

PWYLLGOR CYNLLUNIO
CYFARFOD: 2il Medi 2009
Eitem: 2

PLANNING COMMITTEE
MEETING - 2nd September 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

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PLANNING COMMITTEE
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ITEM NO: 1

WARD NO: Denbigh Central

APPLICATION NO: 01/2008/1308/ PF

PROPOSAL: Change of use from bedsit accommodation unit to supported housing accommodation incorporating 6 units and staff quarters

LOCATION: Llys Gwyn 63 Vale Street Denbigh

APPLICANT: Cymdeithas Tai Clwyd Cyf

CONSTRAINTS: Town Heritage Area
Listed Building
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:**DENBIGH TOWN COUNCIL**

".....the Council would wish to object to the application on the basis of over saturation for this particular area of Denbigh".

DENBIGHSHIRE SUPPORTING PEOPLE TEAM MANAGER (Social Services department)

Confirm the role of the team is to commission housing support services for the County in accord with published priorities in the Supporting People Operational Plans. The Llys Gwyn service would provide support for 6 vulnerable young people in housing need from Denbigh and surrounding villages, and help them to develop skills to live independently. Tai Clwyd are partners in providing the service to be commissioned as it is accommodation based supported housing. The need is clearly established. The location has been subject to detailed scrutiny, the Tribal Consultants Report, and extensive consultation with local residents. The Report accepts local concerns but outlines detailed mitigation, and it is to be noted that the Council and Tai Clwyd are committed to follow the recommendations as closely as possible.

DENBIGHSHIRE HOUSING STRATEGY OFFICER

Advise that the Housing Strategy Team have worked closely with Tai Clwyd on the scheme, and have Social Housing Grant to provide the accommodation. The scheme is a priority in the Supporting People Operational Plan and will have staff on site. Confirm that there is 'great need' for supported accommodation generally in the South of the County as provision is mainly concentrated in the North.

DENBIGHSHIRE HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection.

DENBIGHSHIRE DEVELOPMENT PLAN SECTION

See no planning policy objections. Council is trying to move away from large numbers of small units within buildings, so a reduction here would be welcomed.

DENBIGHSHIRE COMMUNITY SAFETY OFFICER

Is very supportive of such schemes which offer a balanced approach to moving on young people from a caring and supported home environment to an independent living environment that has sufficient control measures in place to instill personal and community responsibility. Is aware of similar controlled accommodation in Rhyl, where there were no problems with residents.

NORTH WALES POLICE

No response received.

RESPONSE TO PUBLICITY:

Letters of representation in **objection** received from:

1. H. Moore, 60 Vale St., Denbigh (via e-mail)
2. Mrs. L. Wynne, 110, Vale St., Denbigh
3. J. & B. Tadgell, 15, Vale St., Denbigh
4. Mrs. M. Hughes, Cefn Celyn, Lon Copner., Denbigh
5. C. Ruane MP (via e-mail)
6. Mr. S. Crampton (via e-mail)
7. V. Riley, Flat 1 Armonfa, Vale St., Denbigh (via e-mail)
8. Councillor R. Parkes, Bwa Fflat Cottage, Barkers Well Lane, Denbigh
9. R. Blundell (via e-mail)
10. T. & G. Owen, Tan y Fron, Middle Lane, Denbigh LL16 3UW
11. H. Moore, C/O Gallt y Coed, 60 Vale Street, Denbigh
12. G & T Owen, Tan y Fron, Middle Lane, Denbigh
13. Mr. S. Cawthray, Gallt y Coed, Denbigh
14. D. C. Gwynn, 58 Vale Street, Denbigh
15. A G & M.E. Parry, 2 Beech Mews, Denbigh
16. R M Owen, 2 Dalar Wen, Denbigh
17. Mr. E. Davies, Siabod, Post Office Lane, Denbigh
18. Mr I Powell (via e-mail)
19. S. Carvell, Clwydian Cottage, 64 Vale Street (via e-mail)
20. Mr. I. Powell, Clwydian Cottage, Vale St., Denbigh – petition
21. Ms. S. Carvell, Clwydian Cottage, 64 Vale Street, Denbigh
22. T.S.A. & M. Phillips, Bryn Collen, Vale Street, Denbigh
23. Mr & Mrs Thomas, Crud y Gwynt, Denbigh
24. M. Evans, Yr Erw, Park St., Denbigh
25. Mrs. E.H.O. Williams, Borthyn, Park St., Denbigh
26. A. McNab, Rossa, Ruthin Road, Denbigh
27. D. & S. Sanders, The Old Stables, Post Office Lane, Denbigh
28. P.U. & G.W. Thomas, 74, Crud-y-Castell, Denbigh

In addition to the individual representations, a petition has been received, signed by 500 persons with addresses primarily in Denbigh town. The sheets forming the petition are headed "We the undersigned object in the strongest possible terms to "Whitehall" (Llys Gwyn) Vale Street, Denbigh, being proposed as suitable sheltered accommodation for homeless 16-24 year olds".

Summary of planning based objections:

Selection of Llys Gwyn questionable

Feasibility report by Tribal Consulting is flawed/does not demonstrate case for selecting Llys Gwyn/more locations in South Denbighshire should have been considered (Corwen, Llangollen etc)/impacts on locality were not considered/no support from local residents/Tai Clwyd are ignoring local reactions.

Absence of parking facilities

Restrictions on Middle Lane and Lon Copner will make things worse.

Overlooking/loss of privacy

Impact on adjoining property from 3 existing windows/impact of use of rear 'communal' amenity area.

Amenity concerns

Concerns over noise and disturbance from residents.

Fear of Antisocial behaviour

Nature of use means no guarantees can be given over problems from users/compounded by close proximity to residential properties/fears over risks to residents/no indication of site security or means of preventing incidents.

Over concentration of similar uses on Vale Street/Park Street

Area dominated by care and nursing homes and social housing/much higher concentration of similar units in Denbigh than any other in the County/imbalance of uses/disproportionate number of supported living units/families no longer want to live on Vale Street.

Facility not for locals

Denbigh should not have to act as a centre for 'problem' adults in south Denbighshire, facilities should be located elsewhere.

Negative impact on town. Council should look at achieving suitable balance for economic and social/cultural prosperity of Denbigh.

Previous problems from unauthorised use of premises by homeless people

Tai Clwyd has encountered problems.

Other matters:

Original consultation carried out at Christmas, giving limited time to respond.

Letter of representation in **support** received from:-

R. Davies, Denbigh Youth Project, Rock House, Love Lane, Denbigh

Summary of planning based points in support:

Meets need for supported housing for young people in Denbigh
Safe environment.

EXPIRY DATE OF APPLICATION: 01/02/2009

REASONS FOR DELAY IN DECISION:

- Clarification of proposals

PLANNING ASSESSMENT:

THE PROPOSAL:

Outline of application

The submitted application forms describe the development for which full planning permission is sought as "Use of building as supported housing accommodation (6 units

and staff quarters)". Llys Gwyn is a Grade II Listed Building and separate listed building consent is sought for the installation of new internal partitions and the restoration of railings at the Vale Street frontage (Code 01/2008/1309/LB).

The applicants are Cymdeithas Tai Clwyd. There is a supporting statement with the application from the planning agent, outlining in more detail the nature of the proposed use, along with a report commissioned by Denbighshire County Council, from Tribal Consultants (dated April 2008), reviewing the suitability of the property for the proposed use.

The proposals as set out in the agent's statement are:-

- The use is Supported Housing for no more than 6 clients of the 16-25 year old age range, who "require help and support to achieve an improved quality of life".
- The building has been converted previously to use as 8 bedsit/flats (2 ground floor front, 4 first floor, 2 upper storey) with a lift facility. Much of this layout would be retained.
- The proposed layout is:

Ground Floor – 2 single units of accommodation. Reception, communal lounge, training, and life skills education areas.

First Floor – 3 single units of accommodation. Private staff quarters at rear overlooking the yard. One studio lounge overlooks the rear yard/garden.

Second Floor – One larger unit of accommodation (2 bedroom). Interview room to rear in roofspace. Rooflights in rear roofspace.

A new ground floor subdivision of the lounge is being proposed for interview and staff room use as required by good practice for such accommodation facilities.

- With the exception of Room 5, all units face out onto Vale Street, to respond to local concerns at overlooking of private property.
- The rear yard/garden layout would remain largely unaltered. The lower yard immediately to rear of the building would be a sitting out area for clients. The upper walled garden would be gated and used for clothes drying with no general access for clients' outdoor use. (See plan at front of report).
- There would be minor alterations to the Vale Street pedestrian access to provide improved wheelchair approach to the side entrance. The side entrance is for special access only, as at all other times access and exit from the building is controlled from the front door/hall, "which will be monitored".

The agent has asked that it be noted that Cymdeithas Tai Clwyd are not reliant upon grant aid for their project. He has also advised that Tai Clwyd are not seeking permission for a registered residential care facility, as the application is a supported housing project with no care element and there is no requirement to register the facility with the Care Standards Inspectorate.

The Independent Tribal Consultants Report referred to above was commissioned by Denbighshire County Council, primarily to assess the suitability of Llys Gwyn for use as

supported housing for young people, and to carry out risk assessment as part of the review. Tribal Consulting have wide experience of supported housing provision and of evaluation of services. The report looked at the suitability and sustainability of the building for the use, alternative locations for the use, risks that the location may pose for young persons, staff, neighbours, and the wider community, and how these could be managed/mitigated. Relevant points in the 32 page Report are:

- The need for supported accommodation for young people in the Denbigh area is identified by Denbighshire Supporting People, and as a priority in County Council strategies and operational plans.
- Cymdeithas Tai Clwyd, local providers of social housing, provided details of the property, with the potential to contribute to meeting the need.
- The proposal by Tai Clwyd is to use Llys Gwyn to provide 6 self-contained flats together with additional facilities to form a supported housing service. The provision of the support service would be revenue funded by Denbighshire Supporting People on the basis of a staff to tenant ratio of 1:2, with 24 hour support and out of hours on call.
- Consultation meetings were held with Tai Clwyd and local residents to discuss the proposal.

The Conclusions and Recommendations of the Tribal Consultants report are:-

- “Although there is some opposition from local residents, the proposed use of Llys Gwyn as supported housing for young people does offer an effective and appropriate response to meeting the identified needs of this client group in Denbigh. However, the success of the scheme is as dependent on effective management as it is on the suitability of the building and its location. Therefore, our assessment of the suitability of Llys Gwyn for the proposed use is necessarily linked to management requirements”.
- “The alternative sites do not offer feasible solutions to the needs of this client group and the alternative use of Llys Gwyn for general needs housing is less likely to address the concerns of local residents than the option proposed for a young people’s service, in particular the presence of staff on site”.

The remainder of the report contains specific recommendations on the arrangements of internal and external spaces to ensure effective management and to prevent unreasonable disturbance to neighbouring residents; related security measures, staffing arrangements, policy for referrals, governance structures, and the handling of communication and complaints.

The final paragraph of the report, headed ‘Review’ states:-

” It is recommended that if the proposal for Llys Gwyn is approved, a review of its impact on local residents and on the wider local community should be undertaken after twelve months. This review should assess the success of the project in integrating with the community and any direct impact on local residents. For this reason the initial contract for the support service should be for no longer than 18 months”.

In practical terms, Tai Clwyd’s role here is as landlord. The premises would be managed by staff contracted by Denbighshire Supporting People, and overseen by that section.

Description of site and surroundings

Llys Gwyn is a substantial, 3 storey property on Vale Street built in the late 19th Century. It is a grade II listed building, within the town conservation area, and one of a number of imposing buildings on Vale Street leading up to the town centre from the Rhyl Road/Ruthin Road junction.

It is understood the property was used originally as commercial offices and has over time been in use as a care home, bed sit accommodation and latterly a mix of flats and office use.

The area around Llys Gwyn is characterised by a wide mix of planning uses. The properties immediately adjoining on Vale Street are a Residential Care Home for persons with mental health needs, and an office with a dental surgery and planning consultancy. Along Vale Street there are a number of residential properties, other residential and nursing homes, a medical practice, a supermarket, shops, offices, and vacant premises. To the rear of Llys Gwyn, the 'amenity' area is bordered primarily by private gardens of dwellings along Middle Lane and Lon Copner.

Relevant planning constraints/considerations

Llys Gwyn is a Grade II listed building and lies within the Denbigh Conservation Area. There are no Unitary Plan policies dealing specifically with the use proposed. Conservation policies seek to enhance and protect the character of the Conservation Area and listed buildings. General policy requirements oblige due consideration of localised impacts, e.g. on amenity and highways.

Relevant planning history

The Council's Planning records reveal two applications in the late 1990's for a change of use from a care home to bedsit accommodation, and for use of the ground floor as offices. The permission for the bedsit use did not restrict the 'type' or numbers of users. The implementation of the ground floor office permission use suggests there is currently a 'mixed' use on the property, i.e. a C3 dwellinghouse use on the first and second floors, and an office use on the ground floor.

Developments/changes since original submission

There have been no changes in the substance of the application since its submission in December 2008.

Other relevant background information

In the course of progressing the application, officers have sought clarification of the description of the application and the proposed use of Llys Gwyn. This is so there is no doubt over the nature of the scheme from a land use planning perspective.

The main objective has been to establish what level of 'care/support' is involved in the proposed use of Llys Gwyn, and whether this is more akin to that which would be expected in a dwellinghouse (C3) use, or in a residential institution (C2) use. For the record, the two 'Use Classes' are set out as follows in the 1987 Order:-

"Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwellinghouses)).

Use as a hospital or nursing home.

Use as a Residential school, college or training centre.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) -

(a) by a single person or by people living together as a family, or

- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).”

Having regard to the range of considerations relevant to this matter, officers conclude that:-

- Use of the terms ‘care’ and ‘support’ are interchangeable for the purposes of helping to define the planning use. Terminology in social care regulations such as the Care Standards Act relates to a different regulatory regime which has no bearing on the planning considerations.
- A residential use providing care can fall into Use Class C2 or Class C3. It is a matter of interpretation whether the type and level of care/support is what would reasonably be provided in a Residential Institution or a dwellinghouse.
- Having regard to the details in the application, it is considered that whilst there would be an element of care/support for the residents of Llys Gwyn, this would be the type to be provided in a Class C3 dwellinghouse and not in a Class C2 Residential Institution. It is, therefore, on the basis that the application is for a C3 dwellinghouse use that assessment has proceeded.

The quite separate listed building application referred to earlier in the report relates solely to physical alterations including proposals to install internal partitions and to restore the railings at the front of the property. It does not involve any consideration of the merits of the use of the premises, which are the subject of deliberation on this planning application. As there are no objections received to the listed building application, this does not need to be referred to the Committee for consideration.

DETAILS OF PLANNING HISTORY:

01/688/97/PF

Change of use of Class C2 Residential Institutions to Class C3 dwellinghouse (formation of 8 self-contained bedsit flats) – GRANTED – 25/9/1997

01/170/98/PF

Change of use of part of ground floor area from Class C2 to ancillary office accommodation – GRANTED – 17/4/1998

RELEVANT PLANNING POLICIES AND GUIDANCE:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 15 - Housing

Policy GEN 6 - Development Control Requirements

Policy TRA 9 - Parking and Servicing Provision

Policy CON 3 - Change of use of listed buildings

Policy CON 5 - Development within Conservation Areas

Supplementary Planning Guidance

SPG 21 - Parking requirements in New Development

Welsh Assembly Government

Planning Policy Wales 2002

Technical Advice Notes

TAN 2 - Housing

MAIN PLANNING CONSIDERATIONS:

The main issues are considered to be:

- a) Principle of proposed use
- b) Impact on residential amenity/fear of crime
- c) Over concentration of similar uses
- d) Parking/highway issues
- e) Impact on the Conservation Area/Listed Building

In relation to the main issues identified:-

a) Principle of use

There is limited specific planning policy or guidance relating to the principle of providing housing with support for a particular client/age group. Strategic Policy STRAT 15 of the Unitary Plan sets out the general approach that the housing needs of all sections of the County's population will be met by making provision for a range of dwellings/house types and locations, including provision for special housing needs (test iv). GEN 6 sets a range of detailed tests which proposals in accord with the plan's other policies fall to be tested to determine their acceptability. These include basic assessment of impact on adjoining property, amenity, design, intensity of use, and environmental factors. Welsh Assembly Government's Technical Advice Note 2 – Housing sets out WAG's basic land use policies in relation to housing development and creating sustainable communities, and includes guidance on the role of Registered Social landlords in the process.

In terms of the general principle of the proposed uses at Llys Gwyn, there are no specific planning policy requirements to establish a need for Use Class C3 accommodation, nor any justification for the site selection process or the location of such accommodation in a major town. It is suggested the main issues to address are therefore the acceptability of the use(s) involved in terms of general planning principles, and the localised impacts.

A key starting point in assessing the issue of principle has to be recognition of the existing planning use of Llys Gwyn, and whether the proposed use differs materially from it. In this respect it is to be noted that the historical use of the property includes bedsit flats with a total of 8 individual units consented in 1997, and an office use granted on the ground floor in 1998. The property has therefore developed as a mixed use Class 3 dwellinghouse and office unit.

The proposed use is considered in terms of current planning legislation as a Use Class C3 Dwellinghouse for the purposes of the 1987 Use Classes Order. It is stated that residents would live within the 6 flats as a dwelling, with ancillary low level support. As stated previously, Use Class C3 does not preclude a degree of care/support, but would not allow for higher levels of support which may be set out in different legislation such as the Care Standards Act, or are involved with a residential Care home, which would fall within Use Class C2 of the 1987 Order.

On the basis of this scenario, it is officers' opinion that purely in terms of the principle of what is involved, there is only limited change in the planning use of Llys Gwyn involved, i.e. from a mixed Class C3 dwellinghouse and office to a Class C3 dwellinghouse (with care/support). Provided the actual use remains wholly within the scope of Use Class C3 it is considered there are no realistic land use planning grounds to oppose the use of the whole property for that use, as this is effectively reverting to the C3 permission granted on the whole of the building by the County Council in 1997. The majority of properties to the rear of Llys Gwyn are also C3 dwellinghouses.

The remainder of the report deals with the specific impacts of the particular proposals which have given rise to local concerns.

b) Impact on residential amenity/fear of crime

Policy GEN 6 of the Unitary Plan requires due assessment of the impact on the amenities of local residents from development, and whether proposals provide satisfactory amenity standards for occupiers (test v), and requires account to be taken of personal and community safety and security, including implications for crime and disorder.

Residential amenity impacts can arise from new development in a number of ways, including overlooking of private gardens and windows of dwellings from upper floor windows (loss of privacy), increased activity, disturbance and noise from different uses.

In this instance, whilst fully respecting the concerns of local residents, it is critical in assessing the proposals to recognise that the application relates to the use of a property which has been in existence over 100 years, has an existing use right for a number of bed sit units under Use Class C3, and the proposals involve very limited physical alterations to the external or internal layout. There are no new windows to be inserted at the rear of the premises. The windows at first and second floor level at the rear of Llys Gwyn have been in existence long before most of the residential properties along Lon Copner and Middle Lane which share a common boundary with it. The rooms at first and second floor level at the rear of the property have been used in conjunction with a C3 dwellinghouse use in the form of bedsit units, and can legitimately continue to be used as such without any planning consent. The use as proposed remains a C3 dwellinghouse use. The application actually proposes to revise the internal arrangements so that only one of the supported accommodation units has a window facing out to the rear yard/garden of the property. The other upper floor windows are in rooms intended for staff use including kitchens and an interview room. It is not therefore considered the proposed use would give rise to a level of overlooking and loss of privacy from occupiers of the property in excess of that which could already occur from the existing C3 use. This is an important material consideration.

The rear yard area and garden can be used by occupiers of the existing bed sit units without restriction. The proposals are to limit outdoor use to a small amenity space for residents immediately to the rear of the building, and to restrict residents access to the higher level walled section of the garden to be used for clothes drying, by provision of gates monitored by staff. The site plan shows the intention to add planting around the boundary of the upper walled garden "to provide added security". Again, it is concluded that the level of activity in the rear yard/garden likely to arise from a C3 use with 6 supported persons would not be so different from that arising from the existing mixed C3/office use, and could not justify refusal of permission on land use planning grounds. There is additional assurance in this instance that there is a 24 hour staff presence proposed to address any concerns over uses of the amenity area.

There are more general local concerns over the potential for noise/disturbance , and fears of crime in the area around Llys Gwyn, in part arising from behavioural problems experienced here from occupiers of housing association units. The issue has dominated meetings between the applicants and residents prior to the submission of the application, and is dealt with in detail in the Tribal Consultants report. In essence, the report concludes the suitability of Llys Gwyn for the use is necessarily linked to management requirements, and sets out a range of specific proposals which are geared to addressing concerns from residents : including the layout of the property and external areas, security measures such as internally

overseen CCTV, the control of external access to one entrance, strict visitor policy and procedure, staff rotas ensuring 24 hour presence, appropriate staff training and managerial structures, a robust referral and assessment policy, effective governance structures for the landlord and support provider and clear communication strategy with the police and local residents. The report also recommends a thorough review of impacts after 12 months, involving the wider community. Ultimately, it is officers' opinion that the implementation of a rigorous management regime, with a full review of impacts in conjunction with the C3 dwellinghouse use here would do much to address the genuine fears of local residents. Responsibility for the Management regime is one which rests with the Denbighshire Supporting People section.

c) Over concentration of similar uses

There are no Unitary Plan policies which deal directly with over concentrations of C3 uses. Hence whilst noting local concerns over the presence of residential/care homes in the locality, it has to be recognised that this is not a proposal for a C2 Residential Institution use, and there is no policy restriction on the number of C3 dwelling units which could justify refusal of permission here. If the nature of the use were to change over time to a C2 Residential Institution use, then this would be in breach of the permission sought, and the Planning Authority would have to reassess its position, as this would be an unauthorised use.

d) Parking/highway issues

Policies TRA 9 and GEN 6 of the Unitary Plan oblige consideration of the impact of development on the local highway network and the need for related parking facilities.

In assessing the highway and parking issue, members will appreciate that due account has to be taken of the existing use of a property and its location, and whether a proposal is likely to generate traffic/activity in excess of that which could already arise. In this instance, it is clear that Llys Gwyn is in a town centre location, has no space for dedicated off street parking (although there is a lay-by on this side of Vale Street with a limited number of parking spaces), and it has been used as an office and bedsit unit for many years. The property is on a regular bus route. Users of the property with cars have parked on Vale Street or in nearby streets/car parks, or have relied on public transport. Realistically, there is very little change proposed here in the scale and nature of the use, and the level of car ownership of residents of the supported units is likely to be low. Highways officers raise no objection to the application. It is not considered there are reasonable highway/parking grounds for opposing the development.

e) Impact on Conservation Area/Listed Building

Policies CON 3 and CON 5 of the Unitary Plan relate to developments affecting Listed Buildings and Conservation areas. These require that proposals are not detrimental to the character or appearance of Listed Buildings or Conservation Areas.

The application proposes negligible external works to the building in connection with the C3 use, and it is not considered that these would have any adverse impact on the character or appearance of Llys Gwyn or the Conservation Area.

Other issues

Consultation on the application.

A number of early objections received on the application expressed concerns over the timing of the submission close to Christmas 2008, as it was feared this could limit opportunity for making representations if an early decision was being sought. As the

application has not been brought to Committee until September 2009, it is considered all parties have had adequate chance to forward views to the Council, and that the key issues will be taken into account when considering the merits of the application.

SUMMARY AND CONCLUSIONS:

Members will appreciate the application has generated a number of objections from local residents, and that there are specific concerns over the acceptability of the proposed use of Llys Gwyn.

The relevant considerations for the Committee are, as ever, the policies of the Unitary Plan and other material **planning** considerations.

The Unitary Plan policies are of limited guidance in relation to the consideration of the principle of the development, but do set out a requirement to meet the housing needs of all sections of the County's population. The proposals would be in accord with this general principle. The more detailed policies of the plan oblige full consideration of the localised impacts of any development/change of use. The report assesses a range of amenity impacts and concludes on the basis of the C3 dwellinghouse use proposed, that these would not be unacceptable.

Officers are fully respectful of local concerns, but believe there are key material considerations which weigh heavily in favour of the application. The first is the fact that the existing use is a mixed C3 dwellinghouse and office use which establishes the principle of a multi-occupation dwelling use in Llys Gwyn. The second is the actual use proposed, which as stated previously is a C3 dwellinghouse use offering a degree of care/support to residents. On the basis that there is very limited change in the nature and scale of the planning use, there appear to be no strong land use planning grounds to justify refusal of permission.

It is to be noted that the suitability of the property for the 'supported units' use has been the subject of an independent review by consultants (Tribal Consultants). The review accepts there are local concerns, but concludes that with appropriate management processes/arrangements, community engagement and reviews of the effectiveness of the operation, by the responsible County Council Service, the impacts on the locality would not be unacceptable.

The officer recommendation is therefore for the grant of permission, subject to inclusion of a condition controlling the use to a Class C3 dwellinghouse.

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. For the avoidance of doubt, the use hereby permitted shall be as a Class C3 Dwellinghouse with ancillary care/support for the occupants and not a Class C2 Residential Institution, as defined within the Town and Country Planning (Use Classes) Order 1987.

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. For the avoidance of doubt and to ensure the Local Planning Authority retains control over the use of the property.

NOTES TO APPLICANT:

None

ITEM NO: 2

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 10/2009/0544/ PF

PROPOSAL: Conversion of outbuildings to form 1 no. dwelling, installation of new septic tank and re-instatement of vehicular access from the west

LOCATION: Outbuildings at Talybidwal Bach Bryneglwys Corwen

APPLICANT: Mr Nigel & Mrs Catherine Lockert

CONSTRAINTS: Public Right Of Way

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

CONSULTATION RESPONSES:**BRYNEGLWYS COMMUNITY COUNCIL**

"Do not have any objections to the conversion at the above address, but we would like to raise an objection to the re-instatement of the access.

The access proposed is in a very dangerous spot and will be on an incline leading into the road which has blind spots to the left and right. Neighbouring properties have also raised their concerns with the Community Council as regards to this matter".

CLWYD POWYS ARCHAEOLOGICAL TRUST

Request suitable photographic survey of the buildings.

COUNTRYSIDE COUNCIL FOR WALES

No objections. Site is not located within the boundary of any statutory sites of ecological, ecological and/or geomorphological interest; is not located within or clearly visible from the boundaries of any statutory landscapes; and has been subject to a satisfactory survey for protected species. Recommendations of the wildlife survey should be subject to condition.

ENVIRONMENT AGENCY WALES

Assess the application as having a low environmental risk.

DENBIGHSHIRE COUNTY COUNCIL consultees:**Head of Transport and Infrastructure**

No objection subject to the inclusion of conditions to ensure the access is constructed as proposed is surfaced appropriately, and any entrance gates open into the site.

Footpaths Officer

Notes proximity to Public Footpath 16 and requests suitable notes with any permission requiring measures to be taken to avoid any interference with the path during and after construction works.

Building Control Manager

Confirms the structural report is an accurate reflection of the condition of the buildings that these are structurally sound and capable of conversion, and that the scheme can be implemented without demolition/reconstruction in excess of that shown on the plans.

Ecologist

Satisfied there is unlikely to be impacts on bats, subject to the recommendations in the Protected Species report being followed, and inclusion of suitable notes dealing with timing of works to ensure no disturbance to nesting birds.

RESPONSE TO PUBLICITY:

Letter of representation received from:

Mr. I. Owen, Pwll Pridd, Bryneglwys

Summary of planning based objections:

Access – concern over safety of proposed access/visibility and turning dimensions at entrance/inadequate for larger vehicles/single track link road to A5104 with 90° bend.

Letter in support:

Mrs. A. Scothern, Tal y Bidwal Fawr, Bryneglwys

Summary of planning based comments:-

Acceptable detailing.

Conforms with planning policy.

EXPIRY DATE OF APPLICATION: 12/07/2009

REASONS FOR DELAY IN DECISION:

- additional information required from applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

Outline of application

The application proposes the conversion of 2 linked outbuildings to the south of the main dwelling at Tal y Bidwal Bach, to a single dwellinghouse.

The buildings are in an 'L' shape and would form a 6 bedroom unit around the existing courtyard.

The courtyard would be screened from the dwelling at Tal y Bidwal Bach by boundary planting. A parking area for 4 vehicles would be laid out to the west of the buildings.

Vehicular access to the proposed dwelling would be from an established farm track which contains a public footpath, running west to a minor road serving a small number of existing properties. This would separate the property from Tal y Bidwal Bach, which would retain its existing vehicular access running south/east towards the A5104 Corwen-Bryneglwys road.

Description of site and surroundings

Tal y Bidwal Bach is located in attractive open countryside to the north of the A5104 Corwen-Bryneglwys road, some 1.5km to the west of Bryneglwys village.

The main house is a substantial 2 storey property under a slate roof. The outbuildings to be used for the conversion are primarily stone built structures, with a brick built section under a slate roof. A number of dilapidated corrugated iron additions are to be removed.

Tal y Bidwal Bach and its outbuildings are one of a number of scattered farm properties in this area.

The main vehicular driveway serving the existing dwelling links to a minor road close to its junction with the A5104. The track proposed for use to serve the dwelling now proposed appears to have been used as an agricultural access. It links to the same minor road running off the A5104.

Relevant planning constraints/considerations

Public footpath 16 runs along the proposed access to the site.

Relevant planning history

Section 7 of the report details the planning history at the site. The site has been the subject of an adventurous proposal for an arboretum in the late 1990's which was never pursued. Significantly, the outbuildings have been the subject of three previous applications for conversions, granted permission in 1998 (2 units), 2004 (4 units), and 2005 (2 units). These proposals involved use of the existing vehicular track serving the main dwelling, linking to a minor road close to its junction with the A5104.

Development/changes since original submission

None.

Other relevant background information

None.

DETAILS OF PLANNING HISTORY:

20/14,450 (Glyndwr)

Creation of arboretum with associated facilities involving:

- a) use of approximately 21 hectares (52 acres of agricultural land as arboretum, construction of car park area, new vehicular access and new ponds.
- b) Conversion of outbuilding to 2 no. holiday accommodation units and installation of new septic tank.

GRANTED - 21st February 1995 subject to the signing of a Section 106 Obligation to provide a de-acceleration lane within the highway. Application withdrawn on the 11th May, 1998.

10/432/98/PF

Conversion of existing outbuilding into 2 self-contained holiday accommodation units and installation of a new septic tank – GRANTED – 30/07/1998

10/2004/0084/PF

Conversion of outbuildings (part previously approved 30/07/1998) REF NO. 10/432/98/PF) to 3 holiday accommodation units and 1 residential unit – GRANTED – 23/07/2004

10/2005/0509/PF

Conversion of outbuildings to create 2 residential units (amended scheme to that previously approved under Code No. 10/2004/0084/PF) – GRANTED 27/6/2005.

PLANNING POLICIES AND GUIDANCE:

Denbighshire Unitary Development Plan (adopted July 2002)

Policy GEN 3 - Development Outside development Boundaries

Policy GEN 6 - Development Control Requirements

Policy ENV 6 - Species protection

Policy HSG 9 - Residential conversion of rural buildings to dwellings

Policy TRA 6 - Impact of new development on traffic flows

Supplementary Planning Guidance

SPG 6 - Conversion of rural buildings

GOVERNMENT GUIDANCE

Welsh Assembly Government

Planning Policy Wales 2002

Technical Advice Note 12 – Design and Access Statements

MAIN PLANNING CONSIDERATIONS:

The main issues are considered to be:-

- a) Principle of development
- b) Detailed design issues
 - Structural stability
 - Design/materials/detailing
- c) Residential amenity
- d) Drainage
- e) Highways
- f) Ecology
- g) Inclusive design

In relation to the main considerations:

- a) Principle
The main Unitary Development Plan Policies relevant to the principle of the development are GEN 3, and HSG 9. GEN 3 contains a presumption against development outside development boundaries, but lists potential exceptions including in test iii) the conversion, adaptation, reuse and extension of existing rural buildings, subject to the requirements of HSG 9. HSG 9 permits conversions subject to meeting a range of tests. The requirements of GEN 6 and HSG 9 are reviewed in the following sections.

- b) Detailed design issues
Structural stability
The submitted structural report demonstrates that the building is capable of conversion without significant alteration or demolition works, and would meet test i of HSG 9.

Design/materials/detailing

The scheme has been designed to make use of existing openings and features of the existing buildings, and would comply with tests ii and iii of HGS 9, being similar in many respects to previously approved applications.

- c) Residential amenity
The development would not have any adverse amenity impacts on Tal y Bidwal Bach itself, and would provide occupiers with adequate levels of privacy and amenity, in line with test iv of HSG 9. The reduction in numbers of units from previously approved schemes to a single dwelling as now proposed would have a corresponding reduction in activity in and around the complex, compliant with test v. of HSG 9.
- d) Drainage
There are no objections to the use of a septic tank to serve the dwellings.
- e) Highways
The Head of Transport and Infrastructure raises no objections to the proposal to upgrade the existing agricultural track and access onto a minor road to serve the proposed dwelling, subject to satisfactory detailing, and the protection of the public footpath. Having regard to the comments of the Community Council and an objector, it is to be noted that the actual point of access onto the highway is on a relatively straight section of that road, and it is possible to achieve visibility splays and a suitable widening of the entrance, sufficient to create a new access of a suitable standard. Whilst acknowledging the minor road is narrow in parts, due account needs to be taken of the fact that there is already an access in place here, which has been used by agricultural vehicles over a long period of time. It is not considered in the circumstances that given the improvements which would be made to improve the entrance and visibility splays, and the fact that the access would be for the exclusive use of a single dwelling, there is a strong case to oppose the proposals on highway grounds.
- f) Ecology
The Countryside Council for Wales and County Ecologist raise no objections, and request appropriate conditions to ensure implementation of measures to protect wildlife, which would be consistent with Policy ENV 6.
- g) Inclusive design
The Access Statement and the plans demonstrate a commitment to providing suitable access for persons with disability, consistent with test vi) of GEN 6 and guidance in TAN 12.

SUMMARY AND CONCLUSIONS:

There is a current unimplemented permission to create 2 dwelling units here. The scheme of conversion is much simpler than previously consented schemes. The highway concerns are noted but it is considered that a satisfactory access can be achieved.

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**
Notwithstanding the submitted details, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the access track and the layout of the entrance onto the public road, to include the provision of adequate entrance splays and visibility splays, surfacing and gradients, the position of any gates, and the treatment of Public Footpath 16.
3. The materials and finishes to be used in the making good/repair of the external surfaces of the walls of the development hereby permitted shall be of the same texture, type

and colour as those on the external walls of the existing buildings to which the works relate.

4. Any existing wall opening(s) to be blocked up and/or existing walls/stonework to be restored in accordance with the approved plans shall be carried out with materials which match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing.

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

6. The proposed roof lights shown on the approved drawings shall not project above the plane of the existing roof.

7. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 and Classes A, B and C of Part 2 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.

8. **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.

9. 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.

10. **PRE-COMMENCEMENT CONDITION**

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

11. The development shall be undertaken strictly in accordance with the measures set out in the Mitigation and Recommendations section of the Protected Species Survey undertaken by Chris Hall Ltd., as received by the Local Planning Authority on the 11th May 2009.

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

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

2. To ensure the formation of a safe and satisfactory access, and to safeguard public Footpath 16.

3. In the interests of visual amenity.

4. In the interests of visual amenity.

5. In the interests of visual amenity.

6. To ensure that the development presents a satisfactory appearance

7. In the interests of residential and/or visual amenity.

8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.
10. In the interests of investigation and recording of historic/listed buildings.
11. In order to protect and enhance wildlife interest.

NOTES TO APPLICANT:

In connection with the access proposals, you are advised to consult with the Council's Highway Officers prior to preparation of detailed plans for compliance with Condition 2. The Footpaths officer has advised as follows:-

"No change to the surface of the right of Way should be approved without consultation with the County Council. A licence will be required to change the surface of the Footpath to accommodate the vehicular access. The developer should be made aware of his/her obligations and should contact Paul Owen on 01824 706872 to obtain a licence before any works commence.

The developer must also ensure the following:

There is no diminution in the width of the right of way available for use by members of the public.

No building materials are stored on the right of way.

No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.

Vehicle movements are arranged so as not to interfere with the public's use of the way.

No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.

No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right or allowed to interfere with the right of way.

The safety of members of the public using the right of way is ensured at all times".

The Highways Development Control Officer will require that:-

The access shall be completed to the satisfaction of the Local Planning Authority before any works start on site.

Any entrance gates hung across the proposed access within 6 metres of the edge of the near side carriageway shall be arranged to open inwards into the site.

The surface of the access shall be paved with a concrete or bituminous material for a minimum distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent highways shall be reinforced with bullnose kerbs to the satisfaction of the Local Planning Authority before being brought into use.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

ITEM NO: 3

WARD NO: Rhyl West

APPLICATION NO: 45/2009/0719/ AD

PROPOSAL: Continuation of display of 3 No. advance direction signs on West Parade/Sydenham Avenue, Wellington Road/Sydenham Avenue and Wellington Road/Quay Street corners (retrospective application)

LOCATION: Former Rhyl Amusement Park 104 West Parade Rhyl

APPLICANT: Mr Greg Sheehan The Hungry Tum

CONSTRAINTS:

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:

“Object on the grounds that the granting of planning permission would set a precedent resulting in further applications at the site and on other developments within the town. The council believe such adverts are detrimental to the image of the town and would request the County Council Planning Department to take action at other construction sites where similar advertisements are appearing – including Rhyl Town Hall.”

DENBIGHSHIRE HEAD OF TRANSPORT & INFRASTRUCTURE:

No objection

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 09/08/2009

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**Outline of application

Retrospective advertisement consent is sought for the continued display of three non-illuminated signs for a fish and chip café/takeaway. The board signs are in three different locations; the corner of West Parade/Sydenham Avenue (Advertisement 1), corner of Wellington Road/Sydenham Avenue (Advertisement 2), and corner of Wellington Road/Quay Street (Advertisement 3). They are attached to temporary, solid security fencing which surrounds the Ocean Plaza site.

Advertisements 1 and 2 are both 91.5cm by 91.5 cm, and feature black text on white background with a red directional arrow. Advertisement 3 is 82cm by 213cm, and again features black text on white background with a red directional arrow.

The applicant states that the signs are only required as a result of the boarding around the Ocean Plaza site obscuring public view of his chip shop, and that the signs are only required until the boarding is removed.

Description of site and surroundings

The three signs are all adjacent to principal roads on the edge of the Rhyl Tourism area, around the Ocean Plaza site, which at present is vacant, pending redevelopment to the south of the area is the Marine Lake, and to the north is the coast.

Relevant planning constraints/considerations

The signs are located within the Coastal Planning Zone and Ffordd Harbour/Ocean Beach Development area.

Relevant planning history

The application has been submitted following investigation by Planning Enforcement Officers.

RELEVANT PLANNING HISTORY:

None

PLANNING POLICIES AND GUIDANCE:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 1 - Development Within Development Boundaries

Policy GEN 11 – Advertisements within Development Boundaries

Supplementary Planning Guidance

None

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

- i) Principle
- ii) Impact upon visual amenity
- iii) Impact upon highway safety

With regard to the considerations above:

- i) Principle
The site is located within the Rhyl development boundary, where the principle of advertisements is accepted (Policy GEN 11), subject to the proviso that they do not detract from the street scene, are appropriate for their siting in terms of design and materials and do not result in a highway safety hazard. In this case, there is also a consideration to be given to the circumstances arising from the erection of temporary boarding around the Ocean Plaza site, as the business premises to which the signs relate are obscured from view.
- ii) Impact upon visual amenity

The signs feature black text on a white background. They are mounted on the dark blue painted timber boarding which screens the Ocean Plaza site. Having regard to their size and content, it is not considered that the signs detract significantly from the street scene in this area and it is relevant that they are only required for a temporary period.

Concern expressed by Rhyl Town Council regarding the setting of a precedent for such signs on building sites and the detrimental impact upon the street scene is noted. However, it is considered that all signs in such locations would be subject to planning control and the same considerations would apply in each instance on a case for case basis. In essence, there would be no obligation to support further similar applications for signs if they did not themselves comply with the relevant planning policy.

- iii) Impact upon highway safety
The Highway Section has raised no objection to the proposal. It is not considered that any of the three signs result in a distraction to passing drivers, or obscure visibility at junctions.

SUMMARY AND CONCLUSIONS:

The proposal is considered acceptable on a temporary basis.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The signs shall only be displayed until the removal of the boarding around the Ocean Plaza site.

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

1. In the interest of visual amenity.

NOTES TO APPLICANT:

You are advised that consent has only been granted on a temporary basis whilst the boardings remain around the Ocean Plaza site.

ITEM NO: 4

WARD NO: St Asaph East

APPLICATION NO: 46/2009/0672/ PF

PROPOSAL: Erection of 1 detached dwelling fronting Gemig Street

LOCATION: Land rear of Central Buildings High Street St. Asaph

APPLICANT: Mr Stewart Coxon

CONSTRAINTS: PD Removed
Groundwater Vulnerability 1
Conservation Area

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

CONSULTATION RESPONSES:

ST ASAPH TOWN COUNCIL:

“Object on the grounds of highway safety- members felt the egress/access would be dangerous to other road users”

DENBIGHSHIRE HEAD OF TRANSPORT & INFRASTRUCTURE:

No objections, subject to conditions

DENBIGHSHIRE CONSERVATION ARCHITECT:

No objections to the principle subject to the conditioning of external details

CLWYD POWYS ARCHAEOLOGICAL TRUST:

No objections subject to condition requesting archaeological watching brief being carried out.

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 07/08/2009

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

Outline of application

The scheme seeks to erect a detached dwelling which will accommodate three bedrooms, one bathroom, a dining room, lounge, kitchen, study, utility and hall. The

house would have a footprint of 9.4 metres by 7.5 metres at its widest point and is shown as being single-storey to its front (east) and two-storey to the rear (west, facing Gemig Street) due to the sloping nature of the site. The dwelling would have a slate roof with a combination of brickwork walls and sandstone windowsills.

The submitted layout plan shows the house sited on the western side of the site and set back from Gemig Street by around 4 metres. The house would have a large parking/turning area along the majority of its road frontage, with a lawn area of 5 metres by 3 metres to the rear, and a shallow (2 metres) wide paved area to the front (facing Gemig Street) across the width of the dwelling. A narrow strip of landscaping along the Gemig Street frontage is shown as being retained. To the side of the dwelling there would be an area of lawn measuring 3.5m by 5m.

Description of site and surroundings

The application site is a parcel of currently vacant land which stands to the rear of properties which front the High Street to the south. The site is also abutted by Gemig Street to the west, but with this road set at a far lower level than the site with a steep slope down which is covered with scrub, grass and some trees.

To the north of the site lies residential property, again down a slope, with the car park for the Natwest Bank premises to the east. The site is accessed by a narrow alleyway adjacent to the Bank, and is adjacent to a vacant outbuilding to the south which has permission to be converted to a dwelling (46/2008/1328/PF). The site lies within the Conservation Area and is visible when approaching along Gemig Street due to its elevated position.

Relevant planning constraints/considerations

The site lies within the St Asaph Conservation Area.

Relevant planning history

The site has been subject to a previous planning application for the erection of one dwelling. This application was refused on the grounds that the design would have a detrimental impact upon the character of the conservation area. It was also refused for not providing an adequate amount of amenity space for the future occupants. Following the refusal, the applicants have negotiated with Denbighshire CC Planning Officers, and Conservation Officers. The application now being considered is the resulting scheme. The dwelling has been reduced in size to create more amenity space than on the previous application, and the design improved in order to address the concerns of the conservation officer regarding the impact upon the character of the area.

RELEVANT PLANNING HISTORY:

46/2008/1327/PF - Erection of 1 detached dwelling. REFUSED 18th February 2009 for the following reasons:

1. The proposed dwelling will appear dominant in the street scene as it is sited prominently at the top of a steeply sloping site with its private rear elevation facing Gemig Street. As such, the proposed development will not preserve the character of the building pattern along Gemig Street which is intimate and enclosed with buildings and cottages either tight up to the road side or with small walls and railings forming narrow frontages. The application therefore fails to preserve or enhance the Conservation Area and is contrary to Policy CON 5 of the Denbighshire Unitary Development Plan and Supplementary Planning Guidance 13 'Conservation Areas'.

2. The proposed development fails to provide adequate amenity space for future occupiers and is therefore contrary to criterion v) of Policy GEN 6 of the Denbighshire Unitary Development Plan and advice as contained in Supplementary Planning Guidance 25 'Residential Development Design Guide'.

PLANNING POLICIES AND GUIDANCE:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 1 – Development within Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy HSG 2 – Housing Development in Main Villages

Policy CON 5 – Development within Conservation Areas

Policy TRA 6 – Impact of New Development on Traffic Flows

SUPPLEMENTARY PLANNING GUIDANCE

SPG 13 – Conservation Areas

SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

- i) Principle
- ii) Highways
- iii) Visual appearance and impact on the Conservation Area
- iv) Residential amenity space for future occupants
- v) Impact on nearby residential occupiers
- vi) Archaeology

In relation to the considerations as noted above:

- i) Principle
In respect of principle, the site lies within the main centre of St Asaph which, as a main centre, is a location where most housing developments will be expected to be located. The proposal is therefore acceptable in principle, but further scrutiny is required in respect of the details.
- ii) Highways
The Highway Section has raised no objection to the proposal subject to a condition relating to parking and turning which is detailed on the submitted plan. The application is considered acceptable in respect of highways. Concerns raised by the Town Council are duly noted, however, given the existing and well used nature of the access (it provides access to staff car parking to the rear of Nat West Bank) and the proposed 'limited' additional usage of the access (an additional two cars) is not considered significant enough to sustain a refusal on highways grounds.
- iii) Visual appearance and impact on the Conservation Area
Policy CON 5 requires new development to demonstrate that it would preserve or enhance the appearance of the Conservation Area. The proposed materials are slate roof, and brick walls detailed with sandstone sills. The site would feature several retaining walls constructed of matching brickwork and black cast iron railings to their tops. The wall to Gemig Street would be rebuilt using the existing natural stone. The scale and form of the

dwelling is considered to preserve the character of the conservation area, and with careful landscaping, would be an improvement on the site's existing appearance. The proposal is considered therefore to be compliant with Policy CON 5 and acceptable in terms of its impact upon the character of the conservation area.

iv) Residential amenity space for future occupants

The subject site is of a reasonable size and it is considered that the size of the proposed dwelling with its associated parking and turning areas and amenity areas affords sufficient space around for the future occupiers of a dwelling in a town location. The previous concerns regarding lack of amenity space are considered to have been overcome with a rear patio area of 24m², a side lawn of 18m² and ancillary lawn areas around the parking area.

v) Impact on nearby residential occupiers

The siting of the proposed dwelling is opposite commercial buildings on Gemig Street and is separated from dwellings to the north by a slope and a distance of around 14 metres. There is not considered likely to be any undue impact on nearby residential occupiers as a result of the proposal.

vi) Archaeology

The site is close to the medieval core of St. Asaph and therefore there is a potential for archaeological remains to be present. Therefore it is considered necessary to attach a planning condition to ensure a watching brief is undertaken during the initial phase of development to monitor and record any evidence that may be present.

SUMMARY AND CONCLUSIONS:

The proposal is considered to comply with planning policy and the details address previous concerns

RECOMMENDATION: GRANT - subject to the following conditions:-

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

2. **PRE-COMMENCEMENT**

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

3. **PRE-COMMENCEMENT CONDITION**

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

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

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

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

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

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

4. All 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.

5. Prior to the rebuilding of the stone boundary wall adjacent to Gemig Street, a sample panel of the type of stonework, mortar and pointing finish it is proposed to use on the external surfaces of the walls shall be constructed on site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority and the stonework, mortar and pointing finish shall be strictly of the same type, texture and colour as the approved sample panel.

6. Unless otherwise agreed in writing by the Local Planning Authority, all rainwater goods shall be in cast iron and painted black.

7. No windows or doors shall be installed until detailed scaled plans and elevations (1:20 scale) have been submitted to and approved in writing by the Local Planning Authority showing the proposed frame material, finish and sectional profile, the subdivision of the fixed lights and method of opening the windows, the nature of the glazing, details of the beading and puttying, and the extent of recess of the frames in the openings.

8. Notwithstanding the details submitted, the colour of the external door fronting Gemig Street shall be agreed in writing with the Local Planning Authority prior to its installation. The door shall be maintained in the agreed colour at all times unless otherwise agreed in writing by the Local Planning Authority.

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

10. PRE-COMMENCEMENT CONDITION

No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.

11. Notwithstanding the provisions of Classes A, B, C, D, E, F, G & H 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.

12. 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.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. In order to ensure that trees and hedges to be retained are not damaged by building

or engineering works.

5. In the interests of visual amenity.
6. To respect the character and appearance of the building.
7. To ensure the fenestration respects the character of the existing building.
8. In the interest of visual amenity and preserving the character of the conservation area.
9. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
10. In the interests of archaeological investigation and recording.
11. In the interests of residential and/or visual amenity.
12. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity

NOTES TO APPLICANT:

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