

PWYLLGOR CYNLLUNIO
CYFARFOD: 20fed Ionawr 2010
Eitem: 2

PLANNING COMMITTEE
MEETING – 20th January 2010
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: Corwen

APPLICATION NO: 05/2009/1246/ PF

PROPOSAL: Conversion of a store within the outbuilding to a café/community room and erection of polytunnel to proposed community garden area

LOCATION: Eagles Hotel The Square Corwen

APPLICANT: Mr Leslie Hughes

CONSTRAINTS: C2 Flood Zone
Conservation Area

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

CONSULTATION RESPONSES:

CORWEN TOWN COUNCIL- "Members of Corwen Community Council welcome and support the application".

ENVIRONMENT AGENCY WALES- No objection, recommend flood proof construction techniques are used.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

- HEAD OF TRANSPORT AND INFRASTRUCTURE - No objection
- CONSERVATION OFFICER- No objection
- PUBLIC PROTECTION POLLUTION CONTROL TECHNICAL OFFICER- No objection, subject to control of use of fans in polytunnel.

RESPONSE TO PUBLICITY:

Letters in objection -

Ms. C. Stein, Marian Stores, The Square, Corwen (via e-mail)

Ms. B. E. Robinson, Dee Cottage, Glyndyfrdwy (via e-mail)

Ms. R. Jones, 6, Uwch-y-Dre, Corwen (via e-mail)

Ms. S. Cowley, Meirion House, Bridge St., Corwen (via e-mail)

Jade Steenman, 4, Gwern Gwalia, Corwen (via -mail)

Summary of planning based objections:

a) Principle of development / Need for additional Café/Community facility

EXPIRY DATE OF APPLICATION: 13/12/2009

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- additional information required from applicant

PLANNING ASSESSMENT:**1. THE PROPOSAL:****1.1 Outline of application**

1.1.1 The application proposes conversion of an outbuilding to the rear of the Eagles Hotel in Corwen to a café/community room and erection of a polytunnel in a community garden area. Alterations proposed to the outbuilding to facilitate the change of use include; raising the height of the

northern end of the outbuilding by 0.8m, re-roofing with slate and the insertion of new hardwood doors and windows on the south west elevation. The area to north east of the building is proposed to be used as a 'community garden', and a 4.5m by 3.05m polytunnel is proposed to run parallel to the eastern boundary of the site.

1.2 Description of site and surroundings

1.2.1 Located to the rear of the Eagles Hotel, and north of the High Street frontage in Corwen, the site is currently used ancillary to the hotel/public house, primarily as an informal seating area. The outbuilding is used as a store for the Hotel. It is a flat site, with concrete hardstanding bounded by a stone wall on the north and east with established landscaping on the boundaries. The site has pedestrian access from a lane running from the public car-park to the north and has a wider vehicular access to the northwest at the rear of the Hotel.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary, in the designated town centre. The site lies within the Corwen Conservation area and a C2 flood risk area.

1.4 Relevant planning history

1.4.1 There is no relevant planning history on the site.

1.5 Developments/changes since the original submission

1.5.1 Since the original submission, additional information requested by the Conservation Officer has been forwarded dealing with the detail of the scheme of conversion including window and door sections.

1.6 Other relevant background information

1.6.1 Information submitted with the application details the precise nature of the use. The applicant has sought grant funding for the proposal under the 'Pub is the Hub' initiative, under which scheme publicans are encouraged to work with the local community to retain rural pubs by using them for a range of other purposes not simply as a public house. The applicant hopes to use the outbuilding for a range of purposes including gardening clubs, bingo nights, knitting and craft clubs and a cookery demonstration area. The aim is to grow a range of vegetables in the garden area which can be served in various ways in the tea room when activities are not running. The maximum capacity of the café would be approximately 20 people.

2. **DETAILS OF PLANNING HISTORY:**

2.1 No relevant planning history.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy CON 5- Conservation Area

Policy GEN1- Development Boundary

Policy GEN 6 – Development Control Requirements

Policy ENP 6 - Flooding

Policy RET 1- Town/District centre

Policy RET 16 - Food and drink

Policy CF 1 – Community Facilities – General

3.2 Supplementary Planning Guidance
Supplementary Planning Guidance Note No. 13

3.3 GOVERNMENT GUIDANCE
TAN 15 Development and Flood Risk

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity and the conservation area
- 4.1.3 Residential amenity
- 4.1.4 Floodrisk

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of the development is considered acceptable within the terms of the relevant policies. The site forms part of the curtilage of an existing hotel/public house, which is currently used in conjunction with that use. It is within the GEN 1 development boundary and the RET 1 designated town centre.

The mixed café/community use is considered an appropriate development in the town centre, and would not impact on its vitality and viability, thus complying with policy RET 1. Despite concerns raised relating to the need for the use, policy CF1 does not require applicants to prove or demonstrate a 'need' for new community facilities. It permits new community facilities provided they are located so as to serve the local population and they are accessible to non car users, and should use vacant or underused buildings.

4.2.2 Impact on visual amenity and the conservation area

The site is located in the designated conservation area. Policy CON 5 permits development in conservation areas providing there is no impact on the character and appearance of the conservation area.

The outbuilding is an attractive stone building located to the rear of the Eagles, visible on the approach from the public car park to the town centre and occupies an important site in the conservation area. The alterations proposed to the building would have a minimal impact on the character of the area, as the overall scale and appearance will be similar to the existing building. The proposed polytunnel and community garden area is located to the north east of the site, where it is well screened by established landscaping which is proposed to be retained. Although the proposal will result in a potentially more intensive land use, the nature of this use for gardening and vegetable growing, has a limited visual impact and will not detrimentally impact on the character and appearance of the conservation area.

4.2.3 Residential amenity

Policy GEN 6 refers to the general development control criteria, of most relevance is criterion v) relating to the residential amenity impact on new development

Taking into consideration the established use, the town centre location and surrounding land uses, it is not considered the proposal will impact significantly on the privacy and amenity of nearby occupiers. Concerns raised by Public Protection Officers relating to the potential noise of extractor fans in the polytunnel have been addressed by the applicant who has advised there is no intention to provide fans. This can be covered by condition if a permission is considered.

4.2.4 Flood Risk

Flooding is a consideration as the application site is located with a flood zone C2 as defined by the development advice maps of TAN 15. Policy ENP 6 relates to flooding, development which would result in an unacceptable risk from flooding on or off site is not permitted.

The Environment Agency Wales have been consulted on the application and have raised no objection to the development on the basis of the small scale nature of the development, the location at the extreme edge of the flood zone and the fact that is no change in the vulnerability category of the development.

5. SUMMARY AND CONCLUSIONS:

5.1 This application proposes a mixed use on a site with a similar existing use. Minimal alterations are proposed to the building and subject to control the use should have minimal visual impact. The proposal complies with the relevant policies and is therefore 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. Prior to the commencement of the use of the premises, equipment for the treatment and extraction of fumes and smells resulting from the preparation and cooking of food shall be installed in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Following its installation, the equipment shall be operated whenever preparation and/or cooking of food is taking place.
3. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
4. No fans or mechanical circulation systems shall be installed in the polytunnel hereby approved unless agreed in writing by within with the Local Planning Authority.
5. Notwithstanding the approved plans, there shall be no external storage of materials or implements in the community garden area unless otherwise approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of amenity.
3. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
4. In the interest of residential amenity.
5. In the interest of visual amenity and the character and appearance of the conservation area.

NOTES TO APPLICANT:

You are advised that the site is located within a zone C2 as defined by the Development Advice Maps of TAN 15 Development and Flood Risk. The Environment Agency recommend flood resilient building techniques within the development, to protect the building from flooding which may occur from the river Dee or other sources such as the Nant Cawddru. Further advise on flood proofing measures can be found in the ODP< publication 'Preparing for Floods', and 'Flood Performance of New Buildings', available to view at www.planningportal.gov.uk.

ITEM NO: 2

WARD NO: Rhuddlan

APPLICATION NO: 44/2009/1012/ PF

PROPOSAL: Erection of 1 no. dwelling

LOCATION: Land at (Part garden of) Riversdale Castle Street Rhuddlan Rhyl

APPLICANT: Ms Jackie Griffiths

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL:

“Recommended for refusal due to the design and materials being totally out of keeping with the adjoining stone cottages and houses and being sited in a very sensitive location directly opposite the ancient monument Rhuddlan Castle”.

CLWYD POWYS ARCHAEOLOGICAL TRUST:

No objections subject to conditions.

CADW:

No significant concerns regarding the impact on the setting of the scheduled monument or the visitor access arrangements to the castle.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

HEAD OF HIGHWAYS AND INFRASTRUCTURE:

Given the Town Centre location and the availability of public transport does not wish to raise any objections to the application.

CONSERVATION OFFICER:

The proposal has been designed in accordance with policies and SPG’s relating to conservation of the built environment, and subject to conditions supports the proposal.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Ms. A. Keidel, 16, Castle St., Rhuddlan (via e-mail)

Mr D S Garnett, Frogg Cottage, 20 Castle Street, Rhuddlan (via e-mail)

Ms. C. Jones, 1, Burgedin Terrace, Rhuddlan (via e-mail)

Summary of planning based representations:

- Impact upon residential amenity
- Insufficient parking

- Impact upon character of conservation area/castle

EXPIRY DATE OF APPLICATION: 20/12/2009

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

PLANNING ASSESSMENT:

6. THE PROPOSAL:

6.1 Outline of application

- 6.1.1 Full permission is sought for the erection of a two storey, double fronted dwelling. It would comprise kitchen, hall, w.c., and living area on the ground floor, and two bedrooms, landing and bathroom to the first floor.
- 6.1.2 Externally, the dwelling would feature two dormer windows and a porch canopy to the front elevation, with an outrigger to the rear to house the stair well. Windows are primarily located on the front elevation, with only one window being on the first floor rear elevation, which is to serve the stair well.
- 6.1.3 The existing ground level would be lowered to allow a finished floor level equal to that of the neighbouring dwelling Riversdale.
- 6.1.4 The proposed external materials would be render for the walls (with raised door and window heads and quoins) and slate for the roofs. The fenestration would be painted softwood. Rainwater goods would be cast aluminium painted black.
- 6.1.5 It is proposed to retain the natural stone wall to the public highway. To the side and rear, the boundary fences would be 1.8m high close boarded chestnut fencing. A paved area would be created around the house using stone sets. The rear garden area would be grassed. No on-site parking would be provided.

6.2 Description of site and surroundings

- 6.2.1 The site lies directly opposite Rhuddlan Castle, and within the Rhuddlan Conservation Area. It is currently unused and is a gap site within a fairly densely developed part of the settlement.
- 6.2.2 The area is characterised by two storey dwellings of various designs and materials. There is evidence of other double fronted dwellings in the area. Plot sizes in the area are generally small and there is a general trend of on-street parking within the area; reflective of the absence of off-street parking facilities owing to the small and historic nature of the plot sizes and character of the area

6.3 Relevant planning constraints/considerations

- 1.3.1 The site is situated immediately to the north of Rhuddlan Castle, a scheduled ancient monument.

6.4 Relevant planning history

- 6.4.1 Outline permission was sought for a residential unit in 2008, but the application was withdrawn as it was considered that in this sensitive historic

location full details of the proposal would need to be seen in order to determine the application.

6.5 Developments/changes since the original submission

6.5.1 The current submission is a full application as opposed to the earlier application which was an outline application with only details of a proposed access submitted for consideration.

6.6 Other relevant background information

6.6.1 The application has been submitted following pre-application discussions with Council's Planning and Conservation officers.

7. DETAILS OF PLANNING HISTORY:

7.1 44/2008/0759 - Development of 0.016 ha of land by erection of 1 dwelling and construction of new vehicular and pedestrian accesses (Outline application inc. access). WITHDRAWN 20/08/08

8. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

8.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 1 – Development within Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy CON 5 – Development Within Conservation Areas

Policy CON 10 – Scheduled Ancient Monument

Policy TRA 6 – Impact of New Development on Traffic Flows

Policy TRA 9 – Parking and Servicing Provision

8.2 Supplementary Planning Guidance

SPG 13 – Conservation Areas

8.3 GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

Circular 61/96 – Planning and the Historic Environment

9. MAIN PLANNING CONSIDERATIONS:

9.1 The main land use planning issues are considered to be:

9.1.1 Principle

9.1.2 Impact upon conservation area/visual amenity

9.1.3 Impact upon archaeology and scheduled monument

9.1.4 Impact upon residential amenity

9.1.5 Highway implications

9.2 In relation to the main planning considerations:

9.2.1 Principle

The site is located within the Rhuddlan development boundary where the broad principle of development is acceptable, subject to other detailed considerations as set out below.

9.2.2 Impact upon conservation area/visual amenity

Policy CON 5 requires development within conservation areas to either enhance or preserve its character.

The proposed building is considered acceptable in terms of scale, mass and design, and would not appear out of character with the surrounding buildings, being of similar proportions to other dwellings in the area. The choice of timber windows, rendered walls and slate roof is considered acceptable within

the historic context of the site. The stone wall to the front of the site is considered important to the character of this part of the conservation area and serves to form a clear boundary between the dense form of development to the north and the open space surrounding the castle. The retention of this wall is therefore considered essential. No objections have been raised by the Council's Conservation Architect.

9.2.3 Impact upon archaeology and scheduled monument

Policies CON 10 and CON 11 seek to ensure new development does not have an adverse impact on Scheduled Monuments and areas of archaeological significance.

The site is located within an area of high archaeological sensitivity, relating to the medieval core of Rhuddlan. The plot is within the medieval defences of the town and is likely to contain medieval archaeology.

Prior archaeological evaluation of the plot in February 2009 revealed a substantial defensive ditch on the south side which is probably related to the medieval town/castle defences. Other features were located to the north of the ditch, and it is likely that a former defensive bank associated with the ditch may be present to the north. It is also likely that the remains of timber buildings and associated features of light industrial activity may be found in this area.

The Clwyd Powys Archaeological Trust response states that the sample area previously excavated is relatively small and that in such a sensitive location the site is likely to be covered in archaeological features. It is therefore recommended that the applicant commissions an archaeological contractor to complete the excavation in accordance with a design brief produced by the regional curator.

The proposal is considered therefore to comply with policy CON 11 which requires proposals for development affecting sites of potential archaeological significance to be accompanied by archaeological reports, and in line with policy CON 11, a suitable condition to secure the excavation and recording of finds could be imposed.

With reference to the above and comments made by CADW, it is not considered that the proposal would have a detrimental impact upon the setting of the scheduled monument, Rhuddlan Castle. The proposal is therefore considered in line with Policy CON 10.

9.2.4 Impact upon residential amenity

Policy GEN 6 requires assessment of the impact on residential amenity.

The dwelling would face the car park of Rhuddlan Castle. On either side there are dwellings, but no side windows are proposed, and there are no principal windows on the neighbouring dwellings which look towards the site. The principal windows at first floor level on the proposed dwelling would all be located on the front elevation. It is therefore considered that the proposal is not likely to significantly impact upon the privacy of neighbouring dwellings. The separation distance between the rear elevation and the dwellings at the rear, is not dissimilar to that which exists between existing dwellings in this location. It is not considered likely that there would be a significant impact upon the residential amenity of the neighbouring properties. Similarly it is considered that proposed dwelling would itself have satisfactory amenity levels. The proposal is considered acceptable in terms of residential amenity,

and meets the relevant criteria of policy GEN 6, Development Control Requirements

9.2.5 Highway amenity implications

TRA 6 and TRA 9 oblige assessment of the highway impact of new development.

Concern has been expressed regarding the absence of on site parking with the proposal. Given the historic town centre location, close to facilities and public transport services, there is a case to argue that the proposal does not need to provide any parking. If the scheme were amended to create an access for on site parking, it would reduce the amount of parking available to other residents in the area, as the new vehicular access would make a substantial part of the highway unavailable for on street parking, which is a characteristic of the area. In addition, the removal of the stone boundary wall in this location is likely to have a detrimental impact upon the character of the conservation area and setting of Rhuddlan Castle.

It is considered that given the scale of the proposal (two bedrooms), the existing parking arrangements in the area, and the desire to preserve the historic environment in this location, that the highway in this location is capable of accommodating the potential parking requirements of the proposed dwelling, without unacceptably affecting highway conditions locally.

10. SUMMARY AND CONCLUSIONS:

- 10.1 It is considered that the proposal complies with planning policy, and would result in a form of development which would preserve and enhance the character of the conservation 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. **PRE-COMMENCEMENT CONDITION**
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 commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of the fenestration for the development.
4. Notwithstanding the submitted details, the proposed eaves and dormer facing boards shall not be as shown but as further agreed in writing with the Local Planning Authority prior to the commencement of development and only those details as approved shall be implemented.
5. 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.
6. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the Local Planning Authority. The archaeological work will be undertaken to the standards laid down by the Field Archaeologists. On completion of site work and any post excavation analysis, a report on the

investigation will be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological Trust for approval.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure the details are satisfactory in relation to the character and appearance of the building
4. In the interest of preserving the character of the conservation area.
5. In the interests of residential and/or visual amenity.
6. In the interests of archaeological investigation and recording.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Rhuddlan

APPLICATION NO: 44/2009/1444/ PF

PROPOSAL: Use of land as nature reserve with habitat improvement/creation and species protection, landscaping and tree planting. Provision of an 'access-for-all' route through the site, parking spaces, viewing platforms, seating and picnic areas.

LOCATION: Land at junction of Station Road and St. Asaph Road Rhuddlan Rhyl

APPLICANT: Denbighshire County Council

CONSTRAINTS: C1 Flood Zone PROW EA Floodmap Zone 2 Article 4 Direction Wildlife Site Conservation Area

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

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
"Recommend Permit"

ENVIRONMENT AGENCY WALES
Awaiting comments on the submitted Flood Consequences Assessment. Raised no concerns about the use of the land as a nature reserve.

COUNTRYSIDE COUNCIL FOR WALES
Awaiting response at time of writing report.

NORTH WALES WILDLIFE TRUST
Awaiting response at time of writing report.

DENBIGHSHIRE COUNTY COUCIL consultees:-

HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection subject to inclusion of condition to deal with laying out of proposed parking area. Advises that the applicant should contact the highways officers to discuss the precise works to the footpaths before work commences on site.

COUNTY ECOLOGIST
Fully supports the intended scheme. Advises that an ecologist should be on the Core Working Group for the site and that a method statement should be produced to ensure works on site take account of specific species present.

FOOTPATHS OFFICER
No objection. Maintenance of the paths has been discussed with the Countryside section and is accepted.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mrs Brenda Taylor, 22 Kerfoot Avenue, Rhuddlan. (number of e-mail representations. Only those comments pertaining to the proposed nature reserve have been included)

Planning based points in objections:

- Concerns over the width of footpaths
- Concerns over the proposed location of parking area
- Concerns over the impact of the proposal on the historic value of the site
- Concerns over proximity of the site to adjacent highway land
- Mrs Taylor has expressed her support for the principle of having a nature reserve in this location

PLANNING ASSESSMENT:

11. THE PROPOSAL:

11.1 Outline of application

- 11.1.1 The full planning application proposes to create a local nature reserve. The use of the land for this purpose will involve the creation of habitat improvement, species protection, landscaping and tree planting. There would be “access for all” routes through the site with the creation of a small car parking area, footpaths/cycle paths, viewing platforms, seating and picnic areas.

11.2 Description of site and surroundings

- 11.2.1 The application site is located on the south-east corner of the junction of the Station Road (Rhuddlan) and the main A525 dual carriageway (St. Asaph Road). The site is relatively flat and sits in the foreground of the Rhuddlan Castle. The land used to form part of the old A525 road before the dual carriageway and junction alterations took place.
- 11.2.2 Since the road alterations some years ago the land has been vacant. It has been allowed to develop naturally with a variety of shrubs, bushes and natural water features. There is an existing vehicular access point into the site off Station Road to the north where a small hard surfaced area also exists.
- 11.2.3 The land is bound on its north and west sides by main roads. Further north is located the new Rhuddlan Retail Park with the open foreground of the Castle to the east. Immediately to the south end of the site is a small area of highway land used periodically for the storage of road surfacing materials. This does not form part of the application site.

11.3 Relevant planning constraints/considerations

- 11.3.1 The site is located outside the defined settlement of Rhuddlan as shown on the adopted UDP proposals map. The site forms part of a Local Landscape Area (Policy ENV 3) and Site of Local Conservation Importance (Policy ENV 5). Due to its location in the foreground of the Rhuddlan Castle it is also designated within the Conservation Area (Policy CON 5).

11.4 Relevant planning history

- 11.4.1 The section's records do not reveal any planning applications of direct relevance to this proposal. There was a proposal back in 2007 to site a recycling facility on the land; however, this was subsequently withdrawn.

- 11.5 Developments/changes since the original submission
- 11.5.1 The application site has been slightly amended since the original submission to omit adjacent land. This area of land now excluded is used, as previously described, to temporarily store some road surfacing materials. On request of the Environment Agency a Flood Consequences Assessment has since been submitted.
- 11.6 Other relevant background information
- 11.6.1 The agent for the application and planning officer have met with local residents to discuss this proposal. The residents were seeking further clarification on the details of the proposal. The planning officer made it clear at this meeting that the only issues for discussion were those relating to the application proposal. The residents appeared to be content that, subject to conditions which dealt with the width and materials used on the footpaths, the scheme was largely acceptable.

12. DETAILS OF PLANNING HISTORY:

- 12.1 44/2007/1307/PF – Change of use of the land to community recycling centre, site office, alterations to vehicular access and associated drainage. WITHDRAWN
- 44/2008/471/PF – Change of use of redundant highway land to wildlife park, parking and footpaths. WITHDRAWN

13. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 13.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- STRAT 1 - General
- STRAT 6 - Location
- STRAT 7 - Environment
- STRAT 16 - Community Facilities and Benefit
- Policy GEN 3 - Development Outside Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy ENV 3 - Local Landscape Areas
- Policy ENV 5 - Sites of Local Conservation Importance
- Policy ENV 6 - Species Protection
- Policy CON 5 - Development in Conservation Areas
- Policy TRA 9 - Parking and Servicing Provision

Supplementary Planning Guidance

SPG 18 – Nature Conservation and Species Protection

Welsh Assembly Government – Planning Policy Wales, March 2002

Technical Advice Notes

TAN 5 – Nature Conservation and Planning 2009

Acts/Circulars

Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas.

14. MAIN PLANNING CONSIDERATIONS:

14.1 The main land use planning issues are considered to be:

14.1.1 Principle of development in this location

14.1.2 Ecology

14.1.3 Highways/access impact

14.1.4 Visual impact/impact on the setting of the Castle.

14.2 In relation to the main planning considerations:

14.2.1 Principle

The proposal is effectively seeking consent to formalise an already designated wildlife site as set out in the UDP. The main engineering operations will involve the formalisation of the parking area off Station Road and the creating of cycle/footpaths through the site. The site is located outside a designated development boundary; however, it is not considered that the use of the land conflicts with any specific policies of the UDP. The use would benefit the local community and would meet the intentions of the sites designation. The land is located in the foreground of the Castle and the proposed use would enhance this setting.

14.2.2 Ecology

The proposal would result in more formal management arrangements for this wildlife site. The Countryside Service will be providing greater access for all to enjoy the natural surroundings and will ensure that any ecological interests are protected and enhanced.

14.2.3 Highways and Access

The footpaths and highway officers have been fully involved in the development of this scheme. The parking area is located to take advantage of existing access points and will be accessible for disabled persons. The footpaths will be of a width to allow dual pedestrian and cycle users and would be finished in a suitable material. The very nature of the scheme would allow for better public access to this wildlife site.

14.2.4 Visual Impact / Impact on the setting of the Castle

The location, height and materials used on the footpaths and viewing areas would compliment the site. The better maintenance of the site and ecological interests would generally benefit the visual appearance of the site. This would serve to enhance the setting of the nearby castle.

15. SUMMARY AND CONCLUSIONS:

15.1 The proposal meets the intentions of the UDP policies and site designations.

The works proposed would result in greater accessibility to a wildlife site for the local community. The ecological and conservation interests in the site will be maintained and enhanced. Subject to compliance with the appropriate conditions dealing with finishes, materials and parking areas the scheme is acceptable.

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 any on site works details of the precise width, materials, finish and markings of the parking areas, viewing platforms, footways and cycleways hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used and maintained thereafter.

3. **PRE-COMMENCEMENT**

Prior to the commencement of any on site works a detailed method statement for the

protection of trees, otters and nesting birds during on site works shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of any subsequently agreed statement shall be implemented in full thereafter.

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 and the safety of all highway users.
3. In the interests of visual amenity and the ecology of the area.

NOTES TO APPLICANT:

The applicant is respectfully requested to contact the County Ecologist and the Footpaths Officer prior to work commencing. This is to discuss the nature of the works and the future management and maintenance of the site.

ITEM NO: 4

WARD NO: Rhyl East

APPLICATION NO: 45/2009/0184/ PF

PROPOSAL: Demolition of fire damaged westerly villa, retention of stone built annexe, restoration of easterly villa, and part redevelopment; creating a total of 20 apartments; use of lower ground floor as restaurant/functions facility, provision of off road parking, open space, refuse and cycle storage

LOCATION: Grange Hotel 41-42 East Parade Rhyl

APPLICANT: JAPA Developments

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Objection.

1. The Town Council feel that the development as proposed will result in over intensification of the site in terms of the number of flats proposed.
 2. In respect of the occupiers of the flats the Town Council does not believe that sufficient on site parking allocation has been made requiring prospective occupiers to park either on-street or in pay and display car park.
- The Town Council also wish to state that the amended general design of the front of the property is now considered far more appropriate to the Listed Buildings in the vicinity".

ENVIRONMENT AGENCY WALES

Have no comment to make on the application.

Advise that the proposal falls outside the scope of matters on which the Agency is a statutory consultee.

DWR CYMRU/WELSH WATER

Raise no objections. Would require relevant advisory notes on conditions to ensure separate foul and surface water connections. Do not envisage problems with Waste Water Treatment Works for treatment of domestic discharges from the site.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

COUNTY ARCHAEOLOGIST

No objections in relation to the archaeological issues.

COUNTY CONSERVATION ARCHITECT

Confirms that as the revised proposals include the retention of the westernmost annex, which would be attached to the new building, listed building consent is required for the entire scheme (new build, alterations, and demolition).

In relation to demolition: welcomes the retention of the east villa and easternmost annex. Having regard to the available information, is of the opinion that the fire damaged western villa is well beyond economic repair, and even if such repair was

attempted then there would be so much new fabric as to be tantamount to a new structure. Therefore accepts the case for partial demolition as proposed.

In relation to the new build proposals : considers the latest proposals are a considerable improvement on previous schemes. The scale and rhythm match the eastern villa and there are references to the existing northern elevation; the mass tends to dominate the remaining building, but the fire damaged building filled the gap between the west villa and the east annex in much the same way. Is pleased that the scheme is clearly 'modern' and not a pastiche, although it leans in that direction a little. Considers there is a need here for some flexibility and is prepared to accept the proposals if we can be assured of a quality repair and adaptation of remaining buildings and consider conditions to control the details, materials, and colour.

In relation to proposals for the remaining buildings; has no objections to the proposed uses. Considers it essential to exercise control over the external and nature of works to the historic fabric, which may be possible through conditioning a management plan setting out the conservation standards and extent of works, which is capable of variation as the scheme progresses, and is subject to site inspections. (This may also be secured through a Section 106 agreement).

In conclusion, is prepared to accept the proposals subject to ensuring quality repair and adaptation of the remaining buildings. Comments that the building(s) have been unused for several years and have been in a precarious condition for too long; that the project needs to move along, provided the future of at least part of the listed building is assured.

AFFORDABLE HOUSING OFFICER

Notes that the policy requirement would be for 6 affordable units based on the number of apartments and in this location there would be preference for low cost home ownership. However, given the current economy and local strategies, there may be a case for negotiating a commuted sum approach.

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objections subject to inclusion of conditions to deal with detailed layout of parking within the site, closure of existing vehicle access, and construction stage operations. Notes the limited parking available within the site and the extent of the previous use (28 bed hotel and owners accommodation), and the proposal to create 10 spaces here, and does not consider it unreasonable to support the proposals taking account of the proximity to the town centre, public transport and nearby car parking (available for use by permit to residents).

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 07/01/2010

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

16. THE PROPOSAL:

16.1 Outline of application

16.1.1 This is a full planning application proposing a 'mixed use' part conversion and redevelopment around the Grange Hotel site in Rhyl. The main elements are:

- Demolition of the fire damaged West Villa (a Grade II Listed Building)
- Redevelopment of that part of the site by way of a 'contemporary' new build section, of 3 storey height onto East Parade, 4 storey at the rear; with 13 x 1 and 2 bedroom apartments ranging in size from 61m² to 97m².
- Conservation and restoration of the easterly villa (Grade II Listed) from hotel use into 7 1 and 2 bedroom residential apartments ranging from 52m² to 74m².
- The total number of apartments will be 20, of which 6 will be 1 bedroom units and 14 will be 2 bedroom units.
- Restoration of an existing 2 storey annexe to the west of the fire damaged villa to form part of the westerly villa development.
- Provision of a 'rear' parking area for 10 vehicles between the development and properties at 14 St Asaph Street and 15 Chester Street, retaining existing access points off these roads; with cycle storage.
- Closure of an existing access onto East Parade close to the junction with Chester Street; alteration to an existing 'centre' access only, and retention of a pedestrian access onto East Parade close to the junction with St Asaph Street.
- Provision of external bin stores / recycling stores in the rear yard
- Making good of boundary walls and garden areas, with additional hard and soft landscaping.

1.1.2 The application is accompanied by sets of detailed drawings and a number of supporting documents. These set out the case for the proposals and include:

A Design and Access Statement

This explains the proposals, the background to the submission, the design concept, the condition of the easterly villa and proposals to renovate it. It sets out the rationale for the redevelopment element, considerations given to external space provision, highways and refuse collection, affordable housing and accessibility issues.

In brief, the Statement refers to the extensive fire damage which occurred to the Western villa in March 2008, the limited damage to the Easterly villa and subsequent vandalism; the decision to adopt a 'contemporary' design solution to the redevelopment rather than a pastiche of the listed building, reflecting the locally diverse range of architectural styles whilst respecting the character of the retained Eastern Villa; the proposals to sympathetically reinstate the Eastern villa and the retention of the western annexe; and the use of the rhythm and proportion of the existing buildings as a lead for the redevelopment, without challenging the prominence of the existing listed building, though the use of a sympathetic form, white render and slate roofs, gable features and modern fenestration and glazing, the enhancement and use of existing open areas, retention of boundary walls; provision of discretely sited waste storage areas, the retention of the St Asaph Street and Chester Street accesses and closure of the East Parade access; justification for 10 on site parking spaces to serve the development (considered reasonable given the potential for on street parking in the locality and public car parking in close proximity); the reasons why no affordable units are proposed (changing policy in west Rhyl, site is part of a redevelopment/refurbishment of a Grade 2

Listed Building, so there should be some latitude to relax the policy criteria); provision for circulation within the site and for access by persons with mobility impairments or other disabilities.

The Conclusions are that there is a necessity for Rhyl to move forward and evolve, and that buildings and the environment should respond to changing economic and social considerations; that the proposals illustrate how it is possible to regenerate whilst preserving examples of the history of Rhyl where the new and contemporary can live side by side. The proposals are considered in scale and proportion to the surroundings and will provide a much needed boost to the local community.

An Economic Viability Report

This looks at the viability issues affecting the Hotel prior to the 2008 fire and the general effects of trends in tourism affecting the town's holiday sector. It recognises the value of local initiatives such as the Rhyl Going Forward strategy, but highlights the timescale within which attempts to 'rebrand' the town will inevitably take, and taken in conjunction with the particular problems faced at the Grange (extent of investment required, lack of investment resource, lack of skills and experience to operate in a highly competitive industry) concludes the Hotel is not a viable sustainable business.

A Structural Report

A fire damage and Dilapidation report

This relates to the impacts of the 2008 fire and concludes the Westerly Villa is beyond economical repair and should be demolished.

- 1.1.3 The applicants have submitted a listed building consent application at the same time as this planning application, under code no. 45/2009/185/LB. This seeks the separate consent required to demolish the Westerly Villa, and has to be assessed independently in terms of the justification for removing that building. A separate report on this listed building application follows on the agenda.

16.2 Description of site and surroundings

- 16.2.1 The Grange Hotel is located on the south side of East Parade, the main east-west seafront road in Rhyl. It lies to the west of the Sun Centre, immediately opposite one of main car parks serving that facility. It is bound on the east side by St Asaph Street, and by Chester Street on the west side.
- 16.2.2 The Grange has been run as a 29 bedroom hotel, and is a Grade 2 listed building consisting of two main 'villas', constructed in the 1850's with additions of varying styles. The main sections are in the form of part exposed timber and white painted panels with steep pitched slate roofs. Part of a stone building on Chester Street has been used as a public bar.
- 16.2.3 Vehicular access into the site has been possible from entrances off East Parade, Chester Street and St Asaph Street, with other pedestrian entrances on these roads. There appears to have been only limited on site parking available for users of the Hotel. The main 'service' accesses have been off Chester Street and St Asaph Street. There are parking restrictions along East Parade and on both sides of Chester Street and St Asaph Street for a distance of some 15 metres down from the junctions with East Parade.

- 16.2.4 Ground levels fall down from the East Parade direction.
- 16.2.5 The predominant land use in the locality is residential, but there are a range of tourist related uses such as hotels and residential/nursing homes.
- 16.2.6 On East Parade building styles in the locality vary considerably. There are 3 – 3.5 storey units immediately to the east at No's 43-50 East Parade; a 3 storey unit immediately to the west (Bradshaw Manor), 4 storey flats at Glendower Court; and mainly traditional 2 storey houses along both Chester Street and St Asaph Street. The 'modern' Sun Centre building is some 100 metres to the north east along East Parade.
- 16.2.7 As mentioned earlier there was a serious fire at the properties in March 2008 which caused severe damage to part of the Hotel, in particular the western villa. The site is currently boarded up to prevent unauthorised access in light of its dangerous condition.
- 16.3 Relevant planning constraints/considerations
- 16.3.1 The site lies within the development boundary of Rhyl and it forms part of an area along East Parade which is subject to Policies TSM 2, TSM 8 and HSG 15 of the Denbighshire Unitary Development Plan. TSM 2 relates to proposals in Tourism Development Areas of Rhyl and Prestatyn and supports schemes for the regeneration and improvement of these areas. TSM 8 seeks to safeguard existing serviced accommodation unless specific tests are met, and HSG 15 seeks to restrict proposals for new non self-contained accommodation.
- 16.4 Relevant planning history
- 16.4.1 Applications for planning permission and listed building consent to convert the original hotel into 20 apartments were refused under officers delegated powers in 2007, based on the case advanced at that time to justify the loss of the Hotel use, and the particular detailing of the scheme.
- Following the fire in the Westerly Villa in March 2008, a further listed building consent application was submitted seeking demolition of the fire damaged villa. This application was subsequently withdrawn.
- 16.5 Developments/changes since the original submission
- 16.5.1 The current planning application was originally submitted in March 2009 and proposed a total of 28 apartments, through a 'new build' section in place of the westerly villa with 21 units, and the restoration /conversion of the easterly villa to 7 units.
- 16.5.2 The original proposals generated concerns from Rhyl Town Council (over intensification, unsympathetic design) and the Conservation Architect (scale/detailing/impact on the listed building to be retained). The revised scheme follows dialogue with the Conservation Architect.
- 16.6 Other relevant background information
- 16.6.1 The proposals are the subject of a separate listed building consent application 45/2009/0185/LB, which deals with the specific issues of demolition and impacts on the character and appearance of the Grade II buildings. The item follows on the agenda.

17. DETAILS OF PLANNING HISTORY:

45/2006/0705/LB

External refurbishment works
Granted 21/11/2006

45/2007/0800/PF

Conversion and alterations of existing hotel to create 20 no. Self contained apartments and construction of a new vehicular access.

Refused 8/1/2007

Reason for refusal: Conflict with policy TSM 8 – no evidence to demonstrate attempts to market property as serviced accommodation/site lies in important cluster of serviced accommodation uses which should be retained to ensure an adequate range of holiday accommodation in the town.

452007/0801/PF

Listed building application for conversion and alterations of hotel to create 20 no. Self contained apartments.

Refused 21/12/2007

Reason: Design and detailing unacceptable and would not preserve/enhance the character/appearance/special interest of the Grade 2 listed building.

45/2008/1043/LB

Demolition of fire damaged building (listed building)
Withdrawn 20/3/2009.

18. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 6	-	Development Control Requirements
Policy CON 1	-	The Setting of listed buildings
Policy CON 2	-	Extension of alteration to listed buildings
Policy CON 3	-	Change of use of listed buildings
Policy HSG 2	-	Housing development in Main Centres
Policy HSG 10	-	Affordable housing within development boundaries
Policy HSG 15	-	Residential conversions in East and West Rhyl
Policy TSM 2	-	Tourism development areas
Policy TSM 8	-	Safeguarding existing serviced accommodation
Policy REC 2	-	Amenity and recreational open space requirements in new development
Policy TRA 6	-	Impact of new development on traffic flow
Policy TRA 9	-	Parking and servicing provision

Supplementary Planning Guidance

SPG 4	-	Recreational public open space
SPG 21	-	Parking standards
SPG 22	-	Affordable housing in new developments

GOVERNMENT GUIDANCE

TAN 2	-	Planning and Affordable housing
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19. MAIN PLANNING CONSIDERATIONS:

The main land use planning issues are considered to be:

- 19.1.1 Principle of development
- 19.1.2 Housing development/loss of hotel and tourist accommodation
- 19.1.3 Part demolition of listed building and impact on setting of listed building.
- 19.1.4 Impact of new development
 - Design / visual amenity
 - Scale
 - Layout
 - Residential amenity
- 19.1.5 Affordable Housing
- 19.1.6 Open space
- 19.1.7 Flooding
- 19.1.8 Highways/access/parking

19.2 In relation to the main planning considerations:

19.2.1 Principle

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 1, STRAT 6, STRAT 11, GEN 1, GEN 6 and TSM 8. The strategic policies set the general theme of securing sustainable development, maximising the use of derelict/under used land and buildings, minimising the need for travel (STRAT 1), locating major development within existing settlements (STRAT 6/GEN 1), securing the regeneration of run down urban and rural areas including through redevelopment (STRAT 11); and ensuring no adverse impact on the locality (GEN 6). TSM 8 seeks to safeguard existing serviced accommodation in this area unless specific criteria can be met (see following section). These and other policies of the Unitary Plan and the thrust of WAG policies/guidance require detailed assessment of specific matters and are dealt with in subsequent paragraphs to determine the acceptability of a proposal of this nature.

Members will also be aware of ongoing work on strategies for the redevelopment of the town, which are building on the Rhyl Going Forward initiative and the West Rhyl Regeneration Area strategy. The designation of the Strategic Regeneration Area by Welsh Assembly Government in late 2008 has led to the establishment of a number of working groups and there is work in progress in developing a 'masterplan', geared at accelerating regeneration in Rhyl. There are no formally approved 'new' planning related policies in place at the time of preparing this report as a result of the early work on the Regeneration Area initiative.

19.2.2 Housing development/loss of hotel and tourist accommodation

In relation to new housing, the Unitary Plan's strategic policies and housing policy HSG 2 look to locate most housing developments in main centres such as Rhyl. The principle of an apartment development would be consistent with these policies. The site is located in an area covered by tourism policies TSM 2 and TSM 8 of the Unitary Plan. TSM 2 is a general policy encouraging the regeneration and improvement of identified 'Tourism Development Areas' in the coastal resorts of Rhyl and Prestatyn, by restricting new tourism development to these areas rather than dispersing them outside the towns. There is no direct conflict with TSM 2 from a residential development here.

TSM 8 is however central to the principle of the development, and is reviewed separately below.

TSM 8 seeks to retain a range/stock of holiday accommodation to meet the varied requirements of tourists. It sets basic tests which proposals for changes of use need to meet to justify the grant of permission. On the basis of the submission it is officers' view that the loss of The Grange as a hotel would not be in conflict with the main tests of TSM 8, having regard to:

- The planning history of the property and recent events
- The condition of the buildings, layout, and other constraints, which make it difficult and uneconomic to adapt and upgrade to meet modern market demand. The fact that the business has failed to operate successfully as a hotel, efforts have been made to market it, and there are limited prospects to secure investment for the necessary upgrading, etc.
- The location is not considered essential to justify retention of a hotel as part of a long term tourist strategy and the loss of the Hotel itself would not be prejudicial to the retention of a range of holiday accommodation in the town.
- The proposals involve a mixed use with apartments and a restaurant/function use, which would provide a tourist facility for visitors and residents of the town.

In relation to current initiatives and emerging strategies, officers consider the mixed use development as proposed would merit support as consistent with the objectives of achieving a high quality of new residential accommodation, at the same time offering a destination for visitors in the restaurant/function area.

19.2.3 Part demolition of listed buildings and effect on setting of listed building
Policies CON 1, CON 2 and CON 3 of the Unitary Plan relate to development affecting listed buildings and their setting. The basic requirements reflect advice in Circular 61/96, which obliges consideration of the impacts on the character and appearance of listed buildings, and sets basic tests for consideration in relation to demolition of listed buildings.

The Conservation Architect has been involved in dialogue with the agents over the course of developing the scheme, and considers the demolition proposals can be supported as the fire damaged section of the west villa is considered beyond economic repair.

On the basis of the derelict condition of the West Villa, the practicalities of renovation, and the merits of the alternative proposals for the site, officers believe it would be unreasonable to oppose the demolition of the fire damaged building. The view is also taken that the proposals for the new build element, incorporating in an existing stone structure, whilst being of contemporary detailing, are acceptable in relation to the East Villa.

19.2.4 Local impact of development
Considerations of detailed issues of design and detailed impact are outlined in policy GEN 6 of the Unitary Plan. The policy permits development in accordance with the plan's other policies subject to due assessment of impact on the surroundings, including the acceptability of matters such as the scale of development, layout, density/intensity of use and spaces between buildings, and effect on the amenity of residents.

Leaving aside the matters specific to the impact on the listed building, the Conservation Architect is of the view that the detailed design of the revised

scheme is a considerable improvement on the original proposals, is acceptable in terms of scale, and worthy of support, provided suitable conditions are imposed to control the materials and detailing, in particular the extent and nature of restoration works.

In noting the Town Council's concerns at potential over intensification of development in terms of the number of flats, officers believe due consideration has to be given to the character of development in the locality, and the fact that the Hotel contained 29 bedrooms, owner's accommodation and a bar facility. It is respectfully suggested that 20 one and two bedroom apartments does not represent an overdevelopment of the site.

Having regard to the detailing of the revised plans, and with respect to the comments raised, officers consider the proposals are acceptable in terms of the basic tests of GEN 6, and that the development would help to bring about a significant improvement to the visual quality of the environment in this area. The detailing of the new build development is considered to respect that of existing property in the locality and the retained East Villa, in terms of scale and form, and is supported by the Town Council. The intensity of development in this revised scheme is not considered to be inappropriate having regard to the existing use of the site and the nature of development in this area, which consists of a mix of high density flats, lower density housing, and leisure/recreation uses. Relationships with adjacent property appear satisfactory in terms of amenity distances, bearing in mind the existing detailing of the hotel building.

19.2.5 Affordable housing

The basic requirement for provision of affordable housing in connection with housing schemes in developments within development boundaries is set out in policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The requirement in current policy is for on site provision unless there are justifiable reasons for alternative, or no provision. The 'no provision' option is seen as a last resort and would only be considered in circumstances where there is no need for affordable in the locality, the planning history makes it unreasonable to require provision, or where the proposals meet an identified/overriding approved regeneration aim. In this context, as members will be aware, this is a site in Rhyl where there are ongoing reviews of planning and related strategies aimed at regenerating the town, which oblige consideration of other objectives when assessing the merits of individual proposals.

The application contains supporting documents with financial information and commentary on unsuccessful efforts to market the hotel business, which conclude that with the hotel's additional problems, it is not a viable and sustainable business. The agents have drawn attention to the Council's moves to adapt a more flexible approach to affordable housing provision in West Rhyl, and consider the 'onerous' criteria in current policy should not be applied here as the redevelopment scheme would not be viable.

Officers take the view in this instance that there is a case to waive insistence on affordable provision on the site, in order to secure a quality redevelopment scheme meeting the wider requirements of the strategy for the town. The proposed 1 and 2 bedroom apartments would be of a high standard, exceeding the Council and Assembly's floorspace standards, and would form part of an attractive modern mixed use development in a key seafront location. With respect to the applicant's viability arguments, officers do not

consider the limited financial information clearly establishes that a financial contribution can not be made towards affordable housing in the town, so if a permission were to be considered, it would be reasonable to suggest it should be subject to a legal agreement requiring the payment of a negotiated commuted sum for affordable provision.

19.2.6 Open Space provision

Policy REC 2 and SPG 4 set out the requirement for provision of recreational and amenity open space in connection with new developments of 10 or more units.

The proposals involve the retention and upgrading of the existing open area between the retained East Villa/redeveloped section and East Parade/St Asaph Street. This would provide an area of general amenity space in excess of 500m² to serve the development.

Given the scale and nature of development, and the location close to the town's recreational facilities, officers consider the level of amenity space provision to be acceptable.

19.2.7 Flooding

The main Unitary Plan policy relevant to the flooding issue is ENP 6, which contains a presumption against development which would result in unacceptable risk from flooding.

Whilst the application site is close to areas shown at risk of flooding in the Environment Agency's Development Advice Maps accompanying TAN 15 – Development and Flood Risk, the Agency have confirmed the proposals fall outside the scope of matters in which they are a consultee, and raise no objections.

On the basis that the site is not within a Flood Zone, there are no flood risk issues to consider here.

19.2.8 Highways

The main Unitary Plan policies relating to the highway impact of new developments are TRA 6 and 9 and GEN 6. These require due consideration of impacts on the safe and free flow traffic, the capacity and condition of the highway network, and the adequacy of parking and servicing provision.

The Highway Officers have no objection to the proposals, having regard to the detailing of the scheme and the location.

Whilst respecting the Town Council's concerns over the adequacy of on site parking, officers believe this is a case where due consideration has to be given to the existing use, with negligible on site parking, and to the general accessibility of the premises to public transport, and the town centre. 10 parking spaces are proposed within the site. Whilst there are limited on street parking spaces locally, the proximity to large public car parks means there is opportunity for permit parking for residents with cars. It is not considered there are reasonable highway/parking grounds for opposing the development.

19.2.9 Access for all

The requirement to outline how the principles of inclusive design are to be incorporated into a scheme are set out in TAN 12 – Design and TAN 18 – Transport, along with Unitary Plan policy GEN 6 and Supplementary Guidance Note 8.

The submission includes an Access Statement and details provision to be made for persons with disability, including external ramps, and inclusion of lift and specialist equipment within the building. The proposals will also have to meet specific requirements of the Building Regulations and demonstrate a satisfactory approach to devising solutions for a difficult site incorporating adaptation of existing long established buildings.

20. SUMMARY AND CONCLUSIONS:

20.1 The site is in a prominent location on East Parade, and in an area of the town where urgent steps are needed to progress regeneration.

The proposals are for a 'mixed use' development involving the demolition and redevelopment on the foot print of the fire damaged Western Villa, the conversion of the remaining part of the former hotel (the East Villa) and a smaller stone building. The scheme would create 20 quality 1 and 2 bed apartments and a restaurant/bar/function room.

In terms of current unitary plan policies there are issues to address over the loss of a hotel and the absence of on site affordable housing provision, but officers believe these have to be viewed in relation to the emerging strategies for development in the town arising from the Rhyl Going Forward initiative, which are a significant material consideration to be weighed in any decision. In this instance it is concluded that a quality mixed use scheme would make an important contribution to the regeneration of the area, and merits support.

The RECOMMENDATION is subject to the completion of a Section 106 agreement to secure:-

- (a) A commuted sum payment in lieu of on site provision of affordable housing.
- (b) A management plan setting out the conservation standards and methodology/process for agreeing the extent and nature of work on the retained sections of the listed buildings.

In the event of failure to complete the Section 106 agreement within 12 months of the date of the resolution of the planning committee, the application would be reported back to the committee for determination against the relevant policies and guidance at that time.

RECOMMENDATION – GRANT subject to compliance with 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 demolition shall take place before the contract for carrying out the works of redevelopment on the site has been made, and evidence of the contract has been submitted to the local planning authority.

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) any 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 main, parking areas, paths and other hard surfaced areas:

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

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

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

5. **PRE=COMMENCEMENT CONDITION**

Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.

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

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

8. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water Network Development Consultants.

9. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological Trust within two months of the field work being completed.

10. Each apartment hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes LEVEL 3 and achieve 6 CREDITS under category Ene 1 in accordance with the requirement of Code for Sustainable Homes: Technical Guide April 2009.

11. No development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority shall otherwise consent in writing.

12. No apartment shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, a Final Code Certificate has been issued for it certifying that code LEVEL 3 and 6 CREDITS under Ene 1 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the comprehensive redevelopment of the site is in the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of visual amenity.

5. To ensure adequate provision for accessibility for persons with disability.
6. To ensure a suitable drainage system.
7. To ensure a suitable drainage system.

8. To ensure a suitable drainage system.

9. In order to allow proper opportunity for recording of any archaeological features.

10. In order to ensure the development complies with Welsh Assembly Government guidance on Sustainable development.
11. In order to ensure the development complies with Welsh Assembly Government guidance on Sustainable development.
12. In order to ensure the development complies with Welsh Assembly Government guidance on Sustainable development.

NOTES TO APPLICANT:

You are hereby reminded that the works to which this permission relates also requires Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence for demolition works or other operations affecting the character of a listed building (including internal alterations) to be carried out without Listed Building Consent; no such works should therefore be carried out until Listed Building Consent has also been granted.

ITEM NO: 5

WARD NO: Rhyl East

APPLICATION NO: 45/2009/0185/ LB

PROPOSAL: Demolition of fire damaged westerly villa, retention of stone built annexe, restoration of easterly villa, and part redevelopment; creating a total of 20 apartments; use of lower ground floor as restaurant/functions facility, provision of off road parking, open space, refuse and cycle storage (Listed Building application)

LOCATION: Grange Hotel 41-42 East Parade Rhyl

APPLICANT: JAPA Developments

CONSTRAINTS: Listed Building
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Objection.

1. The Town Council feel that the development as proposed will result in over intensification of the site in terms of the number of flats proposed.
2. In respect of the occupiers of the flats the Town Council does not believe that sufficient on site parking allocation has been made requiring prospective occupiers to park either on-street or in pay and display car park.

The Town Council also wish to state that the amended general design of the front of the property is now considered far more appropriate to the Listed Buildings in the vicinity.

ROYAL COMMISSION ON THE ANCIENT & HISTORICAL MONUMENTS IN WALES

The remit of the Commission allows comment only on this historical significance and context of a movement or structure and on the adequacy or otherwise of the record. Note the contents of the dilapidation report in relation to the damaged Western Villa. State that total demolition of the western villa would be a matter for regret as the front façade appears little damaged, but is heartened to know the eastern villa beyond the link has suffered little damage and its future is presumably secure.

If consent to demolish is granted, a condition should be included to require a photographic record to be taken.

GEORGIAN GROUP WALES

Do not wish to comment.

ANCIENT MONUMENTS SOCIETY

Consider the present application proposes a new build that is more contextual. Regret

the loss of the western villa but accept if the Council recognise that on balance the best that can be retrieved is the eastern villa, then conditions should ensure all salvageable items be removed and reused in the repair or offered to the architectural salvage market. Comments on the proportion of 'solid to void' on the new block, including glazing which creates extreme contrast with the retained listed building.

COUNCIL FOR BRITISH ARCHAEOLOGY
No response.

VICTORIAN SOCIETY
No response.

COUNTY CONSERVATION ARCHITECT
Confirms that as the revised proposals include the retention of the westernmost annex, which would be attached to the new building, listed building consent is required for the entire scheme (new build, alterations, and demolition).

In relation to demolition: welcomes the retention of the east villa and easternmost annex. Having regard to the available information, is of the opinion that the fire damaged western villa is well beyond economic repair, and even if such repair was attempted then there would be so much new fabric as to be tantamount to a new structure. Therefore accepts the case for partial demolition as proposed.

In relation to the new build proposals : considers the latest proposals are a considerable improvement on previous schemes. The scale and rhythm match the eastern villa and there are references to the existing northern elevation; the mass tends to dominate the remaining building, but the fire damaged building filled the gap between the west villa and the east annex in much the same way. Is pleased that the scheme is clearly 'modern' and not a pastiche, although it leans in that direction a little. Considers there is a need here for some flexibility and is prepared to accept the proposals if we can be assured of a quality repair and adaptation of remaining buildings and consider conditions to control the details, materials, and colour.

In relation to proposals for the remaining buildings; has no objections to the proposed uses. Considers it essential to exercise control over the external and nature of works to the historic fabric, which may be possible through conditioning a management plan setting out the conservation standards and extent of works, which is capable of variation as the scheme progresses, and is subject to site inspections.

In conclusion, is prepared to accept the proposals subject to ensuring quality repair and adaptation of the remaining buildings. Comments that the building(s) have been unused for several years and in a precarious condition for too long; that the project needs to move along, provided the future of at least part of the listed buildings is assessed.

RESPONSE TO PUBLICITY:
None.

EXPIRY DATE OF APPLICATION: 07/01/2010

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

21. THE PROPOSAL:

21.1 Outline of application

- 21.1.1 The application seeks listed building consent to demolish the fire damaged Western Villa and to carry out renovation works on the Eastern Villa and an annex to the west villa, to create 20 apartments and a restaurant/bar facility at the Grange Hotel, Rhyl.
- 21.1.2 The proposals are submitted in parallel with a planning application for the redevelopment of the site.
- 21.1.3 The application contains a range of information in addition to the forms and drawings, including a fire damage and dilapidation report, a structural report, an economic viability report, and a detailed planning / justification statement.
- 21.1.4 Members are referred to the detailed report on the planning application, Code No. 45/2009/0184/PF which outlines the redevelopment proposals and the planning issues relating to that scheme.
- 21.1.5 Separate listed building consent is required for demolition and works affecting the character and appearance of the listed building(s). If the Committee are minded to grant listed building consent, the application has to be referred to CADW, who would then decide whether to authorise the Council to issue a consent.

21.2 Description of site and surroundings

- 21.2.1 (see also previous report on the planning application)

The Grange Hotel is a Grade II listed building consisting of two main 'villas' constructed in the 1850's, with additions of varying styles. The main sections facing East Parade are in the form of exposed timber and white painted panels, with steep pitched slated roofs. Part of a stone building on Chester Street has been used as a Public Bar. The Western Villa was badly damaged by fire in March 2008.

21.3 Relevant planning constraints/considerations

- 21.3.1 None relevant to the consideration of the listed building consent. This is a Grade 2 listed building. It is not located in a Conservation Area.

21.4 Relevant planning history

- 21.4.1 Applications for planning permission and listed building consent to convert the original hotel into 20 apartments were refused under officers delegated powers in 2007, based on the case advanced at that time to justify the loss of the Hotel use, and the particular detailing of the scheme.

Following the fire in the Westerly Villa in March 2008, a further listed building consent application was submitted seeking demolition of the fire

damage villa. The application was subsequently withdrawn.

21.5 Developments/changes since the original submission

21.5.1 The current planning application was originally submitted in March 2009 and proposed a total of 28 apartments, through a 'new build' section in place of the westerly villa with 21 units, and the restoration/conversion of the easterly villa to 7 units.

21.5.2 The original proposals generated concerns from Rhyl Town Council (over intensification, unsympathetic design) and the Conservation Architect (scale / detailing / impact on the listed building to be retained). The revised scheme follows dialogue with the Conservation Architect.

21.6 Other relevant background information

21.6.1 The proposals are the subject of a separate planning application 45/2009/0184/PF, which deals with the planning merits of the proposals. The item precedes this one on the agenda.

22. DETAILS OF PLANNING HISTORY:

45/2006/0705/LB

External refurbishment works – GRANTED 21/11/2006

45/2007/0800/PF

Conversion and alterations of existing hotel to create 20 no. Self contained apartments and construction of a new vehicular access - REFUSED 8/11/2007

45/2007/0801/PF

Listed building application for conversion and alterations of hotel to create 20 no. Self contained apartments - REFUSED 21/12/2007

REASON: Design and detailing unacceptable and would not preserve / enhance the character / appearance / special interest of the Grade 2 listed building.

45/2008/1043/LB

Demolition of fire damaged building (listed building) – WITHDRAWN 20/3/2009.

23. RELEVANT POLICIES AND GUIDANCE:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy CON 1 - The setting of listed buildings
Policy CON 2 - Extension or Alteration to listed buildings.
SPG 14 - Listed Buildings

GOVERNMENT GUIDANCE

Circular 61/96 - Planning and the historic environment: Historic Buildings and Conservation Areas.

There is no statutory requirement to have regard to the provisions of the Unitary Plan in making a decision on listed building consent applications. The key legislative requirements are set out in Circular 61/96 and the Planning & Listed Buildings Act 1990 which oblige consideration of the impact on the character and appearance of a listed building, and offer general advice on the tests to be applied to proposals to demolish such buildings.

24. MAIN PLANNING CONSIDERATIONS:

- 24.1 The main planning issues are considered to be:
- 24.1.1 The acceptability of the proposals in terms of impact on the character and appearance of the listed building(s)
- 24.2 In relation to the main planning considerations:
- 24.2.1 Circular 61/96 sets out basic requirements for local planning authorities in assessing proposals to demolish and to alter listed buildings:
- In relation to demolition, the presumption is that consent should not be given without adequate evidence to justify it. Authorities are expected to address basic considerations including the condition of a building, cost / practicality of repair, efforts made to retain it in use, and the merits of alternative proposals for the site.
 - In relation to alterations and extensions, due consideration should be given the impacts of a potential use and alterations on the features / elements which make up the special interest of the building in question, bearing in mind the grading of the building.

The Conservation Architect has commented in detail on the application and has concluded that the revised proposals merit support, having regard to the details, the uses of the buildings, and the basic considerations applying to applications for demolition and alterations of listed buildings. He is satisfied on the basis of the information to hand that the fire damaged western villa is well beyond economic repair and accepts the case for demolition. He considers a flexible approach is justified with the new build proposals, and that subject to appropriate controls over the detailing, quality, and extent of alterations to the historic fabric of retained buildings that the proposals can be supported. These controls are exercisable jointly through the suggested Section 106 agreement recommended in the report on the planning application, and conditions on the planning and listed building consents.

25. SUMMARY AND CONCLUSIONS:

- 25.1.1 The scheme has been revised significantly to address original concerns, in particular over the detailing of the 'new build' element in place of the fire damaged West Villa, and the case for demolition. The Conservation Architect now considers the application for demolition and consent to carry out the alterations to the East Villa merits support, subject to controls over the detailing and the extent and quality of works.
- 25.1.2 The recommendation following is subject to referral of the listed building consent application to CADW for consideration, and authorisation from CADW that consent can be issued by local planning authority.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. No demolition shall be permitted to commence until a contract for the carrying out the redevelopment and conversion of retained buildings has been made and evidence of the contract has been submitted to the local planning authority.
3. No demolition shall be permitted to take place until a suitable photographic record of the buildings has been undertaken, in a format to be agreed in writing by the Local Planning

Authority, and such record has been deposited with the National Monuments Record of Wales.

4. No demolition or development shall commence until the following details have been submitted to and agreed in writing by the Local Planning Authority:
 - a) Details and samples of roof slates and ridges
 - b) Plans and scaled drawings for details of verges; eaves, window and door joinery and colour, rooflight windows, and balconies.
 - c) Timber cladding and paint colour and finish;
 - d) Rainwater goods;
 - e) Render mix, texture, colour and finish
 - f) Finished floor levels
 - g) A schedule of all items to be salvaged from the building(s) to be demolished and how they may be reused in the scheme, or arrangements for their disposal on the architectural salvage market
 - h) The proposed final treatment of any 'internal' areas of buildings exposed by demolition which will form external walls in the new scheme.

5. No work shall be permitted to commence on the renovation and alteration of any parts of the retained listed buildings until the written approval of the local planning authority has been obtained to a detailed management plan setting out the conservation standards and extent of proposed works, and arrangements for site inspections and how the proposals may be varied as works progress.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of visual amenity.
3. To ensure a suitable record of the building.
4. To ensure the detailing respects the historic features and character of the listed buildings.
5. To ensure the detailing respects the historic features and character of the listed buildings.

NOTES TO APPLICANT:

In connection with Condition 3 of the consent, you should discuss the photographic format with, and send the record of the building to Richard Suggett/Nicola Roberts at the RCAHMW, Plas Crug, Aberystwyth, Ceredigion, SY23 1NJ. (Tel. No. 01970 621211).

ITEM NO: 6

WARD NO: Rhyl East

APPLICATION NO: 45/2009/1519/ PF

PROPOSAL: Erection of extension to rear with rear balcony, alterations to roof, installation of roof lights and solar heating panels (revised scheme)

LOCATION: 34 Hardy Avenue Rhyl

APPLICANT: Mr Anthony Hoath

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

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:

"No objections"

RESPONSE TO PUBLICITY:

Letters of representation received from:
Mr. & Mrs. D. R. Head, Rozel, 45, Burns Drive, Rhyl
R. S. Gardener, 36, Hardy Avenue, Rhyl
Mrs. M. Heald, 47, Burns Drive, Rhyl
Mr. A. B. Holbrook, 41, Burns Drive, Rhyl
I. Christie, 43, Burns Drive, Rhyl

Summary of planning based representations:

- Loss of light
- Loss of privacy
- Impact upon the character of the area

EXPIRY DATE OF APPLICATION: 20/01/2010**REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations

PLANNING ASSESSMENT:**26. THE PROPOSAL:**26.1 Outline of application

- 26.1.1 Permission is sought for the erection of a rear extension to a single storey dwelling. It would project approximately 1.9 metres out from the existing rear elevation. The existing ridge line would be extended at the present height for a distance of 6.5 metres. The rear elevation would feature an 'internal' balcony area, recessed 1.8 metres. 8 roof lights would be installed to provide

light to a newly created living area in the attic.

26.2 Description of site and surroundings

26.2.1 The site has a large rear garden, approximately 20 metres deep. To the front of the dwelling is a small yard, with driveway. The site boundaries are wooden fence panels approximately 1.5 metres high.

26.2.2 The surrounding development is predominantly single storey dwellings of similar designs. There are slight variations in the height and form of the surrounding dwellings, with some having been extended/altered. Of note is number 36 Hardy Avenue, immediately adjacent to the site which features a similar form of extension constructed under permitted development rights.

26.3 Relevant planning constraints/considerations

26.3.1 None

26.4 Relevant planning history

26.4.1 Permission was refused in September 2009 for the erection of a pitched roof extension to the rear which also raised the roof height to allow a loft conversion. The reason for refusal was:

“It is the opinion of the Local Planning Authority that the proposed increase in roof height, and alteration to the rear roof line would result in a harmful form of development that neither respects the character of the original dwelling, nor the character of the area and is not subordinate in scale to the original dwelling. The proposal therefore fails to meet the criteria of Policy GEN 6 criteria i) and HSG12 and advice as contained in Supplementary Planning Guidance Notes 1 and 24 and TAN 12 Design.”

26.5 Developments/changes since the original submission

26.5.1 The scheme currently being considered differs from the refused scheme in that it is not proposed to increase the roof height above that of the existing ridge level.

26.6 Other relevant background information

26.6.1 None

27. DETAILS OF PLANNING HISTORY:

27.1 45/2009/0998 – Erection of pitched roof extension to rear including balcony, raising of roof height to allow loft conversion, installation of roof lights and solar heating panels. REFUSED 30/09/09

28. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy HSG 12 – Extensions to Dwellings

Supplementary Planning Guidance
SPG 1 – Extensions to Dwellings

SPG 24 – Design Guide for Householder Development

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

TAN 12 – Design (2009)

29. MAIN PLANNING CONSIDERATIONS:

29.1 The main land use planning issues are considered to be:

29.1.1 Principle

29.1.2 Detailed design and impact on neighbours

29.2 In relation to the main planning considerations:

29.2.1 Principle

The principle of extending existing dwellings is acceptable in relation to the policies of the UDP and SPG note 1 and 24. HSG 12, the main policy permits extensions subject to 4 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 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 section.

29.2.2 Detailed design and impact on neighbours:

The tests of HSG 12 are as follows:

Scale and form – The proposed alterations would be appropriate in scale and form to the existing building.

Design and Materials – The design and materials proposed would not impact negatively upon the character/appearance of the dwelling. The design is in keeping with the character of the area and is unlikely to have a significant impact upon the appearance of the street scene.

Amenity of area and dwelling - The proposal is not likely to impact adversely upon the character/amenity of the locality. The design is in keeping with the character of the area as it retains the appearance of a single storey dwelling. It is considered unlikely to have a significant impact upon the appearance of the street scene and a similar extension exists at the neighbouring property. The privacy of neighbours is unlikely to be affected by this proposal as a result of the location of windows and the height of the extension. A separation distance exceeding 25 metres between the rear of the extension and the rear elevation of the dwelling immediately behind 34 Hardy Avenue would be achieved. Supplementary Planning Guidance advises a minimum requirement of 21 metres. The proposal's impact upon neighbouring amenity is therefore considered acceptable.

Over development - The proposal is not considered to be an over development of the site, with sufficient amenity space remaining after the development is implemented for the enjoyment of occupiers of the dwelling.

30. SUMMARY AND CONCLUSIONS:

30.1 The proposal complies with the relevant planning policies. By not increasing the height of the roof, it is considered that the proposal has overcome the previous reasons for refusal

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: 7

WARD NO: St Asaph East

APPLICATION NO: 46/2009/1142/ PO

PROPOSAL: Development of 0.08 ha of land by the erection of 1no. dwelling with detached garage and alterations to existing vehicular access (outline application including access and scale)

LOCATION: Land at (Part garden of) Northcote Mount Road St. Asaph

APPLICANT: Mr & Mrs D McBryde

CONSTRAINTS:

PUBLICITY Site Notice - No

UNDERTAKEN: Press Notice - No

Neighbour letters - Yes

CONSULTATION RESPONSES:

ST ASAPH TOWN COUNCIL

“Object on highway safety grounds- increase of traffic flow onto already very busy part of the road & over-intensification of development”

WELSH WATER

No objections subject to conditions

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection subject to the inclusion of planning conditions

COUNTY ECOLOGIST

No objection subject to method statements/reasonable avoidance measures being followed to avoid impacts on protected species.

FARMING AND WILDLIFE ADVISORY GROUP (TREE CONSULTANT)

No objection in principle. Distances between buildings and the oak tree on adjacent land should be increased and a method statement for the protection of the tree and its root system during the period of construction would be necessary

RESPONSE TO PUBLICITY:

To original plans:

Mrs. P. Humphreys, 16, Rhodfa Glenys, St. Asaph

Mr D Pierce, 18 Rhodfa Glenys, St Asaph

Mr. & Mrs. J. Hodgkinson, 4, Rhodfa Glenys (via e-mail)

M. Davies, 5, Rhodfa Glenys, St. Asaph

G.M Wright, 6 Rhodfa Glenys, St Asaph

To amended drawings showing re-location of dwelling:

Mr. & Mrs. J. Hodgkinson, 4, Rhodfa Glenys

Mrs. P. Humphreys, 16, Rhodfa Glenys, St. Asaph

Summary of objections:

- Concerns regarding surface water drainage
- Highway safety concerns
- The proposal constitutes over development

- Effect on views
- Would clear trees/habitats of wildlife

EXPIRY DATE OF APPLICATION: 01/12/2009

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

31. THE PROPOSAL:

- 31.1 Outline of application
- 31.1.1 The application is for outline permission including the details of the vehicular access and scale, for a site forming part of the garden of an existing dwelling Northcote. The proposed dwelling would be two storeys in height with a ground floor footprint of approximately 94m². A single storey detached garage is also proposed to the front of the plot
- 31.1.2 The plans show a gate set back 5m from the road and entrance splay involving the reduction of boundary walls to the front of Northcote. The proposal is to share the access onto Mount Road with the existing dwelling Northcote.
- 31.2 Description of site and surroundings
- 31.2.1 The site is 0.08 hectares in area, located adjacent to Northcote, including part of its garden. The plans appended show the other dwellings in the area, and the chapel to the north west.
- 31.2.2 Other than the adjacent chapel, the predominant use in the area is residential.
- 31.3 Relevant planning constraints/considerations
- 31.3.1 The site is located within the development boundary of St.Asaph as shown in the adopted UDP proposals map.
- 31.4 Relevant planning history
- 31.4.1 An outline application, which included details of layout, scale and access, has been approved previously in February 1983. The house in this application was sited in line with the front of the dwelling Northcote.
- 31.5 Developments/changes since the original submission
- 31.5.1 An amended plan has been received showing a relocation of the dwelling and garage, with the dwelling now sited close to the northern side elevation of Northcote, and the garage sited to the front of the site. Re-consultation has been undertaken with all original consultees. The agent has advised that these plans shown should be treated for illustrative purposes only and that the application does not seek approval of the layout.
- 31.6 Other relevant background information
- 31.6.1 None.

32. DETAILS OF PLANNING HISTORY:

- 32.1 2/APH/12/83, One no. two-storey detached dwelling house and garage (outline application). This included layout, scale and access. Approved 21st February 1983.

33. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

33.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 1- Development within development boundaries

Policy GEN 6- Development control requirements

Policy ENP 4- Foul and surface water drainage

Policy ENV 6- Species protection

Policy ENV 7- Landscape/townscape features

Policy TRA 6- Impact of new development on traffic flows

33.2 Supplementary Planning Guidance

SPG No.25-Residential Development Design Guide

34. MAIN PLANNING CONSIDERATIONS:

34.1 The main land use planning issues are considered to be:

34.1.1 Principle

34.1.2 Impact on residential amenity

34.1.3 Impact on highway safety

34.1.4 Impact on drainage/surface water runoff

34.1.5 Ecology

34.1.6 Impact on nearby tree

34.2 In relation to the main planning considerations:

34.2.1 Principle

Policy GEN 1 seeks to contain development within development boundaries. As the proposal is within the development boundary of St.Asaph, the principle of development is considered acceptable. The previous approval in 1983 established the principle of residential use at the site at that time. Any proposal must however comply with the other policies of the Unitary Development Plan and material considerations.

34.2.2 Impact on residential amenity

Policy GEN 6 of the Unitary Plan contains general considerations to be given to the impact of new development. The objections from local residents and the town council are acknowledged. With regards to concerns of overdevelopment, the site area/garden area proposed is considered of reasonable size providing adequate amenity space for future residents, and is comparable to surrounding curtilage and garden sizes. The site has a number of mature trees and hedgerows along the boundaries. A 1.8m high timber boarded fence is proposed to provide privacy at the rear. The dwelling itself is considered adequately spaced from surrounding properties. It is therefore considered that the proposal would not give rise to material harm to the residential amenity of occupiers of surrounding dwellings. The proposal therefore accords with policy GEN 6 (v).

34.2.3 Impact on highway safety

Policy GEN 6 and TRA 6 require consideration of access and highway safety issues. Concerns have been raised by both local residents and the Town Council with regards to highway safety. The proposal includes improving the visibility splay with the existing access, and it is adjudged that the addition of one dwelling sharing this access would not result in significant additional highway dangers to warrant refusal. The Highway Officers have raised no objections subject to conditions. The proposal is considered to accord with policy GEN 6 part vii).

34.2.4 Impact on drainage/surface runoff

Policy ENP 4 requires that drainage arrangements are satisfactory to serve development. Officers are satisfied that the drainage arrangements are acceptable at the site, with surface water runoff to existing Mains Sewers. Welsh Water have raised no objections to the scheme. It is considered the proposal meets the requirements of policy ENP 4.

34.2.5 Ecology

Policy ENV 6 seeks to ensure development would not unacceptably harm species given special protection by law. Following consultation with the County's Ecologist, no objections were raised subject to the inclusion of a condition. The proposal therefore meets the requirements of policy ENV 6.

34.2.6 Impact on nearby tree

Policy ENV 7 looks to ensure development is designed to retain trees which are of a substantive value to landscape/townscape character. The Tree Consultant raises no objections subject to an appropriate distance being established from the boundary oak tree. With this application not seeking approval of siting/layout, this detail can be dealt with at reserved matters stage. The proposal therefore meets the requirements of policy ENV 7.

35. SUMMARY AND CONCLUSIONS:

- 35.1 The principle of residential use at the site has been established in 1983. The proposals submitted are considered satisfactory in relation to policy, the site and surrounding area. The proposal is recommended for approval

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
4. 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.
5. The access to the site shall be laid out and constructed in accordance with the approved plan before the dwelling is occupied.
6. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is brought into use.
7. No development shall be permitted until the written approval of the local planning authority has been obtained to measures to safeguard and protect protected species, through compensation schemes and mitigation proposals involving the implementation of Reasonable Avoidance Measures (RAM's).
8. No development shall be permitted to commence until the written approval of the local planning authority has been obtained to a detailed method statement for the protection of the Oak tree close to the north west boundary.
9. The layout plan submitted with the application showing ideas for the location of the house and garage has been treated for illustrative purposes only and does not form part of this permission.

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

1. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. The application is for outline permission with details of means of access only.
4. 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.
5. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
7. In the interests of local wildlife.
8. To ensure the protection of the tree.
9. For the avoidance of doubt.

NOTES TO APPLICANT:

None

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PLANNING COMMITTEE
MEETING – 20th January 2010-
Agenda Item: 3

ENFORCEMENT ITEMS

Ref ENF/2009/0069

Land at Bridgemere, Pant Ifan Goch, Holywell Road,
Rhuallt, St Asaph

Unauthorised development: Erection of steel supporting
structure for storage shed

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00069

LOCATION: Land at Bridgemere, Pant Ifan Goch, Holywell Road, Rhualt, St. Asaph

INFRINGEMENT: Unauthorised Development - Erection of steel supporting structure for storage shed

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
GEN 6 – Development Control Requirements
EMP 13 – Agricultural Development

GOVERNMENT GUIDANCE

Planning Policy (Wales) – 2002
Technical Advice Note (Wales) – 6 Agricultural and Rural Development
Technical Advice Note (Wales) 9 – Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against breaches of planning control. In this instance the matter under consideration is whether the owner of land has a right to erect an agricultural building, which would require planning permission, without the required Local Planning Authority approval. The general public interest outweighs any rights claimed by the land owner in this case. No specific human rights issues have been raised by the land owner or any other interested party.

1. BACKGROUND INFORMATION

- 1.1 On the 22 June 2009, an application for planning permission was received by the Local Planning Authority for the 'erection of an agricultural building for the storage of farm implements, food and hay', at Bridgemere, Rhualt, St Asaph.
- 1.2 Some days later on the 7 July 2009, a complaint was received by the Planning Compliance Section that unauthorised development had commenced on the site to which the planning application referred.
- 1.3 A site visit was undertaken by a Planning Compliance Officer on the 13 July 2009, which confirmed that a steel frame had in fact been erected on the planning application site.
- 1.4 On the 15 July 2009, a letter was forwarded to the land owner/applicant outlining that although an application for planning permission had been submitted, it had not been approved and therefore the steel frame structure was unauthorised. The land owner was advised that no further work should be undertaken until the required planning permission had been granted. It appears that this advice was accepted and no further development has taken place.

- 1.5 Following advice offered by the planning officer dealing with the case, the application for planning permission was withdrawn on the 24 September 2009. The following day a letter was forwarded to the land owner outlining that under the circumstances the steel frame structure remained unauthorised and should therefore be removed.
- 1.6 As the structure remained in place and no contact had been made with the Planning Compliance Section, a further letter was forwarded to the land owner on the 28 October 2009, seeking the removal of the structure.
- 1.7 A further site visit took place on the 4 December 2009; the structure was still in situ.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The development has taken place during the last four years
- 2.2 The steel frame structure is described as an agricultural building by the land owner within the above mentioned application for planning permission, which has been withdrawn. The land upon which the building is sited cannot be described as a farm enterprise; there being no stock or worked arable land. Therefore the development does not comply with criteria (i) of Policy EMP 13 – Agricultural Development.
- 2.3 It is considered that the scale of the structure has an unacceptable impact upon the character and appearance of the local environment and is therefore contrary to criteria (iii) of Policy EMP 13 and criteria (i) and (ii) of Policy GEN 6 – Development Control Requirements.
- 2.4 By his inaction the land owner has indicated that he will not voluntarily remove the unauthorised structure.
- 2.5 The use of conditions as part of any grant of planning permission for the retention of the steel frame structure could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
 - (i) Serve an enforcement notice to secure the removal of the unauthorised steel frame structure. (Compliance 3 months)
 - (ii) Instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any enforcement notice, or other such notice is served, should they fail to comply with the requirements thereof.

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
WORKING REPORT: 4 JANUARY 2010

These are cases which have previously been reported to Committee, but remain unresolved, or cases where Notices under S.215 have been served. The purpose of the Report is to provide a brief quarterly update for Members. Any issues of detail are best raised with Officers before or after Committee.

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
ENF/037/95/N P13/11	Rhydorddwy Goch, Dyserth Road, Rhyl	28/10/98 24/03/04	31 unauthorised windows in listed building.	Monitoring site	Owner completed replacing the windows on the eastern elevation (8) of the property, but lack of funds hampering completion of remaining windows. Owner has made application to 'de-list' building	MGH
ENF/2001/00007	Ty Isoe, Maes Maelor, Llandegla	30/01/02 25/05/05	Storage of vehicles and residential use	Monitoring site. Legal options under consideration.	Further SV 20/3/09 – one unoccupied caravan sited at rear access. Multi-agency SV undertaken 19/5/09 – 3 caravans at rear access; two occupied. Formal letters sent to land owner outlining requirements of Enforcement Notice already in existence on land. SV 30/09/09 – 2 caravans on site – occupied by a female (68 yrs) & male (84 yrs). Appropriately advised and that they should seek alternative accommodation. Environment Agency prosecution for waste dumping has been withdrawn – Crown Court trial elected by Low – not in the public interest to continue.	WW/JE
ENF/2002/021 P7/351	Cornel Bach, Lower Denbigh Road, St. Asaph	04/09/02	Siting of mobile home and creation of curtilage	PS to monitor and ensure removal of caravan once vacated by sick parents. Parent (mother) remains in residence	Caravan remains and still occupied by elderly parent. Monitoring visit each November – next 2010.	WW

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
15/877/98/MA P47/3	Maes y Droell Quarry, Graianrhyd	30/10/02	Undetermined ROMP application – extraction continuing	Application submitted. Legal options being investigated.	On-going negotiations	PM
ENF/2002/00043 P7/592 ENF/2003/031 P7/592	Former Railway Land, Ty Draw, Bodfari	18/12/02 23/07/03	Storage of railway carriages and associated paraphernalia Boundary fence & gates over 2m high	Monitoring – seeking to facilitate the removal of railway carriage	HMRC investigation – land owner sentenced to 30 mths imp for VAT fraud – now released. Land owner has had to sell some of land within his ownership to comply with Proceeds of Crime Act ruling – but not land on which railway carriage rests. SV 8/12/09 with land owner, his solicitor, LS & WW. Due to obvious difficulties in removing carriage it was agreed that the cost of removal be further explored by WW – completed and estimates forwarded to owner and his solicitor for consideration on 30/12/09.	WW
ENF/2003/0002	Gwasg Gee, 12 -18 Chapel Street, Denbigh	24/03/04	Neglect of listed building.	Discussions ongoing with Planning/Conservation Officers	Application received – refused 27/2/08 – further app anticipated – urgent works carried out in order to protect building. Prince's Regeneration Trust are updating the feasibility study with financial support from the Architectural Heritage Fund and DCC	WW
ENF/302/00/N	37 – 39 Pendyffryn Road, Rhyl	21/04/04	Neglect of a listed building	Applications received for redevelopment / renovation.	On-going negotiation between land owner/developers and planning officers. Building now protected.	WW
ENF/2004/00012	Oak Frame Company, Part OS Field Nos. 5000 and 6300, Pen y Bryn Road, Glascoed Road, St Asaph	15/12/04	Erection of timber building for use as dwelling.	E Notice for removal of 'dwelling' by 20 June 2007	Further meeting with planners & Mr Bellfield 30/07/09. Owner advised to seek professional advice and is then to submit further application. Land owner advises that he has now engaged planning consultant to prepare proposal and that only one worker remains resident on land. Progress report chased by WW.	WW

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
ENF/2004/00066	The Grapevine, 87 High Street, Prestatyn	31/08/05	Installation of roller shutters and associated metal box and plastic canopy	E Notices served for removal of roller shutters.	Shop now empty – previous tenant left owing substantial debt to owner. Owner has locked roller shutters open until new tenant is found and shop refurbished to new tenant's requirements, when approved shutters can be installed. SV 15/12/09 – shop closed – shutters locked open.	WW
ENF/2005/00059	Plot 1 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation		Reports to LS for consideration.	WW
ENF/2005/00060	Plot 3 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation		As above	WW
ENF/2005/00061	Plot 4 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation		As above	WW
ENF/2005/00084	Henllan Garden Centre, Church Street, Henllan	20/06/07	Unauthorised change of use; Boundary fence over 2 metres high; Untidy Land	E Notices served.	Application for planning permission submitted (28/2008/0578) for 15 residential units – granted by Planning Committee 21/1/09. Section 106 agreement still to be resolved. Site being monitored by WW & LS	WW
ENF/2007/00039	Lake Hill Fishery & Farm, Llandegla, Wrexham	20/06/07	Erection of unauthorised building	Prepare instructions for LS	Awaiting Land Registry assistance to determine land ownership which is in dispute. Further action will then be considered by LS.	JE
ENF/2007/00040	Lake Hill Fishery &	20/06/07	(1) Erection of Conservatory; (2)		As above	JE

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
	Farm, Llandegla, Wrexham		Erection of Decking; (3) Erection of Cellar Area for use as Manager's Accommodation;			
ENF/2005/00108	Eirianfa, Berwyn Rd, Llangollen	5/9/07	Residential use of mobile home	Authorisation given for EN to cease use & remove mobile home and attached conservatory	EN served – compliance November 09 Application for planning permission submitted (03/2009/1535) to retain unit as Manager's accommodation.	JE
ENF/2005/00087	1 & 1b Prior St, Ruthin		Unauthorised works in Listed Building		Past compliance date – owner has completed part of the work required. Further time allowed for full compliance. JE has written to owner 10/12/09 – response awaited.	JE
ENF/2007/00068	Bull Hotel, Castle St, Llangollen		Unauthorised works to Listed Building	Internal doors to be removed	Awaiting advice from Conservation Section on acceptable design for replacement doors.	JE
C10/2007/0256	New Inn, Bryneglwys		Untidy land (Building and car park)	S.215 Notice served	Work has commenced with some render removed & car park now satisfactory – further work required. Bank holding mortgage confirms it is to re-possess property. Awaiting confirmation that bank has legal possession.	JE
ENF/2008/00032	115 Coast Rd, Rhyl		Unauthorised adverts	Report to LS	Instructions forwarded to LS	MGH
ENF/2008/00036	Ashmount, Ffordd Bryniau, Meliden	23/4/08	Unauthorised development – walls and level changes	E Notice served	Appeal against Enforcement Notice dismissed on 31/3/09 – Notice upheld with 6 months compliance period. However, Planning Inspectorate conceded that 'additional time may be needed'. Site meeting 25/6/09 with agent & planning officer. However due to delay in submission of proposal for remedial works Letter Before Action forwarded to owners, agent and contractor 9/12/09. Required proposal received from structural engineer on	WW

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
					15/12/09 – submitted to planning officer for consideration.	
ENF/2008/00064	69 Grosvenor Rd, Rhyl		Untidy Land	Notice served	LS has sent Letter Before Action to bank holding mortgage and matter referred to Empty Homes Officer.	MGH
ENF/2007/00100	The Retreat, Mount Rd, St Asaph	3/9/08	Unauthorised use – storage of caravans	Enforcement Notices served.	Enforcement Notices served 8/12/09 Compliance by 8/4/10	WW
ENF/2008/00126	Cerrigllwydion Arms, Llanynys		Untidy land	E Notice served	E Notice served 23/1/09 – compliance 27/5/09 – Appeal submitted. DCC withdrew from action due to further deterioration of property making original Notice insufficient. Schedule of works required has been prepared and sent to owner for consideration – no response received. Compliance date for revised schedule of works 20/12/09.	JE
ENF/2008/00114	38 Abbey St, Rhyl		Untidy land	Under investigation	Monitoring before instructions to be sent to LS.	MGH
ENF/2008/00079	Land adj Gors Wen, Llanynys	3/9/08	Unauthorised change of use Unauthorised development	Under investigation	Notice served 9/7/09 – for compliance by 10/2/10 – owner reminded. Application for planning permission submitted to retain use (24/2009/1591)	JE
ENF/2008/00030	33 Alexandra Dv, Prestatyn	19/3/08	Unauthorised development - balcony	Under investigation	LS preparing Notice	MGH
	35 Water St, Rhyl (Turkish Delight)		Unauthorised development - window	Under investigation	LS preparing Notice	MGH
ENF/2008/00026	40 Bath St, Rhyl		Unauthorised development – Listed Building	Under investigation	Application for planning permission submitted (45/2008/1008)	MGH
ENF/2008/00108	5 Ernest St, Rhyl		Untidy Land	Under investigation	LS preparing Notice	MGH
ENF/2009/00014	Storage Unit 1, Former Riverside Camp, Marsh	18/2/09	Unauthorised change of use - storage container used for business	Enforcement Notices served	Enforcement Notices served 18/8/09 – compliance by 18/3/10.	WW

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
	Rd, Rhuddlan		use			
ENF/2009/00015	Storage Unit 5, Former Riverside Camp, Marsh Rd, Rhuddlan	18/2/09	Unauthorised change of use - storage container used for business use	Enforcement Notices served.	Enforcement Notices served 18/8/09 – compliance by 18/3/10	WW
ENF/2008/00127	Land adj to St Saerens, Llanynys	18/2/09	Unauthorised change of use from agricultural field to mixed use of storage of building materials and equipment, timber processing, siting of storage containers and residential curtilage with ancillary hard-standing	Enforcement action authorised	Instructions sent to JK 27/4/09 to prepare Notices for service – Notices not yet served due to deterioration. Need to reassess breaches and gain further approval for notices.	JE
ENF/2008/00016	136 High St, Prestatyn	31/8/05	Unauthorised installation of roller shutters and associated metal box	Under investigation	Roller shutters should have been removed to comply with condition attached to planning permission (43/2006/0977). LS communicating with owner's solicitors before considering the service of a Breach of Condition Notice.	WW
ENF/2009/00043	Cartref, Lower Foel Rd, Dyserth		Untidy land	Enforcement Notice served	Enforcement Notices served 7/7/09 – compliance by 6/10/09. SV 7/10/09 – no change – Letter Before Action sent by LS 12/11/09. Further SV 16/12/09 – no change. Further action to be discussed with LS.	WW
ENF/2009/00052	38 Bath Street, Rhyl		Untidy land		LS preparing Notice	MGH
ENF/2009/00044	Land at Marian Ffrith, Marian Cwm, Dyserth	29/7/09	Motorcycle use on land in excess of PD limit	Enforcement Notices served	Enforcement Notices served 8/12/09 – compliance 8/1/10 – thereafter motorcycle use limited to permitted development rights – 14 days each year. Land owner considering Appeal	WW
ENF/2009/00065	Maes Teg, 9		Untidy land		Instructions sent to LS to prepare Notices	WW

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
	Weavers Lane, Dyserth				for service. (Same owner as for Cartref, Lower Foel Rd, Dyserth – may require co-ordination of proceedings)	
ENF/2009/00066	Fachwen Farm, Waen, St Asaph		Breach of Condition – failure to demolish original dwelling before new dwelling commenced	Breach of Condition Notice served	Compliance by 9/1/10 – owner has submitted a further application for planning permission to vary planning condition on 29/9/09 (47/2009/1258) – validated 1/12/09 no further action until application determined.	WW
ENF/2009/00021	21 Brynheddyd Rd, Rhyl	13/5/09	Unauthorised development	Enforcement Notice served	Compliance by 18/11/09. Appeal lodged	MGH
ENF/2008/00130	Land at Brookdale Rd, Rhyl		Untidy land	Under investigation	PCN served to discover registered office of developer	MGH
ENF/2009/00017	29-31 Water St, Rhyl		Untidy land	Under investigation		MGH
ENF/2009/00004	5 Manod Rd, Rhyl	18/3/09	Unauthorised development	Enforcement Notice served	Compliance with Enforcement Notice to be confirmed	MGH
ENF/2009/00026	166 Victoria Rd, Prestatyn	29/7/09	Unauthorised sat dish	Under investigation	Instructions to LS for preparation of Enforcement Notice	MGH
ENF/2009/00041	Terfyn Hall West, Gronant Rd, Prestatyn	17/6/09	Unauthorised engineering operation	Enforcement Notice served	Enforcement Notice served 22/9/09 – compliance by 23/11/09. Appeal lodged.	MGH
ENF/2009/00035	Pen Bryn Barn, Llangollen	30/9/09	Unauthorised residential use of property only permitted as holiday let	Enforcement action authorised	Instructions sent to LS to prepare Enforcement Notices.	JE
ENF/2009/00071	Land to SE of 2 & 3 Bryn Derwen, Rhewl	25/11/09	1. Unauthorised access 2. Unauthorised track	Enforcement action authorised	Instructions sent to LS to prepare Enforcement Notices.	JE

PS – Planning Services
LS – Legal Services

SV – Site Visit
NFA – No Further Action

Should Members require further information on any of the above cases, please contact Paul Mead on 01824 706705 or paul.mead@denbighshire.gov.uk or one of the following Planning & Compliance Officers:

MGH – Michael Hughes on 01824 706731 or mg.hughes@denbighshire.gov.uk for Rhyl and Prestatyn areas

WW – Wayne Williams on 01824 706806 or wayne.williams@denbighshire.gov.uk for Denbigh and North Area excluding Rhyl & Prestatyn

JE – Jill Emerson on 01824 706743 or jill.emerson@denbighshire.gov.uk for Ruthin, Llangollen Corwen areas