AONB which should be protected from damage whilst any development takes place.'

RESPONSE TO PUBLICITY:

1. None received

EXPIRY DATE OF APPLICATION: 21/04/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application proposes the development of a 2920sq m parking area, to accommodate 120 additional parking spaces, on land to the north of the existing access point to Llysfasi College off the A525.
2. The site is rectangular in shape and the proposal is to surface the parking area with tarmacadam, and to include landscaping around 3 sides, with 1.2m high fencing to define the boundaries.
3. The area is currently used partly as an informal parking area and open space. The A525 abuts the western boundary and there are various college buildings to the east.
4. The agent has advised that the aim of the car-park is to reduce congestion and car usage around the campus, and provide a clearly defined parking area for visitors and users of the campus.

RELEVANT PLANNING HISTORY:

5. Various applications on the Llysfasi College site, none of particular relevance to carparking.

PLANNING POLICIES AND GUIDANCE:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

6. GEN 6 Development Control Requirements
ENV 2 Development affecting the AOB/ AONB

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:
 - (i) Principle
 - (ii) Visual Impact/ Impact on AONB
8. In relation to the main considerations
 - (i) Principle

The area proposed to be developed as a car-park is part of the Llysfasi College Campus, it has no specific designation and is not being safeguarded for alternative uses. Policy GEN 6 would apply to the proposal, as it contains general development control requirements. GEN 6 allows for development which respects its site and surroundings in terms of siting, layout, scale, form, design, density, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

It is noted that part of the area proposed to be developed is actually in use at present as an informal car-parking area. The remaining area is open space to the west of the site; which has little land-use value. In terms of this policy it is considered that the proposal is acceptable. Policy ENV 2 relates to the impact on the AONB, which is considered below.

- (ii) Visual Impact/Impact on AONB

The application proposes to formalise the parking area and land to the west of the campus, bounded by the road. As existing it could be argued that the open area contributes to the character and visual amenity of the area

generally by providing a break between the A road and the built form of the campus. However it is not considered that the development of the site for use as a car-park will harm the character of the area, as it will remain relatively open and will be bounded by soft landscaping.

Consideration has been given to alternative surface treatment, however it is considered given the existing hard landscaping around the site, the presence of existing hardstanding and the landscaping proposed, tarmacadam is an acceptable treatment.

Finally, the proposal will assist in concentrating parking in this location within the campus and give a more ordered appearance to the site when viewed from the A road. As per the response of the AONB JAC a condition can be attached to ensure approval of the landscaping and details of its implementation.

SUMMARY AND CONCLUSIONS:

9. The application is acceptable and recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT 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.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. Notwithstanding the approved plans, prior to the commencement of development, full details of the lighting columns shall be submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in

conjunction with the development.

3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. No lighting other than as approved shall be erected on the car-park.

NOTES TO APPLICANT:

As you are aware Llysfasi Collage is located in the AONB. The AONB Joint Advisory Committee has recommended the following be considered prior to the submission of the landscaping plan for approval.

1. The proposed landscaping scheme incorporates traditional native hedge and tree species.
2. Semi-mature trees should be planted to accelerate the impact of the proposed landscaping scheme.
4. The lighting should be low-level minimum output units designed and operated to minimise light pollution in the AONB.
5. The landscaping scheme is fully implemented at the earliest possible date.

PWYLLGOR CYNLLUNIO
CYFARFOD:15 fed Ebrill 2009
Eitem: 3

PLANNING COMMITTEE
MEETING: 15th April 2009
Agenda Item: 3

ENFORCEMENT MATTERS

- (i) **ENF/2009/28**
15 Cilgwyn Rhewl Ruthin
Unauthorised fence

- (ii) **ENF/2009/29**
Cymro Fields, Land near Hen Vicarage, Llanrhaeadr YC,
Denbigh
Unauthorised caravan

Heading:

ENF/2009/00028

15 CILGWYN

RHEWL, RUTHIN, LL15 2TT

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



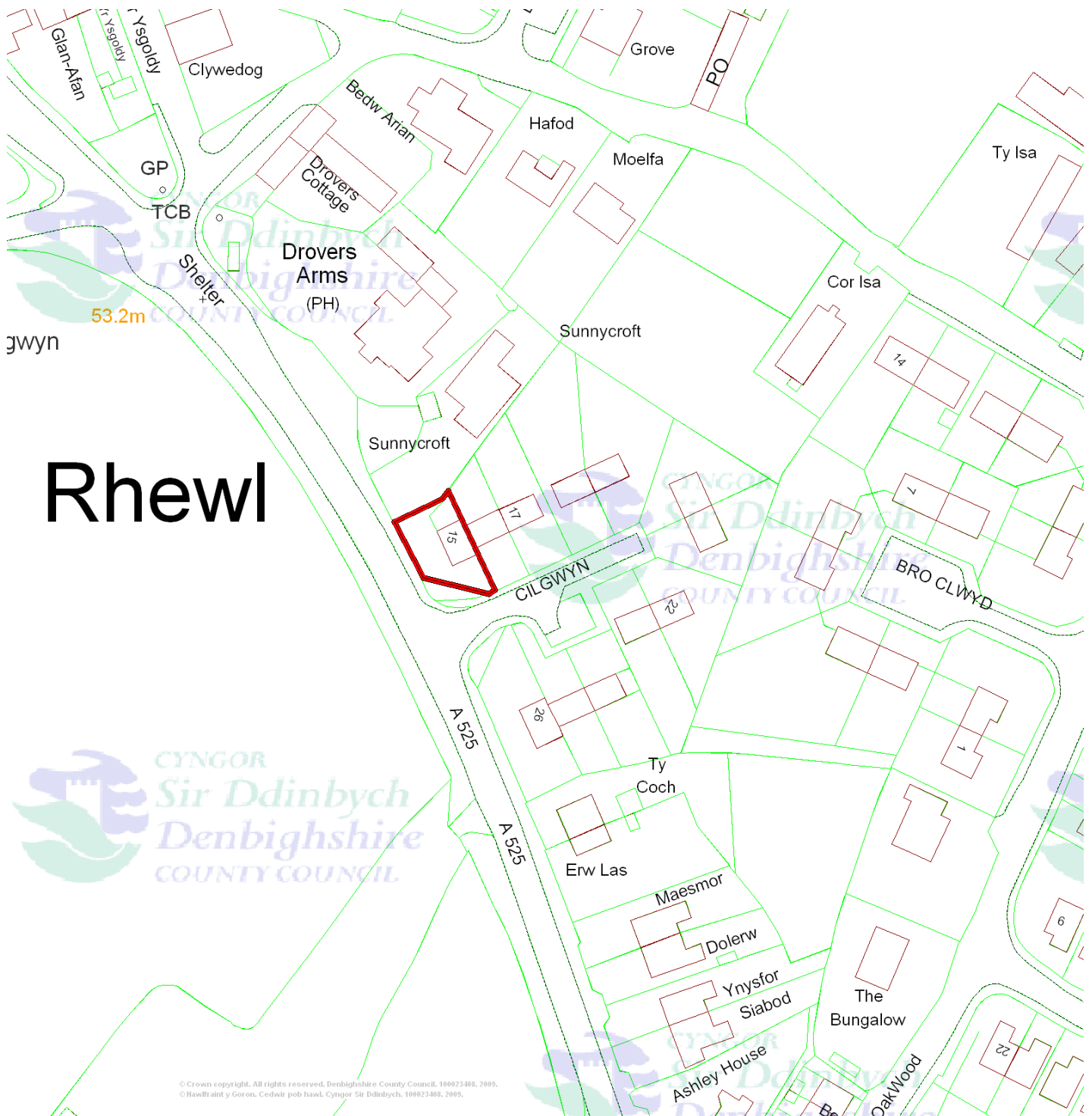
The Site



Date 3/4/2009

Scale 1/1250

Centre = 311011 E 360328 N



PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00028
LOCATION: 15 Cilgwyn, Rhewl, Ruthin
INFRINGEMENT: Without planning permission the Erection of a fence and gates in excess of 1m in height adjacent to the highway

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE

Planning Policy Wales 2002

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

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development, unauthorised use and other related matters.

In this particular case, the rights of a person(s) to erect a fence and gates over 1m in height adjacent to a highway, does not outweigh the rights of the Local Planning Authority, to take action when unauthorised development takes place.

1. BACKGROUND INFORMATION

- 1.1 15 Cilgwyn is located in a prominent location on the main A525 road between Denbigh and Ruthin, in the village of Rhewl.
- 1.2 On 23 September 2008, a report was made to an Enforcement Officer of the erection of fence and gates over 1m high, adjacent to the highway in Rhewl. A site visit was made and the breach of planning control was confirmed.
- 1.3 On 3 November 2008 a Land Registry search was made in order to ascertain details of ownership of the property. A letter was sent to the owner that same day to advise them why the fence and gates constituted a breach of planning control; their being adjacent to the highway and being over 1m in height. The owner was advised that there would be no breach if she reduced the height to 1m along the length of the gates and fence adjacent to the highway and one fence panel back on the side of the property facing Cilgwyn.

- 1.4 The owner refused to reduce the height as requested and was therefore advised that she had the option to submit a retrospective planning application to determine whether the over-height fence and gates could be retained.
- 1.5 No application was subsequently submitted and the fence and gates were not reduced in height. The owner was contacted again on 11 December 2008 requesting either a retrospective application or a reduction in the height of the fence and gates.
- 1.6 On 15 December the owner said she would submit a retrospective application and was given a deadline of the end of January 2009.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The fencing and gates by reason of their height and materials form a prominent feature in the street scene. Criterion (i) of Policy GEN 6 seeks to control development which does not respect the site and surroundings in terms of siting, form and materials. It is considered that the height of this untreated fencing/gates in such a prominent location fails to comply with this policy criteria.
- 2.2 The Town and Country Planning (General Permitted Development) Order 1995 Part 2 Class A applies inter alia to the erection of gates and fences. Development is not permitted by Class A if the height when erected adjacent to a highway exceeds one metre above ground level. It is considered that, in this instance, given the orientation of the property and the location of the highway, all of the new fencing sited to the front/side of the dwelling requires planning permission. Consequently, in this particular case the fence and gates must either be reduced to a height of 1m or removed.
- 2.3 The owner was advised of the breach of planning control on 3 November 2008 and was provided with 2 options; to reduce their height or to submit a retrospective planning application to determine the matter. The owner has ignored the deadline of the end of January 2009, having failed to comply with either option and therefore remains in breach of planning control.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 2 month compliance period, ordering a reduction in the height of the fence and gates to 1m along the full length adjacent to the highway and one fence panel back on the side of the property facing Cilgwyn.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served, fails or refuses to comply with the requirements of the Notice.

Heading:

ENF/2009/00029
LAND TO SOUTH OF
HEN VICARAGE, LLANRHAEDR, DENBIGH

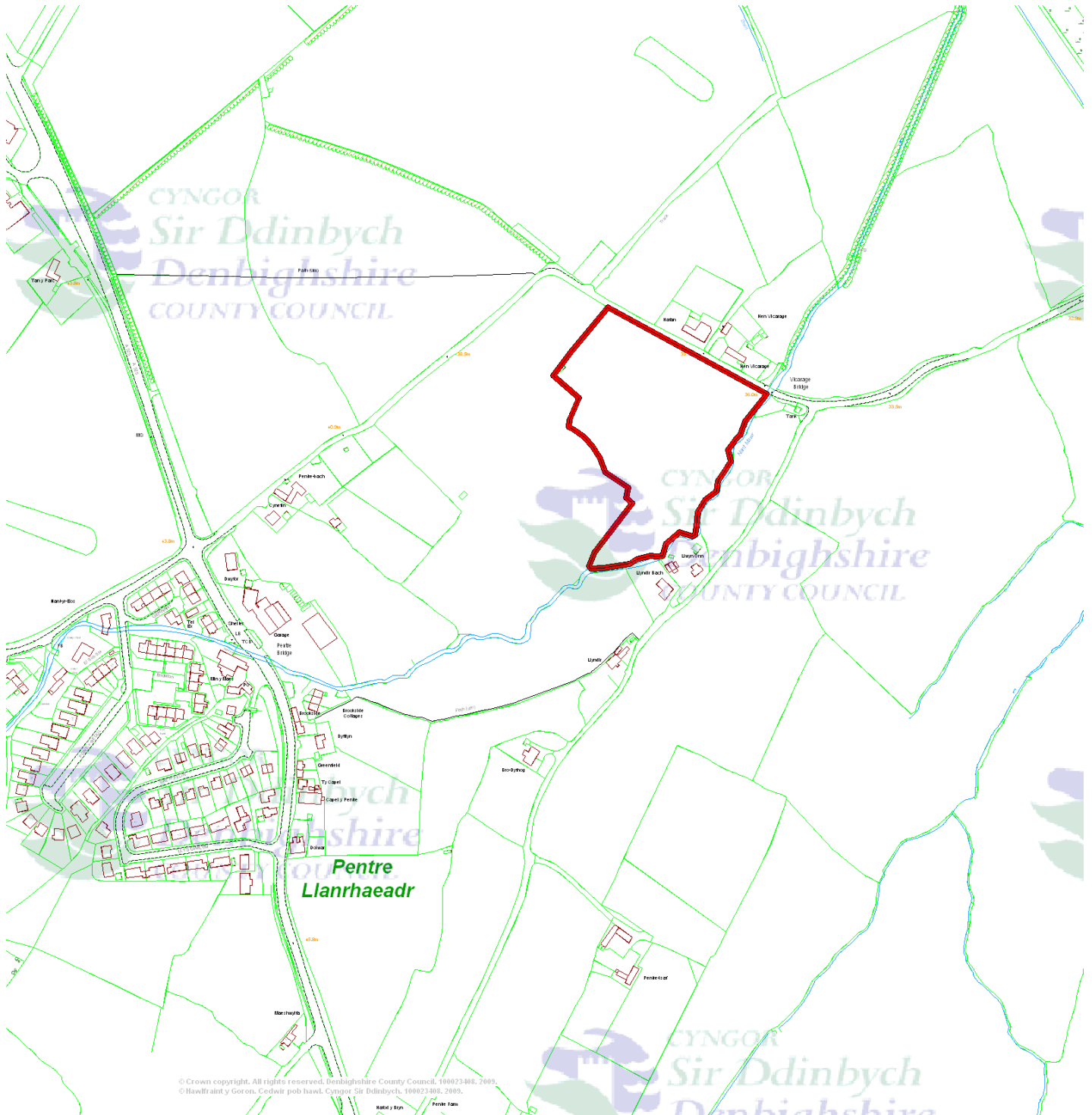
Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

 The Site



Date 3/4/2009
Centre = 308849 E 362825 N

Scale 1/5000



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PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00029
LOCATION: Land to the South of Hen Vicarage, Llanrhaeadr, Denbigh
INFRINGEMENT: Material Change of Use of Part Agricultural Field for Storage of Static Caravan

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

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

GOVERNMENT GUIDANCE

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

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development, unauthorised use and other related matters.

In this particular instance, the rights of a person(s) to site and store a static caravan on agricultural land, does not outweigh the rights of the Local Planning Authority, to protect a material change of use of land from taking place. No human rights issues have been raised in this case.

1. BACKGROUND INFORMATION

- 1.1 The land on which the static caravan is sited and stored is an agricultural field in open countryside, lying to the South of Hen Vicarage, outside any Development Boundary, as defined within the adopted Unitary Development Policy.
- 1.2 The siting and storage of the static caravan was reported to an Enforcement Officer and a site visit was conducted by the said Enforcement Officer on 12 May 2008.
- 1.3 A Land Registry Search was conducted on 29 May 2008, which subsequently identified the owner of the land. The owner was advised that the caravan storage constituted a change of use of the land, which could only be acceptable if planning permission were to be obtained. It was explained that caravan storage in this location would be against our policies and therefore permission would not be given if applied for.

- 1.4 The Enforcement Officer was informed on 13 August 2008 by a relative of the owner that it was being temporarily stored for a friend and would be removed from the field. The owner herself confirmed on 2 September that it would be removed within the month.
- 1.5 When the caravan still remained at the end of October, a letter was written to the owner, who responded on 19 November 2008. She informed the Enforcement Officer that she had been trying to sell it without success and would be arranging to have it scrapped if it was not sold by the end of January 2009.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The siting and storage of a static caravan in an agricultural field constitutes an unacceptable material change of use of land. To allow such a material change of use of the land would be contrary to the policies identified above.
- 2.2 Policy GEN 3 only permits development outside Development Boundaries in exceptional situations and the storage of a caravan in an agricultural field would not fit within any exception contained within this policy.
- 2.3 Criterion (i) of Policy GEN 6 seeks to control development which does not respect the site and surroundings in terms of its siting. The site here is an agricultural field where the siting of a static caravan would result in an alien feature in the open countryside detrimental to the visual amenities of the site and surroundings.
- 2.4 The owner was advised in May 2008 that the caravan should be removed from the land and she agreed to remove it. The owner has failed to comply and the static caravan is still stored on the land.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 2 month compliance period, ordering the removal of the caravan from the land.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served, fails or refuses to comply with the requirements of the Notice.