

PWYLLGOR CYNLLUNIO
CYFARFOD: 17 eg Chwefror 2010
Eitem: 2

PLANNING COMMITTEE
MEETING – 17th February 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: Llangollen

APPLICATION NO: 03/2009/0854/ PF

PROPOSAL: Change of use of Mill building into 6 No. apartments & 2 live work units and installation of sewage treatment plant. Erection of detached dwelling and installation of sewage treatment plant. Alterations to vehicular access and provision of parking area and landscaping of the site.

LOCATION: 2 Mile End Mills Berwyn Street Llangollen

APPLICANT: Mr Tim Hughes Lodge Retreats Ltd.

CONSTRAINTS: C2 Flood Zone
Within 67m Of Trunk Road

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

CONSULTATION RESPONSES:

LLANGOLLEN TOWN/ COUNCIL
"No objections."

THE CLWYDIAN RANGE AREA OF OUTSTANDING NATURAL BEAUTY – JOINT ADVISORY COMMITTEE

"The JAC reaffirms its previous comments to welcome proposals to restore this building and to tidy up a prominent derelict site on the A5. The overall support to the design is supported, including the detached dwelling which reflects the existing/extended mill building. However, the colour and form of the proposed cladding for the roof, walls and service extensions will need to be carefully selected to ensure it is sympathetic to the existing building and the wider setting.

It should be clarified that the existing stone boundary wall along the A5 frontage will be reinstated behind the proposed visibility splay. To integrate the design and appearance of the overall development it is recommended that matching stone walls should also extend along the southern boundary of the site, define the parking area, separate the new dwelling from the apartments, and be used to face retaining structures associated with the new dwelling.

The JAC would also recommend that consideration be given to the use of sedum or similar green roof for the buildings".

LLANGOLLEN CIVIC SOCIETY

Maintains previous objections on the initial proposal. In brief, the previous objections included:

No more flats in Llangollen – need employment and affordable homes.

- Insufficient car parking space
- Notes the commercial report submitted with the application – but highlights many commercial properties have only recently come on the market – and an offer has

been made in respect of
the largest.

- Refers to LDP representations – i.e. a feasibility study is justified to assess the possibility of hydro power from the river and streams.
- Notes that the building would be ideal for an initial hydro electric scheme – and potentially other energy schemes – with the major part housing hi tech business (as could Cilmedw Site).
- Proposal should not undermine plans to reinstate a footpath near the site – from Llangollen to Berwyn between the river and the A5.

ENVIRONMENT AGENCY

Requires finished floor level for single dwelling to be 150mm above the level of the pavement on Berwyn Road. Mill Buildings with 6 apartments and 2 live/work units should have no residential accommodation on the lower ground floor.

Suggest a number of advisory notes and conditions (in relation to possible contamination) including : use of flood proofing for the lower ground floor area, compensatory flood storage, and detailing of outdoor space, the dwarf wall, and the sill levels.

TREE CONSULTANT

Accepts the difficulty in trying to justify the retention of the majority of trees on the site. Notes the amenity value of trees lining the opposite side of the road. Suggests conditioning new planting.

WELSH ASSEMBLY GOVERNMENT TRANSPORT AND STRATEGIC REGENERATION SECTION

Suggests that any permission should include conditions, including additional details of the boundary wall road alignment.

CLWYD-POWYS ARCHAEOLOGICAL TRUST

No objections provided the proposal retains historic character and features, subject to a condition requesting a photographic and written survey of the building. Advises of the importance in retaining the building, given the World Heritage Site context and notes key features of industrial interest in the building.

COUNTRYSIDE COUNCIL FOR WALES

No objections, subject to controls to reduce potential `SAC and SSSI impacts:

- SAC – significant effect assessment
If all Reasonable Avoidance Measures (RAM's) described in Protected Species Survey are implemented, surface water drainage is the only remaining perceived risk to the SAC. On this basis, recommends a condition to implement RAM's.
- Protected Species – draws attention to the need to secure avoidance measures as referred to in the report.

WELSH WATER

No comment on the basis of the applicant's intention to use private facilities.

CADW

At time of writing the report, formal comments awaited.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

COUNTY ECOLOGIST

Requires measures to avoid impacts on Otters and contamination of the watercourses, together with positive bat enhancement features.

COUNTY ARCHAEOLOGIST

No objection, subject to a photographic record condition, given retention of buildings of interest.

CONSERVATION ARCHITECT

Considers the revised proposals acceptable, subject to conditions covering details/samples of external materials and landscaping.

HEAD OF TRANSPORT & INFRASTRUCTURE

Comments awaited.

DRAINAGE ENGINEER

Confirms the Council is not in a position to provide an extension to the mains system in this case, which lies some distance away from the site.

AFFORDABLE HOUSING OFFICER

Advises that the scheme accords with Denbighshire's affordable housing density policy. The scheme will provide 2 one bed affordable units as agreed with the developer and according to the demand on the waiting list. The size of 50sq m / 62sqm is above the minimum requirement for DCC standards for 1 bed units. The apartments will be sold as Low Cost Home Ownership to people on the Affordable Housing Waiting list and with a Local Connection to Llangollen.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 03/02/10

REASONS FOR DELAY :

- **Negotiations resulting in amended plans and consultations**

PLANNING ASSESSMENT:

THE PROPOSAL:

Summary of proposals

The proposal involves the change of use, with alterations, of a previous commercial property used as a workshop/storage area, to 6 apartments and 2 live/work units, together with the erection of a single, detached house. There are associated infrastructure works, including two sewerage treatment plants, and alterations to existing vehicular accesses.

The proposal includes the provision of a total of 9 car parking spaces for the conversion, using an existing vehicular access point located on the upper, northern A5 boundary, with alterations to the existing highway boundary wall. The proposed house would be served from an existing vehicular access point onto the A5, positioned to the south of the site, with associated amenity and parking/turning areas. Alterations to the existing boundary wall, along the A5, would be required. Cycle storage is intended within the lower, ground floor of the mill.

Two independent sewerage treatment tanks, positioned on the easterly boundary would serve each part of the development. The proposal includes the removal of some

trees and a small, detached outbuilding near the A5 boundary, and a small, lean to building near the River Dee boundary.

The proposal includes the provision of an additional, fourth floor area, above the existing mill building, with a 'modular' roof design, and a side extension as a service area for a communal/internal stair case and elevator. External materials for these new build sections include roof cladding and render. Balcony areas are proposed on part of the south elevation, with a full length terrace area on the fourth level, along the River Dee elevation.

The detached dwellinghouse would be a three storey construction. The design shows a rectangular shaped building, comprising of different levels of flat roofs, with external balcony areas, and full height windows on the River Dee elevation. Materials would include a mixture of brick and render, with shingle membrane (or similar to be approved) for roof covering.

The application includes a number of accompanying reports and information;

- Protected Species Survey
- Planning, Design and Access Statement (includes Commercial Market Survey for use of the site) – with addendum
- Contaminated Land Risk Survey
- Flood Consequences Survey – with amendments
- Tree Survey
- Affordable Housing Questionnaire

Briefly, the reports include:-

Protected Species Survey – No evidence of bats, but advises on potential measures should issues arise; no barn owl evidence; advice concerning nesting birds; factors/measures to include in mitigating adverse impacts on the River Dee SAC and SSSI.

Planning, Design and Access Statement (With addendum)

This includes references to site history; flood zone constraints; archaeological features; contaminated land issues; drainage, distance to a mains sewer connection; the contents of the Protected Species survey and possible conditions; reference to the site within the World Heritage Buffer Zone – liaison with the County Conservation Officer, no impact on the setting of the World Heritage site; consultation undertaken with DDC Planning Policy regarding viability of commercial use. It concludes that, on the basis of a Beresford Adams Commercial report, the site is no longer suitable for a commercial use; consideration given to TAN 12 Design requirements, including layout, scale and massing, appearance, sustainability, landscaping and access factors. Suggests this is a sustainable, positive development for the site.

Contaminated Land Risk Survey

Provides a historical overview of the site and buildings; establishing that a variety of industrial and commercial uses have been present with a moderate risk of contaminants, sets out steps for ground investigation surveys; and need for measures if contamination is encountered. Recommends Phase 1 (desk study) and Phase 2 (ground investigation) studies, to include construction details of retaining walls.

Flood Consequences Survey

Identifies site levels on the topographical survey; identifies potential floodplain storage issues with the existing site, suggests flood mitigation measures, including

requirements for occupiers of the site to subscribe to flood warning systems; means of egress in a flood event.

Tree Survey

Highlights trees with potential to cause structural damage; and recommends removal of all trees, with treatment of remaining tree stumps.

Affordable Housing Questionnaire

Confirms 2 units allocated – apartments 2 & 3 (as agreed with the County's Affordable Housing Officer) measuring 50 sq.m. and 62 sq.m; with type of tenure to be further agreed.

Description of site and surroundings

This elongated site directly adjoins an established Canoe Centre business (to the north), and lies between the A5 trunk road to the east, and the River Dee to the west. To the south are Dee Cottages, with further residential properties towards the town centre.

Mile End Mill is located in a prominent position at the western entrance to Llangollen on the A5 from Corwen. It is just over a mile north west of Llangollen town centre. It is understood to have been unoccupied since 2007. Prior to this, the building and site were occupied by 'Seventh Heaven' as an antique bed centre storage and workshop.

The existing building is of brick construction, three storey in height, with a flat roof. It forms part of a larger complex, previously operated as one unit/site. The A5 boundary is a traditional, natural stone wall running along the site frontage.

The northern part of the site includes a hardstanding with relatively level ground. The south easterly part is at a lower ground level, towards the River Dee embankment. An existing septic tank is understood to exist in the southern part of the site.

Relevant planning constraints/considerations

The site lies within the defined development boundary for Llangollen, adjoins the River Dee Special Area of Conservation (SAC an international designation), and a Site of Special Scientific Interest. It also lies within the Vale of Llangollen Historic Landscape and Pontcysyllte World Heritage Buffer Zone. Part of the site lies within a defined flood zone area.

Relevant planning history

The site has a lengthy history involving manufacturing and storage uses.

Development/changes since the original submission

Initially, the proposal was for a scheme of conversion involving 10 apartments. Subsequent flood/hydrology information required a review of the residential uses proposed at ground floor level and the revised scheme excludes the lower ground areas of the conversion and detached house, for residential use. The scheme under consideration is for 6 apartments, 2 live/work units and 1 dwelling.

Other relevant background information

The application is reported to Committee following consultation with local members, to allow full consideration of the principles of the development and detailed impacts.

RELEVANT PLANNING HISTORY:

Code 03/7328 – Change of use of building to use for collecting and despatching of hides and skins - WITHDRAWN – 20/02/1985

PLANNING POLICIES AND GUIDANCE:

Denbighshire Unitary Development Plan

1. Strategic Policies

1,5,7,8,11,12,13,15,16.

General Policies

Policy GEN 1 - Development within development boundaries

Policy GEN 2 - Development of unannotated Land

Policy GEN 6 - Development Control Requirements

Policy GEN 8 – Planning Obligations

Policy GEN 10 – Supplementary Planning Guidance

Policy ENV 2 - Development Affecting the AONB/AOB

Policy ENV 4 – International/National sites of Conservation Value

Policy ENV 6 - Species Protection

Policy ENV 7 - Landscape/Townscape Features

Policy CON 11 – Areas of Archaeological Importance

Policy CON 12 – Historic Landscapes, Parks and Gardens

Policy EMP 10 - Protection of employment land/buildings

Policy ENP 1 - Pollution

Policy ENP 4 - Foul and Surface Water Drainage

Policy ENP 8 - Contaminated Land

Policy HSG 2 - Housing Development in Main Centres

Policy HSG 10 - Affordable Housing in Development Boundaries

Policy TRA 6 - Impact of new development on traffic flows

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

Supplementary Planning Guidance

SPG 2 Landscaping

SPG 6 Trees and Development

SPG 8 Access for All

SPG 14 Listed Buildings

SPG 15 Archaeology

SPG 18 Nature Conservation and Species Protection

SPG 21 Parking Requirements In New Developments

SPG 22 Affordable Housing in New Developments

SPG 25 Residential Development Design Guide

Llangollen Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002) as amended via MIPPS

TAN 2 Planning & Affordable Housing

TAN 5 Nature Conservation and Planning

TAN 12 Design

TAN 15 Development and Flood Risk

TAN 18 Transport

TAN 21 Waste

Circular 61/96 - Planning and the Historic Environment:: Historic Buildings and Conservation Areas

Circular 11/99 - Non mains Sewerage systems involving Septic Tanks

Other Governmental related documents

Design Commission companion Design and Access Statements in Wales (2008)

MAIN PLANNING CONSIDERATIONS:

The main issues are considered to be:

- I. Principle
- II. Highways & Parking
- III. Nature Conservation
- IV. Contaminated Land
- V. Archaeology
- VI. Design
- VII. Landscape
- VIII. Drainage
- IX. Amenity , including noise
- X. Trees and Landscaping
- XI. Affordable Housing
- XII. Access for all
- XIII. Sustainability, including energy use

In relation to the main planning considerations;

I. Principle

The site lies within the current development boundary for Llangollen Town, and is 'Un-Annotated' land in the proposals map in the Unitary Plan, where development would be acceptable, in accordance with Policy GEN 2. This policy accords with the 2006 Housing MIPPS, in relation to development of an unallocated site. The surrounding land use is predominantly residential.

The principle of development is considered acceptable, subject to assessment of site specific issues.

II. Highways & Parking

GEN 6 and TRA 6, require an assessment of the impact of new development on traffic.

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

The Assembly's Highways section raises no objections to the development subject to inclusion of conditions relating to the boundary walls.

The development will include on site parking spaces for all new units, in accordance with SPG 21 Parking Requirements In New Developments. This also includes the provision of a cycle stand.

III. Nature Conservation

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impact on nature conservation and protected species. (Policies ENV 1, ENV 6, ENV 8

and GEN 6); Planning Policy Wales: Habitat Regulations; Unitary Plan Policy and Supplementary Guidance). Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence should be established before the grant of permission.

In this case, both the Countryside Council for Wales and County Ecologist has assessed the submitted reports and note the requirement for precautionary measures in the event of a potential bat presence and impacts on adjoining River Dee SAC & SSSI.

TAN 5 requires Local Planning Authorities to follow certain procedures in respect of development which might affect SAC designations, obliging a formal Record of Appropriate Assessment of the likely significant effect on the SAC. This procedure has to be carried out to assess the implications of the development for the site's conservation objectives, and must determine, in the light of the conclusions of the assessment, whether the proposal will or will not adversely affect the integrity of the SAC.

A formal SAC Assessment has been undertaken by the County Ecologist, working in conjunction with the Countryside Council for Wales. This confirms that whilst potential indirect effects on specific fish species and otters may occur as a result of contamination of the watercourse, and potential disturbance to otters may occur, with appropriate mitigation, the proposal is unlikely to have any significant effect on the designated SAC features. The mitigation measures in this case include reasonable avoidance measures to avoid water pollution, and to minimise disturbance to otters; mitigation for external lighting and consideration of eco- friendly filtration.

The species report provides sufficient information to confirm that suitable Reasonable Avoidance Measures can be conditioned, including a positive incorporation of bat and bird design features.

The proposal is therefore considered to comply with the policies and guidance relating to protected species and international SAC designation.

A note to applicant can be included, in the event of planning permission being granted, to highlight the need to liaise with the Countryside Council for Wales, WAG, and the County Ecologist in respect of any potential WAG protected species licence requirements

IV. Contaminated Land

Policy ENP 8 includes a specific requirement obliging consideration of the implications of development on potential contaminated land.

Consultation responses from the County Council's Public Protection Section highlight the need for further contamination investigations, and the requirement for possible remediation measures to ensure suitable safeguards. This can be addressed by the use of appropriate conditions.

V. Archaeology

GEN 6, and CON 11, as supplemented by SPG 15, require full consideration of archaeological and historical context.

Having regard to the consultation responses, the site has the potential for archaeological interest. The conclusions of the County Archaeologist and CPAT are that the proposal is acceptable subject to appropriate conditions.

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

VI. Design

GEN 6, SPG 14 and 25 and TAN 12 highlight the need to consider relevant design issues with development proposals.

The initial plans were considered lacking in key detail, given the historical assets of the site. Following discussions with the applicants, the scheme has been amended to take on board these concerns.

The submitted Design Statement makes reference to key design and vision objectives, for both the site and locality, with the emphasis on assimilating the scheme and site within the context of the World Heritage Site.

Provided conditions controlling external materials, including means of lighting, can be conditioned, the proposal is considered to comply with design policies and guidance listed.

VII. Landscape

ENV 2, ENV 7 and CON 12 require consideration of the effect and impact on local and national landscape features.

As the site is situated in the AOB and World Heritage Buffer Zone, the emphasis of any proposal should focus on opportunities to enhance the site and setting.

Public views of the site can be gained from both the A5 and across the River Dee.

The removal of the small and insignificant, detached building and lean to at the rear would bring about a visual improvements. The new building would contribute positive to the landscape, with additional planning to soften the building lines. The stone wall along the A5 should be retained.

The comments submitted by the JAC AONB are noted. With the use of appropriate external materials and sympathetic landscaping, including the retention of the highway stone walls, it is considered there would be limited visual impact on the locality and the proposal would comply with the aims of the planning policy and related design guidance.

VIII. Drainage

Circular 11/99 , together with policies GEN 6 criteria x) ; ENP 1 Pollution, criteria i) ; ENP 4 – Foul and Surface Water Drainage, and ENP 6 – Flooding, seek to control and avoid unacceptable harm to the environment /locality in terms of water and drainage implications. ENP 4 highlights that development will not be permitted unless satisfactory arrangements can be made for the disposal of foul sewage and surface water.

It is to be noted that there is an existing sewerage tank on the site serving the existing development. There is no main sewer connection. The nearest main sewer is some 300 metres to the south at Park Avenue.

With respect to local concerns over drainage issues, both Welsh Water and the Environment Agency raise no objections, subject to the inclusion of conditions.

Given the foul sewer lies some 300 metres to the south along the A5, it is officers' view that the costs of constructing a foul drain would be excessive, and could not justify investment by the County Council, or the imposition of an obligation on the developers to do so.

In light of this background, given that specific conditions could be included to ensure assessment, approval and control of the treatment tank arrangements, it is not considered the proposal is in conflict with circular advice and policies listed

IX. Amenity

GEN 6 requires consideration be given to the amenity of proposed and existing residents.

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

Noise generation from the live work units should not cause disturbance to other apartments within the building or the adjacent building. However, it is suggested that suitably worded conditions could be imposed to limit noise levels in these units.

X. Trees and Landscaping

GEN 6 and ENV 7 - as supplemented by SPG's 2 and 6 outline the need to consider impacts on trees and the adequacy of landscaping proposals.

The submission includes a limited landscaping scheme. In light of the site's location, sensitive planting and boundary details are essential. Although the proposal involves the removal of some trees, these have previously been acknowledged as of limited amenity value.

It is considered that appropriate conditions can safeguard key landscaping details including lighting, fencing, walling, and surfacing, which have implications for Access for all issues.

XI. Affordable Housing

Policy HSG 10 obliges the provision of affordable housing. The Affordable Housing questionnaire identifies a total of 2 no. units to be provided.

The Council's Affordable Housing Officer considers the proposed scheme acceptable.

In order to secure the delivery of the affordable units, a planning obligation would be required, in line with Policy HSG 10 - Affordable Housing within Development Boundaries, and the accompanying SPG.

XII. Access for all

Members will be aware that Access Statements are now mandatory for most planning applications, and access issues have to form part of a planning assessment. The approach is outlined in TAN 18 Transport, and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All' supplements this policy, together with SPG 25 'Residential Development Design Guide' and the Council's document 'Planning and Inclusive design'.

Having regard to the information submitted and the details required, in particular with the new WAG document, details of parking provision; handrails, textured surfaces, and lighting provision would need to be conditioned.

XIII. Sustainability – including energy use

PPW 9 (as amended) and TAN 12 oblige new requirements for carbon reduction for most new buildings from 1 September 2009. This is in order to reduce the environmental impacts arising from new developments. The requirements involve a move towards more sustainable and zero carbon buildings in Wales, according to certain standards. These standards are obligatory for developments of 5 or more dwellings received on or after 1 September 2009.

The application was submitted prior to this date, so there can be no insistence on meeting the TAN 12 standards. However, it is reasonable to suggest that an overall sustainable approach should be promoted in this case, and a suitable condition could be included which would oblige an assessment to be carried out, prior to the commencement stage. This would be in line with the TAN 12 advise. Additionally, this approach could include consideration of some of the renewable energy comments raised by the Civic Society.

SUMMARY AND CONCLUSIONS:

The scheme offers an opportunity to secure a quality scheme, enhancing the site and a key approach into Llangollen. There are clear gains from the use of previously developed land in a sustainable location, and an element of affordable housing. Provided suitable conditions are included, it is considered the proposal would comply with current planning policies and guidance, and merits support.

The recommendation is subject to the completion of an obligation under section 106 of the 1990 Planning Act to secure the following,

- Affordable Housing - the provision of 2 affordable housing units and their retention thereafter for affordable housing purposes for local needs.

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of development, the following details shall be submitted for approval to the Local Planning Authority;
 - i) Bat enhancement features.
 - ii) Reasonable Avoidance in relation to the River Dee SAC and SSSI
 - iii) External lighting
 - iv) Details of method to retain and enhance the existing highway boundary wall.
 - v) Cross - sectional profile from the A5 trunk road to the River Dee.
 - vi) Scheme for protecting the proposed apartments from noise from the live work units;

- vii) Sewerage treatment tank final details, including all connection pipes and soakaway facilities.
- viii) Scheme to deal with the risks associated with contamination of the site, to include the following components:
- i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be completed strictly in accordance with the agreed details.

3. 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

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

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

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

7. The two (2 no.) live work units hereby approved shall be used as interdependent units at all times and shall not be sub divided or used as separate dwellings and businesses at any one time.

8. The lower ground floor area of the units shall only be used for domestic storage of goods and for no other uses.

9. No part of the existing A5 highway wall shall be removed without first obtaining the formal written consent of the Local Planning Authority.

10. 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.

11. None of the apartments served by this installation shall be occupied until the sewage disposal and drainage works have been completed in accordance with the submitted plans.

12. The sewage treatment plant shall not be brought into operation until details of a management plan and maintenance programme for the development thereby approved has been submitted to and approved in writing by the local planning authority. The development shall be maintained in accordance with the approved scheme.

13. None of the apartments, including the live work units, and dwelling shall be occupied and the sewage disposal and drainage works shall not be brought into operation until final details of the sewerage treatment plants, including finished land levels and surface treatment have been submitted to and approved in writing by the local planning authority. The land levels and surface treatment work shall be carried out within 3 months of the approval of the submitted scheme.

14. Prior to the commencement of development, details shall be submitted to provide an integrated systems approach for providing telecommunications systems for the development hereby approved. The details as subsequently approved shall be fully implemented as part of the development prior to the occupation of the apartments and/or dwelling.

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

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

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenities of the area , to safeguard the status and quality of the adjoining River Dee SAC and SSSI; and the Environment Agency Wales considers that the controlled waters at this site are of high environmental sensitivity because they are within 30 m of the river Dee which is a SAC and contamination is strongly suspected at the site due to its industrial history.
3. To ensure suitable access for the disabled to the building.
4. To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
5. To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
6. Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
7. In the interests of safeguarding the amenities of the locality.
8. The site lies within a flood zone area where permanent, residential use of ground floor premises is unacceptable.
9. In the interests of safeguarding the character and amenities of the locality.
10. In order to maximise the potential to mitigate for CO2 building standards.
11. In order to safeguard the local water environment and in the interests of visual

amenity.

12. In order to safeguard the local water environment and in the interests of visual amenity.

13. In order to safeguard the local water environment and in the interests of visual amenity.

14. In the interests of preserving and enhancing the site and locality, positioned within the World Heritage Buffer Zone.

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

16. In the interests of residential and/or visual amenity and in the interests of preserving and enhancing the site and locality, positioned within the World Heritage Buffer Zone.

NOTES TO APPLICANT:

Design and landscape

You are advised to detail the replacement A5 wall to retain the existing character and materials, given the historical significance of the highway. Further discussions should be undertaken with specialist officers of the County Council, including Conservation and Archaeology, together with the Clwyd Powys Archaeological Trust. You should detail the whole length of the application site boundary wall with this approach, notwithstanding the illustrative plans.

Flooding

For further information, the applicant should view the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Performance of New Buildings ' This may be viewed on the Planning Portal website:

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Foul Drainage

Please discuss the proposed foul drainage arrangements for the site with the Environment Agency. A separate consent is required from the Agency under the terms of the Water Resources Act 1991/Groundwater Regulations 1998 for any proposed sewage or trade effluent discharge to a watercourse or other controlled waters, and will be required for discharge to a soakaway if the number of persons served by the system is ten or more. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is therefore advised to contact our Permitting Support Centre by writing to PO Box 4209, Sheffield, S9 9BS. Alternatively, he should call 08708 506506. (Weekday daytime calls cost 8p plus up to 6ppm from BT Weekend Unlimited. Mobile and other providers' charges may vary.)

Operation of surface water drains

During construction, it is imperative that operators are aware of the location of surface water drains on site. Due to the proximity of the River Dee, from which water is abstracted for potable uses, site operators must ensure that no contaminated water is allowed to drain from the site into the river. Should any pollution occur, works must cease immediately and the Environment Agency should be contacted on 0800 807060. The developer should also submit a method statement to the Environment Agency prior to works commencing, detailing remediation and further pollution prevention methods which are to be employed.

On site storage of goods and generation of waste materials and works activities

The operator must ensure that all fuel, lubricating oils or chemicals stored in bulk on the site are located as far as reasonably possible and in no case closer than 10 metres from any watercourse.

Any waste materials generated as a result of the development and taken offsite should be disposed of in accordance with the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994, either at a suitably licensed facility, or in accordance with an exemption from the Waste Management Licensing Regulations. Duty of Care should be adhered to and all relevant checks on carriers and sites made, and documentation retained.

Dewatering from excavations should not be discharged to any watercourse. Water arising from dewatering of excavations may be irrigated over grassland to a soak away at least ten meters from the watercourse providing that it only contains suspended solids from the earth and no harmful substances.

River Dee Special Area of Conservation

Please find enclosed LPA SAC Assessment Record for your attention.

ITEM NO: 2

WARD NO: Efenechtyd

APPLICATION NO: 11/2009/1122/ PC

PROPOSAL: Retention of detached domestic garage with store over (revised design to the previously-approved building under Code No. 11/2007/0726/PF) (Retrospective application)

LOCATION: Ty Isa Cottage Clocaenog Ruthin

APPLICANT: Mr B D Learmont

CONSTRAINTS: PROW
Listed Building

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

CONSULTATION RESPONSES:**CLOCAENOG COMMUNITY COUNCIL-**

"The Council objects to the planning application for the following reasons;

1. The application is opposed by all residents of Clocaenog Community.
2. The Applicant is making a mockery of the Planning Act and Law as the original planning permission in not adhered to.
3. The privacy of residents of the Maes Caenog Estate is invaded.
4. The building is too big and an eyesore.
5. The attached email dated the 21st April 2009 from Jill Emerson, Compliance Officer of the Planning Department of Denbighshire County Council, states that the Planning Officer who granted the original application would not have granted permission for the building as it has been built.
6. The application should therefore be refused and the building be demolished,
7. The applicant should not abuse the planning law which is there for a purpose".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**Denbighshire Head of Transport & Infrastructure**

No objection to the proposals, subject to conditions.

Denbighshire Conservation Architect

Comments that the garage as built does not comply with the permission previously granted, in particular the roof alignment has changed and the stairs have been enclosed. Consequently the overall massing of the building when viewed from the entrance drive is increased and considers it begins to challenge the prominence of the listed building. In addition, considers the building, when viewed from the Clocaenog/Bontuchel road, presents a gabled elevation instead of the roof plane as originally intended, which means the building fits less well into the settlement pattern.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr. G. Melling, 5, Maes Caenog, Clocaenog (via e-mail)
J.Starling & K. Atherton, 8, Maes Caenog, Clocaenog (e-mail)

Planning based points in objection:
Character of area/Landscape impact
Building is over dominant.

Residential Amenity
Overbearing impact, loss of amenity and privacy.

EXPIRY DATE OF APPLICATION: 04/01/2010

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Outline of application

1.1.1 The application proposes retention of a detached domestic garage and store at Ty Isa, Clocaenog. Retention is sought as the garage, which is partly complete, has not been built in accordance with plans approved in 2007. The siting and design have been altered. The building has been increased in size by enclosing a log store and stairs, and owing to the increase in width, the roof has been redesigned so the ridge runs south west – north east instead of north west – south east.

1.1.2 In terms of basic dimensions, the respective buildings are:-

	AS APPROVED	AS PROPOSED
WIDTH	4.6m + 1.3m Lean-to store	5.9m
LENGTH	7.4m	7.4m
HEIGHT TO RIDGE	5.7m	5.9m

The plans at the front of the report show the detailing of the respective schemes.

1.2 Description of site and surroundings

1.2.1 Ty Isa is a Grade II Listed Building located on the western side of Clocaenog. The list description refers to the building as ‘a rare survival of a minimal poor cottage, which is believed to have escaped recent alteration and to have retained its character’.

1.2.2 The garage has been built on the southeast of the site; the side elevation with double doors faces the hardstanding/ turning area to the west of the dwelling.

1.2.3 There is a hedge bounding the south of the site, and to the south of the boundary there is an estate of two storey dwellings at Maes Caenog.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside, outside any defined development boundary.

1.4 Relevant planning history

1.4.1 Planning permission and Listed Building Consent were granted in 2004 for alterations and extensions to the dwelling, and it appears these consents have been implemented.

1.4.2 More recent applications have been submitted to vary and remove conditions on the original planning permission. These have been resisted owing to the

status of the Listed Building.

1.5 Other relevant background information

- 1.5.1 There is a corresponding enforcement report on this agenda seeking authorisation to remove the garage.

2. DETAILS OF PLANNING HISTORY:

- 2.1 11/2004/0100 Original application for Extensions and Alterations to Ty Isa. Granted 27/09/2004

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 GEN 6 Development Control Requirements
Policy CON 1 The Setting of Listed Buildings

3.2 GOVERNMENT GUIDANCE

Government Guidance Planning Policy Wales March 2002

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
4.1.2 Visual and landscape impact
4.1.3 Residential Amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 6 contains general development control requirements and applies to most developments. The criteria of most relevance are the following; i) requiring developments to respect the site and surroundings in terms of scale, form, design, density, materials, aspect, micro-climate and intensity of land use, ii) requiring developments not to harm the form and character of the historic environment, iii) requiring developments to not unacceptably harm public views into or out of villages and v) requiring developments not to impact on the amenity of adjacent occupiers.

Policy CON 1 relates to Listed Buildings and stresses the need to preserve and enhance the character of Listed Buildings and their surroundings.

4.2.2 Impact on visual amenity

In terms of the impact on visual amenity, criteria i) ii) and iii) of Policy GEN 6 are most relevant.

As the garage has been partly built it enables better assessment of its visual impact. The garage is clearly visible on the approach to the village owing to the increased size and the roof detailing. When viewed from the west it appears highly prominent against the buildings to the rear as Maes Caenog is at a slightly lower level.

The overall scale has been increased from the previously approved garage and owing to this increased scale the garage is considered over dominant on the site, challenging the presence of the Listed Building.

Whilst the option of screening the site has been considered, this is unlikely to mitigate the impact of the garage owing to surrounding land levels, the overall

height and mass of the garage.

4.2.3 Impact on residential amenity

Policy GEN 6, criterion v) refers to the residential amenity impact of developments.

To the east of the site, the dwellings on Maes Caenog Estate face the site. Whilst there is some landscaping along this boundary, the overall height and mass of the garage is such that when viewed from the rear gardens of Maes Caenog it has an overbearing impact on adjacent properties. Furthermore this overbearing impact is exacerbated owing to the orientation of the garage and the presence of a first floor window on the eastern facing elevation.

5. SUMMARY AND CONCLUSIONS:

5.1 The detailing of the garage is not considered acceptable or within the terms of the relevant policies, therefore it is recommended for refusal.

RECOMMENDATION: - REFUSED for the following reasons:-

1. It is the opinion of the Local Planning Authority that the detailing of the garage is unacceptable, owing to its size, scale and orientation; which in combination result in a visually intrusive form of development harmful to the visual amenities of the surrounding area, views into the village of Clocaenog and the character and appearance of the adjacent Grade II Listed Building and would have an overbearing impact harmful to the residential and visual amenity of adjacent occupiers, contrary to criteria i) ii) iii) and v) of policy GEN 6 and Policy CON 1 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ENFORCEMENT REPORT FOLLOWS

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2010/00004
LOCATION: Ty Isa Cottage, Clocaenog, Ruthin, LL15 2AY
INFRINGEMENT: Unauthorised Garage/Store as a result of it not having been built in accordance with approved plans (11/2007/0726/PF)

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN6 – Development Control Requirements

Policy CON1 – The Setting of Listed Buildings

Government Guidance – Planning Policy Wales (March 2002)

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

HUMAN RIGHTS CONSIDERATIONS

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

In this particular instance, matters relate to the rights of an owner, without authorisation from the Local Planning Authority, to construct a building which is not in accordance with the approved plans which form the basis of the grant of planning permission.

The rights of an owner in this situation do not outweigh the rights of the Local Planning Authority to protect the amenity of the area.

No human rights issues have been raised in this particular case.

1. BACKGROUND INFORMATION

- 1.1 Ty Isa is a Grade II Listed Building located on the western edge of Clocaenog. The list description refers to the building as; “a rare survival of a minimal poor cottage, which is believed to have escaped recent alteration and to have retained its character”.
- 1.2 The unauthorised Garage/Store has been built on the southeast of the site. The side elevation with the double doors faces the hard-standing/turning area to the West of the dwelling.
- 1.3 There is a hedge bounding the south of the site. To the south of the boundary lies an estate of two-storey dwellings; Maes Caenog.
- 1.4 Alleged breaches of planning control relating to the erection of the Garage/Store were investigated by a Planning Compliance Officer and Planning Officer during a site visit

made on 21 April 2009. Both Officers concurred that the Garage/Store was not being built in accordance with the approved plans attached to planning permission number 11/2007/0726/PF. The Compliance Officer advised that work should cease immediately.

- 1.5 A letter was sent to the owner, his Agent and to this authority's Conservation Architect that same day, confirming Officers opinion that the footprint of the Garage/Store was larger than approved. Its orientation and its position in relation to the boundary with Maes Caenog differed from approved plans. The rear had a window when it should have had a door and external stairs and an extra window had been installed to another side. Furthermore, the staircase had been made internal and the roof shape and height also differed from what had been approved. The owner was advised that the Officer who had determined the original permission (11/2007/0726/PF), was of the opinion that he would not have approved the Garage/Store as it had been built and therefore we would not encourage a retrospective application to retain it in its current form.
- 1.6 The next day, the Planning Compliance Officer was informed that the workmen had returned and had been told to continue. The owner and his agent were reminded that the building was regarded as unauthorised and that any further work would be carried out at the owners risk.
- 1.7 On 31 July 2009, the Planning Compliance Officer was informed that the owner had instructed his agent to prepare and submit a retrospective application to retain the Garage/Store as built. He was requested to submit this by 28 August 2009, but it was invalid when submitted on 1 September 2009. It was eventually validated on 10 November 2009.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The Planning Officer has recommended **REFUSAL** of the retrospective application number 11/2009/1122/PC and a report has been submitted for the consideration of this authority's Planning Committee on 17 February 2010.
- 2.2 The unauthorised development is contrary to policies contained within the adopted Denbighshire Unitary Development Plan 1996 and advice contained within Planning Policy Wales (2002). In this particular case, the main planning policy considerations relate to the principle of development, the visual and landscape impact and residential amenity.
 - 2.2.1 Principle –
Policy GEN6 aims to ensure that developments respect the site and surroundings in terms of scale, form, design, density, materials, aspect and intensity of land use and that there is no adverse impact on the amenity of adjacent occupiers. Furthermore, it requires developments not to harm the form and character of the historic environment and public views into or out of villages. Policy CON1 relates to the Listed Building and stresses the need to preserve and enhance the character of Listed Buildings and their surroundings. In respect of the latter policy, the Conservation Architect is of the opinion that the unauthorised Garage/Store in its current form, "begins to challenge the prominence of the listed building".
 - 2.2.2 Impact on Visual Amenity –
Policy GEN6 – The garage is clearly visible on the approach to the village owing to its increased size and the roof detailing. When viewed from the West, it appears highly

prominent against the buildings to the rear, as Maes Caenog is at a lower level. The garage appears overly dominant on the site due to its increased scale and challenges the presence of the Listed Building.

- 2.2.3 Impact on Residential Amenity – Policy GEN6 – When viewed from the dwellings on the Maes Caenog estate to the rear, the overall height and mass of the garage has an overbearing impact on the Maes Caenog occupiers amenity. This impact is exacerbated owing to the orientation of the garage and the presence of a first floor window on the eastern facing elevation.
- 2.3 Should the Planning Committee resolve to follow Officers recommendation of refusal, with regard to the retrospective application number 11/2009/1122/PC, the building will remain unauthorised and will represent a serious breach of planning control.

3. RECOMMENDATION

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 with a six Month compliance period, requiring the building to be demolished and if the owner so chooses, to rebuild it in accordance with the approved plans attached to planning permission number 11/2007/0726/PF.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served fails or refuses to comply with the provisions of the Notice.

ITEM NO: 3

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 19/2009/1201/ PF

PROPOSAL: Erection of storage building (partly in retrospect)

LOCATION: Land adjoining Beudy Bodlywydd Llanelidan Ruthin

APPLICANT: Mr Robert Boyns

CONSTRAINTS:

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

CONSULTATION RESPONSES:

LLANELIDAN COMMUNITY COUNCIL

“This Council feels that there is not enough agricultural land to justify such a large agricultural building”

ENVIRONMENT AGENCY- This proposal falls outside the scope of matters on which the Environment Agency is statutory consultee, so have no comment to make on this application

WELSH WATER

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

PUBLIC PROTECTION MANAGER

No response

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 11/11/2009

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

6. THE PROPOSAL:

6.1 Outline of application

- 6.1.1 The application is for the erection of a 6.5m x 6.8m storage building to be used for the storage of hay, feed and related tools and machinery on land adjoining Beudy Bodlywydd, 3km east of Llanelidan. The structure is already partially erected in the form of a steel frame, replacing a range of old

agricultural buildings. The building would be completed with concrete blocks, Yorkshire boarding, and green polyester sheet roofing.

- 6.1.2 The building would be sited some 25 metres south of the applicant's dwelling at Beudy Bodlywydd, a barn recently converted into residential use.

6.2 Description of site and surroundings

- 6.2.1 The dwelling Bodlywydd Fawr lies immediately to the north, otherwise the site is surrounded by open fields. A country lane runs along the eastern side of the site. The site slopes up from north to south and is screened by hedgerow and trees to the east. There is post and wire fencing on the remaining sides.

6.3 Relevant planning constraints/considerations

- 6.3.1 The site is in open countryside, outside any development boundary

6.4 Relevant planning history

- 6.4.1 The application has been submitted retrospectively, following a meeting between a planning officer, an enforcement officer and the applicant.

6.5 Developments/changes since the original submission

- 6.5.1 It is understood additional land (0.9 hectares) to the north of the site has been purchased by the applicant. Following the submission of a justification statement, outlining the intended use of the building, the description of the proposal has been changed to "Erection of storage building". The applicant has outlined his plans to build up a small holding and the need for a suitable store building near to the dwelling to house equipment and food for general animal husbandry.

7. **DETAILS OF PLANNING HISTORY:**

19/2004/1305/PF, Change of use of redundant outbuilding to dwelling, construction of new vehicular access and installation of new septic tank. Approved 01/02/05

8. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3- Development outside development boundaries
Policy GEN 6- Development control requirements

8.1 GOVERNMENT GUIDANCE

Planning Policy Wales (2002)
Technical Advice Note 6 (2000)–Agriculture and rural development

9. **MAIN PLANNING CONSIDERATIONS:**

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

- 9.1.1 Principle
- 9.1.2 Visual impact
- 9.1.3 Impact on residential amenity

9.2 In relation to the main planning considerations:

9.2.1 Principle

Policy GEN 3 criteria vi) imposes restrictions on development outside development boundaries, but does allow for minor developments of this nature. The applicant has argued a case for a modest building for use in connection with small scale animal husbandry. A condition could be imposed to control the use. Following the acquisition of additional land, the applicant now owns 2.7 hectares of land (6.6 acres) and 7 Ewe lambs, with an aim for

28 sheep in the long run. Based on the small scale of the operation and modest building size, and with respect to the comments of the Community Council, it is considered the principle of the proposal is acceptable.

9.2.2 Impact on visual amenity

The use of a green finish to the roof, gable and side elevation will ensure that the proposal blends in with the surrounding landscape. It is considered the building is in an inconspicuous location, with hedgerow and trees to the east providing screening. It is to be noted that there have previously been a number of farm buildings in this area and the proposals represent a considerable visual improvement on the previous situation. The proposal therefore accords with policy GEN 6 part i) and part iii) EMP 13.

9.2.3 Impact on residential amenity

The building would be 25m away from the closest dwelling, Beudy Bodlywydd itself. It is considered that the proposal is of a sufficient distance away to ensure no material harm to residential amenity would occur, therefore meeting the requirements of GEN 6 part v).

10. SUMMARY AND CONCLUSIONS:

- 10.1 It is considered the building is of a modest scale and inconspicuously sited, and would result in no harm to the open countryside. It is therefore recommended for approval subject to the conditions stated below.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The storage building hereby permitted, shall be used solely for the storage of livestock and related machinery/foods at all times.

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

1. To ensure the local planning authority retains control over the use of the building in the interests of the amenities of the locality.

NOTES TO APPLICANT:

You are advised that the development site is crossed by a public water main, with the approximate position marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

ITEM NO:	4
WARD NO:	Denbigh Upper / Henllan
APPLICATION NO:	28/2009/0705/ PO
PROPOSAL:	Demolition of existing buildings and development of 1.6 hectares of land for residential purposes and alterations to existing vehicular access (outline application including access with all other matters reserved)
LOCATION:	Henllan Training Centre Henllan Denbigh
APPLICANT:	Denbighshire County Council
CONSTRAINTS:	
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:**HENLLAN COMMUNITY COUNCIL**

"The Council has the following observations on the above planning application:-

1. The development should have a Section 106 Agreement for affordable housing for the local residents and former residents of the Henllan Community. The calculation of the average wages/salary of the Henllan Community should be revised and calculated on the current middle wages/salary point.
2. The current highway infrastructure of the Henllan highway system (narrow approach roads etc) would not be able to accommodate the extra traffic caused by this major development.
3. The current Henllan village sewer/drainage system would not be able to accommodate this major development i.e. the current sewer/drainage system within the village is already full to capacity.
4. There should be a proven need survey done to prove that there is a need for the large number of mixed development units that the application is seeking.
5. The green space provision at this location under TAN 16 of the Denbighshire Unitary Development Plan should be retained".

WELSH WATER / DWR CYMRU

Original response raised objection to the proposals on the basis of overloading the public sewerage system and the Waste Water Treatment Works, but have since confirmed that conditions and advisory notes can be attached if the Council is minded to grant permission. These would include a requirement for separation of foul and surface water systems and a restriction on the number of habitable dwellings to be connected to the public sewerage system to a maximum of 30.

ENVIRONMENT AGENCY WALES

Site is located outside the Agency's flood zone map and there is no information to suggest any fluvial risk to the site.

The only concern is over the disposal of surface water from new impermeable surfaces, hence any permission should include conditions requiring submission and approval of a surface water regulation system.

COUNTRYSIDE COUNCIL FOR WALES

The site is not located within or adjacent to the boundaries of any statutory site of ecological, geological and/or geomorphological interest, or any statutory protected landscape areas.

Advised originally that additional ecological information was necessary to inform the decision making process. Have since confirmed that the additional wildlife surveys and assessments have been carried out to a satisfactory standard, and concur with the conclusions, having no objections to the submitted proposals. Suggest addition of condition requiring submission of a reptile avoidance and conservation scheme.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Note the potential presence of a limekiln structure and recommend the presence of an archaeologist during any groundworks (to be covered by condition).

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

County Council Ecologist

Agrees with contents of wildlife reports. Newts are not considered likely to be present. Should bats or birds be found to be present then standard guidelines would need to be followed by contractor.

County Archaeologist

Has no fundamental objections but wishes to see an archaeological watching brief condition attached if permission is granted, so any surviving below ground trace of an old quarry or limekiln, or any other unknown archaeological remains, can be recorded.

Head of Transport and Infrastructure

No objections subject to inclusion of conditions relating to detailing of the internal roads and highway drainage.

RESPONSE TO PUBLICITY:

Letters of objection from:

Mr G Roberts, 17 Bryntirion, Henllan

Dr G J Green, Oak Lodge, Godre'r Garn, Henllan LL16 5BQ

A. Dunn, 27, Bryntirion, Henllan

Mr. B. Schofield, Awelon, 11, Godre'r Garn, Henllan (via e-mail)

J. & M. Bolton, Bramble Cottage, Godre'r Garn, Henllan (via e-mail)

Rev. T.E. & Mrs. V. Williams, Hafod y Garn, 29, Glasfryn, Henllan

Mrs. R. London, 9, Glasfryn, Henllan

Mr. M. London, 9, Glasfryn, Henllan

J.E. & J. Cornes, 33, Glasfryn, Henllan

H Sherman, 27 Glasfryn, Henllan

Mr R. Jenkins, 16, Denbigh Street, Henllan (via e-mail)

Mrs A Evans, 20 Bryntirion, Henllan

Summary of planning based representations:

Planning policy conflict

Not in accordance with Unitary Plan for Henllan.

Social/affordable housing balance.

Need to ensure if development takes place that it benefits locals / meets local need / proposals don't go far enough and should include Sheltered Housing/concern that Council is already taking applicants names for houses to be built.

Highways Issues

Increased traffic on Garn Lane – narrow road into village with blind bends, no footpath/children play on the road / increased risk of accidents / Lane should be widened before any more developments.

Drainage issues

Concern over capability of foul and surface water systems to cope / history of drainage problems in the village / prejudicial Impact on existing properties / ground conditions unknown.

Privacy / amenity issues

Potential overlooking and loss of privacy for existing properties / development should be one or two storey / potential disturbance to existing property boundaries and trees.

Loss of existing community facility not justified

Should be retained for multifunctional community use. No indication of why training facility could not be retained with investment / WAG funding exists to support community facilities.

Contaminated land / building concerns

No information on potential presence of toxic materials on land or within buildings to be removed.

Inadequate survey work

No information on subsoil conditions / presence of wells.

Absence of detail

No information on proposed boundary treatment / removal of trees and hedges / detailed access arrangements / potential for subsidence if ground levels are changed.

Wildlife impact

Potential disturbance to bats, birds, toads/frogs, bees, insects.

Letters in Support from:

Mr G Roberts, 17 Bryntirion, Henllan

Summary of planning based representations in support:

1. Welcome development to sustain village
2. Care required over balance with social/affordable housing to ensure units are for local needs.

Other issues raised

Site Boundary accuracy.

Reduced house values in nearby estate(s).

Precedent.

Cash strapped local authority seeking to generate revenue rather than providing facilities for a large village.
Alternative preferable uses include – bowling green / skate or bike park / allotments / community centre
High winds in locality.
Residents concern over ‘undesirable consequences’ of development and need for public meeting.

EXPIRY DATE OF APPLICATION: 23/08/2009

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

11. THE PROPOSAL:

- 11.1 Summary of proposals
- 11.1.1 This is an outline application for permission to demolish the existing Henllan training centre, and to develop the land for residential purposes.
- 11.1.2 The site area extends to some 1.6 hectares. The application seeks approval solely of the principle of residential development, and the access to the site. All other detailed matters including appearance, landscaping, layout, and scale would be reserved for further approval.
- 11.1.3 The land is owned by Denbighshire County Council, and the application is submitted by the Valuation and Property Section.
- 11.1.4 The application was originally submitted in June 2009, and has been supplemented with additional information since that time. The application comprises the following documents in addition to the standard forms:
- A planning / design / access statement
 - An archaeological assessment (from Clwyd-Powys Archaeological Trust).
 - Wildlife reports
 - Nesting birds survey
 - Bat survey (North Wales Bat Services)
 - Badger and Great Crested Newt Survey (North Wales Wildlife Trust)
 - Reptile survey (North Wales wildlife Trust)
 - Topographic Site Survey
 - Proposed vehicular / pedestrian access plans
 - Illustrative site plan. This shows an option for a total of 37 dwellings incorporating an element of what is referred to as ‘community housing’, and an open space area.
- 11.1.5 The Planning and Design Statement outlines a number of matters of background relevance to the application:
- The site is within the village development boundary, within a predominantly residential area.
 - The existing adult training centre was constructed around 1970, with a ‘pavilion’ building added at a later date.
 - There is a current maintenance backlog of £213,000 on the buildings.
 - There have been 45 staff located at the Centre from Social Services, Health Services, Barnardos and Popty yr Garn (an in-house catering service provided by adults with learning difficulties).
 - Staff from Social Services, Health Services and Barnardos have relocated to offices at Trem y Dyffryn (Colomendy Estate) and Popty'r Garn has

relocated to a site in Ruthin. There are no job losses as a result of the application.

- The proposal is to allocate part of the site to provide community assisted living accommodation for adults. The scheme is referred to as intensively supported Independent Living, and will provide self contained accommodation for a number of adults with learning disabilities. The remainder of the site would be developed as both marketed and social housing.

- It would be intended that the assisted living units would be designed to blend with other properties.

- Suitable arrangements would be detailed for access, drainage, open space, etc. as required,

- The development would be detailed to ensure accessibility and inclusively for the needs of all, including persons with disability.

- The development would be detailed to secure relevant levels of sustainability.

11.1.6 It is officers' understanding that the elements of the scheme involving the assisted living units would be developed and commissioned in partnership with the Health Trust / Wales and West Housing. The sketch plans show ideas for 15 supported units, but can only be indicative of ideas of the scheme at this stage.

11.2 Description of site and surroundings

11.2.1 The application site extends to some 1.6hectares (3.9 acres) and contains the main building complex comprising the Henllan adult training centre. This includes a series of linked flat roofed, part 2 and 3 storey, buildings used for office and training purposes, and a detached 'pavilion' building to the south west.

11.2.2 The training centre has been accessed from a single vehicular entrance onto the B5428 road (Garn Road) to the south west of the property Porthkerry. There is a main tarmaced parking area between the main building and the rear of properties on the Glasfryn estate. The rest of the site is a mix of grassed/overgrown areas, some boundary hedgerows with occasional trees, garden fences, and a stone wall fronting Garn Road.

11.2.3 The site is located within the village, and is virtually surrounded by existing residential development, as can be seen from the location plan at the front of the report. There are housing estates at Glasfryn to the north east, Maes Sadwrn and Bryntirion to the south, and Godre'e Garn to the west.

11.2.4 The majority of the site is relatively level and slopes gently from the B Road up to the south east corner (approximately by 1 metre). There is a notable change immediately to the south west of the main buildings, with a rock out crop and land levels between 2 and 3 metres higher.

11.3 Relevant planning constraints/considerations

11.3.1 The site is wholly within the development boundary for the Main Village of Henllan in the Unitary Development Plan. It is not allocated or protected for any specific use/development in the plan.

11.4 Relevant planning history

11.4.1 There is no recent planning history of specific relevance to the current proposals. There has been a previous outline permission for residential development, in November 1963. The adult mental health training centre was originally granted permission in 1964, with detailed plans approved in 1967.

- 11.5 Developments/changes since the original submission
 11.5.1 Additional information has been provided as a result of responses to consultation. This has included a number of wildlife surveys, and communication from Welsh Water/Dwr Cymru on the drainage issues.

12. DETAILS OF PLANNING HISTORY:

- 12.1 No relevant history since the establishment of the Training Centre following permission in 1964 and 1967.

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)

Policy STRAT 1	-	General
Policy STRAT 7	-	Environment
Policy STRAT 15	-	Housing
Policy GEN 1	-	Development within development boundaries
Policy GEN 6	-	Development Control requirements
Policy HSG 3	-	Housing development in Main Villages
Policy HSG 10	-	Affordable housing in Main Villages
Policy EMP 10	-	Protection of employment land/buildings
Policy REC 2	-	Amenity and recreational open space requirements
in new development		
Policy TRA 6	-	Impact of new development on traffic flows
Policy TRA 9	-	Parking and servicing provision
Policy ENP 4	-	Foul and surface water drainage
Policy ENP 6	-	Flooding
Policy ENV 6	-	Species Protection

13.2 Supplementary Planning Guidance

SPG 4	-	Recreational public open space
SPG 8	-	Access for all
SPG 18	-	Nature conservation and species protection
SPG 21	-	Parking standards
SPG 22	-	Affordable housing in new developments

13.3 GOVERNMENT GUIDANCE

TAN 2	-	Planning and Affordable housing
TAN 5	-	Nature Conservation and Planning
TAN 12	-	Design
TAN 15	-	Development and Flood Risk
TAN 16	-	Sport, Recreation, and open space
TAN 18	-	Transport

14. MAIN PLANNING CONSIDERATIONS:

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

- 14.1.1 Principle of housing development
- 14.1.2 Loss of employment use
- 14.1.3 Drainage issues
- 14.1.4 Highways / access
- 14.1.5 Affordable housing
- 14.1.6 Open space
- 14.1.7 Residential amenity
- 14.1.8 Ecology

14.1.9 Access for all

14.2 In relation to the main planning considerations:

14.2.1 Principle

The main Unitary Development Plan Policies relevant to the principle of a residential development are the Strategic policies STRAT 1 and STRAT 15 which set broad guidance for sustainable development and the need to meet the housing requirements of the County's population, including in villages. The Part 2 policies look to concentrate new housing development in existing settlements (GEN 1), and allow for such development in designated main villages such as Henllan (HSG 3).

The principle of residential development would therefore be consistent with the main policies of the Unitary Plan. Issues such as the loss of an existing employment use and drainage concerns are relevant detailed considerations and are reviewed separately.

14.2.2 Loss of employment use

Policy EMP 10 seeks to protect existing Employment Land and buildings from development unless there are circumstances which justify relocation or an alternative use. Tests of this policy include assessment whether premises are still capable of providing an acceptable standard of accommodation, and there is a satisfactory relation of a use.

Whilst it may be questionable whether EMP 10 is strictly applicable as a test for this application (as worded it appears to relate to areas specifically allocated or designated as Employment land within settlements, which the Henllan Centre is not), the criteria are considered of general relevance to the loss of employment uses in these circumstances. Having regard to the situation, it is apparent that the existing uses at the Centre have already been relocated in Denbigh and in Ruthin, so there has been no loss of jobs. The applicants have also pointed to significant maintenance issues at the Centre which lend weight to concerns over the longer term adequacy of accommodation there for an office / training centre use. Overall it is not considered there is a policy case to resist the proposals based on the loss of the training centre.

14.2.3 Drainage issues

The Unitary Plan's main policies relevant to drainage issues are ENP 4 and ENP 6. ENP 4 states development will not be permitted unless satisfactory arrangements can be made for the disposal of foul and surface water. ENP 6 does not permit development which would result in an unacceptable risk from flooding, on or off site.

In relation first to the flooding issue, the Environment Agency have raised no objections, as the site is not in a Flood Zone and there are no flood risk considerations here. Whilst acknowledging local concerns over the historic occurrence of drainage problems in the village, it is understood these have arisen primarily from inadequacies with the piped drainage system, which is a separate matter altogether. There are no inherent flooding issues here and there would be no conflict with policy ENP 6.

The main drainage issues arising in relation to the application have been the adequacy of both the piped public sewerage system, and the capacity of the waste water treatment works. These are the key considerations in policy ENP 4. Welsh Water / Dwr Cymru initially objected to the proposals on both

grounds, reflecting longstanding local concerns over this problem. Specialist engineers have since been in negotiation with Welsh Water/Dwr Cymru over the technical issues. Welsh Water / Dwr Cymru have confirmed on 1st February 2010 that they would now request the inclusion of conditions and advisory notes if consent is granted, to ensure there is no detriment to existing resident, the environment, and to WW/DC assets. These include a restriction on the number of habitable dwellings to be connected to the public sewerage system (30 dwellings), separated conditions requiring the separation of foul, surface and land drainage run off, and approval of full details of the proposed systems. On this basis, officers believe it would not be reasonable to withhold a permission on drainage grounds.

14.2.4 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 Head of Transport and Infrastructure raises no objections to the proposals, having regard to the existing use of the site and the access detailing.

With due respect to the comments of the Community Council and private individuals, taking account of the likely scale of development and the scale of the previous uses, officers do not consider there are any reasonable highway grounds for opposing the development. The proposed access onto the B Road is considered acceptable to accommodate the proposed development. Internal road layouts and parking provision would have to meet relevant highways standards at reserved matters stage.

14.2.5 Affordable housing

The basic requirement for provision of affordable housing in connection with housing 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 submission here includes reference to an intention to allocate part of the site for community assisted living accommodation for adults, which would be in association with a Registered Social Landlord. There are a range of responses on the application questioning the type and extent of provision, and issues including the extent of control over occupation by locals.

As this is an outline application, officers would respectfully suggest that it is neither necessary nor appropriate at this stage to comment on detailed proposals for provision for assisted living / affordable units on the site. The basic requirement is only to ensure an outline consent makes provision for affordable housing, which would be delivered at detailed plan stage. The principle of affordable provision can be secured by condition. The specific arrangements for provision of affordable units would deal with relevant local needs definitions, etc, to meet the concerns of the Community Council. There is no requirement to demonstrate a need for open market houses on sites within development boundaries.

14.2.6 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.

As this is an outline application, the provision of open space can be secured through a planning condition, to ensure an adequate area is accommodated within the site as part of the detailed plans. This would need to meet the requirements of REC 2 and the Supplementary guidance.

14.2.7 Residential amenity

Consideration of detailed issues of design and impact on nearby property 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.

There are specific concerns over the development from local residents on grounds of the potential for overlooking, interference with boundary hedges, fences etc.

Whilst noting the points raised by neighbours, it has to be accepted that the proposals are in outline form and no approval is being sought for any detailed elements of design and layout. These can only be assessed at reserved matters stage, should permission be granted. There would need to be full consultation with neighbours at that point, and proper opportunity would be afforded for representation on matters of detail.

14.2.8 Ecology

The general requirement to consider the impact of development on ecological interests is set out in the strategic policies of the Unitary Plan, STRAT 1 – General, STRAT 7 – Environment, and in the Part 2 policies ENV 6 and GEN 6. These establish a basic obligation to protect and enhance the biodiversity of the County, and support national policy and guidance in Planning Policy Wales and TAN 5; and SPG 18.

Consultation responses from CCW and the County Ecologist confirm the adequacy of wildlife surveys, and neither raise objections to the proposals.

It is considered that the detailed matters raised by the consultees in relation to protection for bats and birds on the site can be covered by condition, if a permission is granted.

14.2.9 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 outlines ideas for provision for persons with disability. The detailed proposals will have to meet specific requirements of the Building Regulations and demonstrate a satisfactory approach to devising solutions for accessibility throughout the site.

14.2.10 Other issues

In respecting local concerns over the County Council's decision not to invest

in the upgrading of the Henllan Centre, and to relocate users of the facility elsewhere, members will appreciate that such deliberations rest with a quite separate functional arm of the Council, and should have no bearing on the matters to be considered in relation to a land use planning application. The planning application has to be dealt with strictly on its merits in respect of compliance or otherwise with the policies of the Unitary Plan and other material considerations.

Likewise, it is suggested very limited weight can be given to other 'preferred' uses when dealing with a particular application. The duty of the Council is to determine what is before it, on the basis of relevant policies and considerations. If a proposal complies with these, then permission should be granted. Whilst it may be that an alternative use/development could also be acceptable here, that would have to be dealt with on its own merits against the same tests, should the landowner decide to make such an application.

Questions over the precise accuracy of site boundaries would need to be taken up between the respective owners, as these are matters of private / civil law.

Matters such as reduced property value and criticism of the Council for selling land are not ones which should influence the consideration of the planning committee on an outline planning application.

15. SUMMARY AND CONCLUSIONS:

- 15.1 It is considered that the principle of a residential development is acceptable on this site within what is designated as a main village in the Unitary Plan. The site has been occupied by an adult training centre, but the uses have been relocated, and it is understood there has been no employment loss. There is no specific protection for the training centre use in the Unitary Plan, and a residential use would be in accord with the housing policies of the plan.
- 15.2 Specific issues have arisen in relation to the drainage proposals, and Welsh Water / Dwr Cymru have been involved in dialogue with specialist consultants to explore potential solutions. They have now suggested matters can be covered by suitable conditions and advisory notes.
- 15.3 As this is an outline application, detailed matters relating to the design and layout, and the type and number of affordable or other forms of residential development do not need to be considered. Affordable housing provision and open space can be secured by conditions, and the detailed arrangements can be dealt with on their respective merits at reserved matters stage.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), the layout, scale and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The detailed layout, design, drainage, street lighting, signing, and construction of the internal estate road shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any site works.
5. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and shall be completed prior to the development being brought into use.
6. The access onto the B5428 shall be constructed strictly in accordance with the details on the plan 002A received by the Local Planning Authority on 24th July 2009 and shall have a visibility splay of 4.5m x 120m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the applicant and/or highway authority and within which there shall be no obstruction in excess of 1.05m in height.
7. Details of the finished floor levels of all buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be proceed strictly in accordance with such approved details.
8. No work shall be permitted to commence until there has been a phased investigation carried out over the whole of the site to ascertain whether the development involves contaminated land, and whether development may impact on controlled surface waters or groundwater; such investigations should consist of a desk study and if deemed necessary within said study a comprehensive site investigation should be carried out in accordance with CLR11 (Model Procedures for the Management of Land Contamination) and BS:10175:2001 (The Investigation of Potentially Contaminated Sites) and to include water monitoring data, and the contents of each survey and its conclusions have been submitted to the Local Planning Authority for assessment.
9. In the event that the site survey required by condition No 8 of this permission reveals the presence of a hazard from any contamination, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials, future users of the site and any other persons, and written approval of the Local Planning Authority has been obtained to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development on the site. The development should not be occupied / used until a verification report prepared by an independent and suitably experienced third party to show that works have been satisfactorily carried out and has been submitted to and approved in writing by the Local Planning Authority.
10. 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 shall be undertaken to the standards laid down by the institute of Field Archaeologists. The Local Planning Authority shall 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.
11. The 'proposed site plan, Option A', Drawing DL01, has been treated for illustrative purposes only, and does not form part of this permission.
12. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to detailed proposals for avoidance, mitigation, conservation and enhancement for any reptiles, bats, or nesting birds which are found in the course of site works. The development shall be carried out strictly in accordance with the approved details.
13. The detailed plans shall show provision for measures to ensure levels of accessibility

to the dwellings by persons with disability.

14. Each dwelling 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 requirements of Code for Sustainable Homes: Technical Guide April 2009.

15. The detailed plans shall make provision for the reconstruction of the stone wall along the B5428 road frontage, prior to the occupation of the first dwelling, in accordance with such details as may be approved in writing by the local planning authority prior to commencement of work thereon.

16. PRE-COMMENCEMENT CONDITION

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:-

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

17. PRE-COMMENCEMENT CONDITION

No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to the detailed arrangements for the provision for amenity and open space within the site in accordance with the Council's policies and guidance.

18. In relation to the carrying out of the works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the demolition, site compound location, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes, the works shall be carried out strictly in accordance with the approved details.

19. Foul only flows from no more than 30 habitable dwellings are to be connected to the public sewerage system.

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

21. 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.

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

23. 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's Network Development Consultants.

24. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure that the estate road is constructed to a standard suitable for adoption and in the interest of traffic safety, is capable of catering for the amount of traffic that is likely to be generated by the proposal.
5. To provide for the loading / unloading, parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interests of traffic safety.
6. To ensure that adequate visibility is provided at the point of access to the highway in the interests of traffic safety.
7. In the interests of amenity and to minimise the risk of flooding to the buildings.
8. To ensure that the extent of any contamination is established and adequate steps are to be taken to deal with the contamination.
9. To ensure that the extent of any contamination is established and any adequate steps are to be taken to deal with the contamination.
10. In order to allow proper opportunity for recording of any archaeological features.
11. For the avoidance of doubt.
12. To ensure the protection and conservation of wildlife species.
13. To ensure appropriate levels of accessibility for persons with disability.
14. To ensure the development meets Welsh Assembly Government's minimum standards for sustainable buildings.
15. In the interests of visual amenity.
16. To ensure adequate provision is made for affordable housing in accordance with the Council's policies.
17. To ensure adequate provision is made for open space in accordance with the Council's policies.
18. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
19. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
20. To protect the integrity of the public sewerage system.
21. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
22. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
23. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.
24. To protect the integrity of the public sewer and avoid damage thereto.

NOTES TO APPLICANT:

A suitable legal agreement will be required in relation to the highway works and you are advised to contact the Local Highway Authority to discuss the requirements of the highway improvements at an early stage.

The following notes are brought to your attention:

Highway Supplementary Notes No. 1, 3, 4, 5 and 19.

New Roads and Street Works Act 1991 - Part N Form
Denbighshire County Council Specification for Road Construction
Denbighshire County Council for Highway Lighting installation
Denbighshire County Council General Requirement for Traffic signs and Road Markings

Where any species listed under Schedules 2 or 4 of The Conservation (natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction can take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations.

You are advised that the Authority has received a number of letters from owners of adjacent private properties raising concerns over the precise location of the site boundaries. You may consider contacting interested parties in advance of any site works to ascertain the situation.
Advisory Notes

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

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connections Design Department, Players Industrial Estate, Clydach Swansea, SA6 5BQ.

The developer is advised to contact Welsh Water/Dwr Cymru's New Connections Design Department, Players Industrial Estate, Swansea, SA6 5BQ, to discuss this prior to the commencement of any site work. Telephone 0800 9172652 for further information on this matter.

ITEM NO: 5

WARD NO: Denbigh Upper / Henllan

APPLICATION NO: 28/2009/1416/ PF

PROPOSAL: Erection of two storey pitched roof extension to side of dwelling

LOCATION: 26 Glasfryn Henllan Denbigh

APPLICANT: Mr R Bryn Jones

CONSTRAINTS:

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

CONSULTATION RESPONSES:

HENLLAN COMMUNITY COUNCIL-
(Original scheme)

"Observations to the planning application and plans

1. The development is too close to the public footway of the estate which could cause obstruction'.
2. The development is too close to the boundaries of the neighbouring properties."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:-

- DCC Head of Transport & Infrastructure
No objection subject to Condition/Notes to Applicant

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr. C.J. Dear/Ms. D.S. Jones, 24, Glasfryn, Henllan (via e-mail)

Summary of planning based representations:

Planning based points in objection:

Character of area/ Visual amenity impact

Out of keeping with area and surrounding dwelling

Highway Safety

Extension will obstruct views of drivers and pedestrians

EXPIRY DATE OF APPLICATION: 26/01/2010

PLANNING ASSESSMENT:**16. THE PROPOSAL:**

16.1 Outline of application

- 16.1.1 The application proposes the erection of an extension to an 'end terrace' dwelling at 26 Glasfryn in Henllan.

- 16.1.2 The pitched roof extension is proposed to the southwest side of the dwelling, projecting out 4.9m, with a total width of 9.8m and overall height of 0.1m less than the existing ridge height. The extension would be set back from the front of the dwelling by 0.5m and stepped on the south-western side with an entrance door and open porch/canopy over. The rear of the extension would project 1.65m out from the line of the existing rear wall. A pitched roof is proposed over this element with full height glazing. Windows are proposed on all elevations and materials proposed would match the existing dwelling.
- 16.1.3 The extension would comprise a ground floor living room/diner with a first floor playroom in the roofspace.
- 16.2 Description of site and surroundings
 - 16.2.1 No. 26 is the end dwelling in a terrace of 4 single storey units on the Glasfryn residential estate in Henllan. It occupies a corner plot, and the road curves to the east to the front of the dwelling. There is a mix of dwelling types on the estate, which appears to have been built in the 1970's, with bungalows to the north of no. 26 and two storey houses to the south.
 - 16.2.2 Immediately around no. 26 the estate is generally open plan, with a footpath bisecting the front gardens to the north of the dwellings. However the rear garden of no. 26 is bounded by a wood panel fence.
 - 16.2.3 There is an existing detached garage serving No. 26 Glasfryn, located to the rear of the dwelling. This lies adjacent to the garage serving No. 24 Glasfryn. These garages would serve to screen the extension to some degree from the rear of No. 24.
- 16.3 Relevant planning constraints/considerations
 - 16.3.1 The site is located within the development boundary of Henllan, there are no specific planning constraints on this site or surrounding area.
- 16.4 Relevant planning history
 - 16.4.1 None.
- 16.5 Developments/changes since the original submission
 - 16.5.1 The application has been amended since its original submission following concerns raised by Officers over the size of the extension and proximity of the side elevation to the road.

17. DETAILS OF PLANNING HISTORY:

- 17.1 No planning history for this particular dwelling.

18. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 18.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6- Development Control Requirements
 - Policy HSG 12- Extensions to Dwellings
- 18.2 Supplementary Planning Guidance
 - SPG Note No. 1- Extensions to Dwellings
 - SPG Note No. 24- House Householder Development Design Guide
- 18.3 GOVERNMENT GUIDANCE

19. MAIN PLANNING CONSIDERATIONS:

- 19.1 The main land use planning issues are considered to be:
- 19.1.1 Principle
 - 19.1.2 Visual impact
 - 19.1.3 Residential Amenity
 - 19.1.4 Highway Safety
- 19.2 In relation to the main planning considerations:
- 19.2.1 Principle
Providing the proposal complies with the policies identified above, the principle of an extension to an existing dwelling is generally acceptable. HSG 12 relates specifically to extensions to dwellings and recognises householders have the right to alter and extend providing they meet the criteria relating to; size/scale, character, amenity consideration and the extensions do not result in over development of the site.
 - 19.2.2 Visual Impact
Criteria i) and ii) of Policy HSG 12 require extensions to be subordinate to the original dwelling and in keeping with the character of the surrounding area, this advice is reiterated in Supplementary Planning Guidance Note No. 1 and No. 24.
It is considered that the size and scale of the extension is subordinate to no. 26, the ridgeline of the extension is set down from the existing dwelling and the overall width is less than the front elevation. Whilst the extension is described as 'two storey' on the application forms, members will note from the plans at the front of the report that its appearance is that of a single storey addition, with the roof space being used as a small playroom.
The character of the area is mixed, with no specific house type or style prevailing, as such the side extension and alteration, which includes the porch/canopy element, can be accommodated without detriment to character of the area.
 - 19.2.3 Residential Amenity Impact
Criterion iii) of Policy HSG 12 refers to the amenity impact of extensions and seeks to ensure proposals do not impact on adjacent occupiers by virtue of loss of amenity or privacy.
The application proposes a side extension, which comprises ground floor living accommodation with windows to the front and rear, and a small playroom within the roofspace. Owing to the siting and design of the extension as well as the garden depth, it is considered that there will be minimal impact on the residential amenities of occupiers of adjacent property.
 - 19.2.4 Highway Safety
Criterion vii) of Policy GEN 6 requires consideration to be given of access and highway safety issues.
In relation to comments on the impact of the extension on visibility on the adjacent road, Highways Officers have raised no objection to the proposal. It considered there is no reasonable basis of objection on this ground.

20. SUMMARY AND CONCLUSIONS:

- 20.1 The proposal is considered acceptable under the relevant policies and 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. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. The visibility splay shown on the approved plans shall at all time be kept free of planting/tree/or shrub growth or any other obstruction in excess of 900mm above the level of the adjoining carriageway.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure that adequate visibility is provided at the point of access to the highway.

NOTES TO APPLICANT:

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

ITEM NO: 6

WARD NO: Trefnant

APPLICATION NO: 30/2009/0344/ PF

PROPOSAL: Development of static caravan park

LOCATION: Thatched Cottage Upper Denbigh Road Trefnant St. Asaph

APPLICANT: Mr A Davies

CONSTRAINTS: Tree Preservation Order

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

CONSULTATION RESPONSES:

TREFNANT COMMUNITY COUNCIL
(13 Static Caravan scheme)

"Object, our concerns have not been addressed-
SPG 20 Landscape and Environ. The fact that this high-density site has been screened by fast growing non-native species hedging does not make the development unobtrusive.

SPG 20 Development Layout and Design. We do not consider this low density. We are unconvinced that the development will have any notable economic impact. We are concerned that any precedent set by any inland static caravan application and especially one of such high density and poor screening will trigger further applications".

FWAG Farming Wildlife Advisory Group

No objection in principle, proposed static caravans would be visible through the mature Oak trees owing to the spacing. The continuous canopy will make under planting difficult however there is potential along the inner margin and larger spaces within trees to plant native hedging to augment the screening.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

- DCC Head of Transport & Infrastructure
No objection to the proposals, subject to conditions.
- DCC Conservation Architect
Does not consider the proposals would affect the character and appearance of the historic park and adjacent listed buildings, subject to conditions to seek additional screening.
- DCC AONB Planning Officer
"The site is relatively well contained and screened and although it is technically in open countryside, it is bounded by existing development on 3 sides. As such, I don't think the proposals justify any serious objections on landscape grounds (i.e. in relation to TSM 9, (ii) provided all the boundary hedges/trees and other trees on the site are retained and are supplemented with additional landscaping (e.g. some more trees along the north and west boundaries and a new hedge behind the existing copse of trees to help screen the caravans from the road to the south. I

also had a look at it in relation to the adjoining Llannerch Historic Park and don't think it would cause unacceptable harm to the character or setting of the park".

RESPONSE TO PUBLICITY:

Representation received from:

E. Hughes, 6, Llys Llannerch, St. Asaph
Mr. S.M. Mueller, North Wales Driving Range, Llannerch Park, St. Asaph
E.J. & S. Zielonka, Bridge House, 1Llys Llannerch, Trefnant St. Asaph *
S. Griffith, 6 Llannerch Hall, Llannerch Park, St. Asaph (via e-mail)
Mary Dew, Ryegate, 7, Llys Llannerch, St. Asaph
H.K. Davies, Hafod y Coed, Llys Llannerch, Trefnant, St. Asaph
R. L. Gronow, 6, Clwydian Park Crescent, St. Asaph
Mrs. E. Davies, Oaklea, Ffordd y Rhos, Treuddyn *
Mr. R. Gresley-Jones, The Colonnade, Llannerch Park, St. Asaph
Mrs. S. Mueller, Garden Cottage, Llannerch Park, St. Asaph
Mr. T. Dean, Flat 1, Llannerch Hall, Llannerch Park, St. Asaph *
Mr. M. Jones, Heritage, Upper Denbigh Road, St. Asaph
Mrs. L. Williams, Juniper House, Llannerch Park, St. Asaph *
Miss D. Slater, Kilner Cottage, Llannerch Park (via e-mail)
A. Riley, 9, Llys Llannerch (via e-mail)
Professor John Last, 2/3, Llannerch Hall, Nr. St. Asaph (via e-mail)
Mr. & Mrs. F. Young, 7, Llannerch Hall (via e-mail)
J.K. Tyson, 10, Llys Llannerch, Trefnant
Ms Sue Last, 2 Llannerch Hall, Llannerch Park, St. Asaph
Amanda Riley & Elizabeth Wood, 9, Llys Llannerch (via e-mail)
Mrs. V. A. Davies, 3, Llys Llannerch, Trefnant *
Mrs S J Last, 2 Llannerch Hall, Llannerch Park, Trefnant *
Mrs. E. Hirst, Siamber Wen, Upper Denbigh Road, St. Asaph *

Summary of planning based representations:

Planning based points in objection:

Highways impact

Concern over access point to Tremeirchion road on onto the A525 Upper Denbigh Road. Concerns over existing residents safety on surrounding roads.

Character of area/Landscape impact

Would be detrimental to adjacent parkland.

Planning History

Previous use as a caravan club site ceased some years ago, this should not be used to justify development.

Residential Amenity

Would lead to a loss of amenity for adjacent occupiers by virtue of noise and disturbance.

Need

No evidence to support a need for static caravan in this area.

Precedent

Other applications are likely to come forward, which would be difficult to resist if permitted.

EXPIRY DATE OF APPLICATION: 14/01/2010

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

- 20.2 Outline of application
- 20.2.1 The application is for permission to site a total of 10 static holiday caravans on 0.374 hectares of land to the east of 'The Thatched Cottage', Upper Denbigh Road, St Asaph. The numbers have been reduced from 13 as originally submitted.
- 20.2.2 The proposals involve the following main elements:
- Use of an existing vehicular access to the east of 'The Thatched Cottage' off Tremeirchion Road.
 - A gravel access track in a roughly 'T' shape with branches off to the static vans and their parking spaces, and 3 additional visitor parking spaces proposed for visitor parking.
 - Siting of the 10 static caravans, arranged in 2 rows either side of the access track, running approximately north to south.
 - The existing wooded area to the south of the site to be retained and the planting supplemented.
 - Additional landscaping/planting within and around the periphery of the site.
- 20.3 Description of site and surroundings
- 20.3.1 The application site comprises an area of land to the east of The Thatched Cottage. It is a flat grassy site bounded to the south by mature Oak trees and to the north, east and west by Leylandi hedging.
- 20.3.2 To the south of the site is the Tremeirchion Road which branches off the A525 which runs some 45m to the west. To the north is agricultural land with views across to the Tweedmill Retail Outlet. On the eastern side, the boundary of the proposed caravan site runs along the former Rhyl – Denbigh railway line, further east is Llanerch Hall with its historic park, and on the west the dwelling 'The Thatched Cottage', a former café.
- 20.4 Relevant planning constraints/considerations
- 20.4.1 The site lies outside the development boundary of Trefnant. The southern part of the site is covered by a Tree Preservation Order which extends along the eastern boundary. There are no other planning constraints on the application site.
- 20.5 Relevant planning history
- 20.5.1 There is no planning history relating to a caravan site on the application site. Despite reference by the Agent to an established use, the site appears only to have benefited from a Caravan Club Licence, which is a wholly different process.
- 20.5.2 The Thatched Cottage has had planning permission for use as a café as well as a guesthouse in the past. However the existing use is as a single dwelling house, which more recently has had permission to be extended and altered.

- 20.6 Developments/changes since the original submission
20.6.1 The applicant's agents are aware of the basis of concerns over elements of the developments, and as a result have amended the scheme to reduce the number of static caravans from 13 to 10, and to include better screening, to enable better spacing between the static caravans and reduce visual impact.

21. DETAILS OF PLANNING HISTORY:

- 21.1.1 None relating to the site.

22. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

- STRAT 1 - General
- STRAT 6 - Location
- STRAT 7 - Environment
- STRAT 9 - Tourism
- STRAT 13 - New development
- Policy GEN 3 - Development Outside Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy ENV 1 - Protection of the Natural Environment
- Policy ENV 7 - Landscape/Townscape features
- Policy ENP 4 - Foul and Surface Water Drainage
- Policy TSM 1 - Tourism Development
- Policy TSM 5 - Rural Tourism
- Policy TSM 9 - Static caravan and chalet development
- Policy TRA 6 - Impact of New Development on Traffic Flows
- Policy TRA 9 - Parking and Servicing Provision

Supplementary Planning Guidance

- SPG 2 - Landscaping in New Developments
- SPG 6 - Trees and Development
- SPG 8 - Access for All
- SPG 18 - Nature Conservation and Species Protection
- SPG 20 - Static Caravan and Chalet Development
- SPG 21 - Parking

22.2 GOVERNMENT GUIDANCE

- Planning Policy Wales 2002
- Technical Advice Note 13 Tourism

23. MAIN PLANNING CONSIDERATIONS:

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

- 23.1.1 Principle of development
- 23.1.2 Scale of development
- 23.1.3 Highway/access impact
- 23.1.4 Landscape/visual impact
- 23.1.5 Residential amenity
- 23.1.6 Drainage
- 23.1.7 Access for All
- 23.1.8 Sustainability
- 23.1.9 Occupancy restrictions

23.2 In relation to the main planning considerations:

- 23.2.1 Principle

Strategic policies of the Unitary Development Plan allow for appropriate development outside town and village boundaries, in the open countryside, in exceptional circumstances, subject to protection of the character of the county and assessment of impact. STRAT 9 deals with tourism development. It allows 'small scale built or natural environment based tourism projects in the countryside and rural settlements', subject to meeting relevant impact tests. GEN 3 restricts new development outside development boundaries, with a number of exceptions, including essential workers dwellings, agricultural development and tourism/leisure schemes, subject to compliance with basic criteria and other policies in the plan.

TSM 9 relates to static caravan and chalet development, and sets specific tests for any application, requiring good accessibility to the highway network, accessibility by a choice of means of transport, unobtrusive siting, and acceptable impact on landscape/conservation/ecological interests. The explanatory notes to the policy state the County is already well served, if not over provided on the coast by such uses, and that "it is highly unlikely that even in the inland areas a case could be justified for new sites". However TSM 9 does not set out any requirement for an applicant to establish a 'need' for a caravan site in a particular location, nor does it offer specific guidance on the scale of development which may be appropriate. SPG 20 elaborates on the checklist of considerations to be given to applications for static caravan and chalet development, including issues of scale and landscape impact.

Overall, the policies of the Unitary Plan, and guidance in Planning Policy Wales and Technical Advice Note 13 Tourism accept the general principle of suitable tourism related developments outside established settlements, as they provide potential economic benefits for the area, but qualify this support with the requirement that proposals meet a range of detailed tests. The principle of a caravan site development would not necessarily be contrary to the Unitary Plan's general policies, but invariably the acceptability rests on assessment of the detailed local impacts. These are reviewed in the following sections of the report.

23.2.2 Scale of development

Policy STRAT 9 permits "small scale built or natural environment based tourism projects in the countryside and rural settlements", where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity, heritage or environmental interests. STRAT 7 sets a specific requirement to safeguard the countryside and environment. SPG 20 outlines a checklist of landscape and environmental considerations and suggests the scale of a development must respect its surrounding environment, that larger developments will only be permitted within or adjacent to settlements, proposals in more rural locations must be relatively small scale and sensitively developed, and should avoid skylines, prominent hillsides or exposed sites.

The Thatched Cottage site is located on the edge of Trefnant, north of the Tremeirchion Road, which forms the northern limit of the development boundary of Trefnant. As the application proposes a site for 10 static caravans, this would appear as a relatively small-scale development, which would not seem out of keeping in the context of the surrounding environment, (which includes significant built developments at Tweedmill Retail Outlet, housing sites and Llanerch Park).

23.2.3 Highway/access impacts

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network. Highways Officers are satisfied that the existing access can accommodate additional users without detriment to highway safety.

The accessibility to Trefnant Village and the Tweedmill Retail Outlet, public transport routes on the A525 and footpaths is a positive factor, and having regard to the comments of the highway officers it is not considered the proposals are in basic conflict with test (i) of TSM 9.

23.2.4 Landscape/visual impact

Policies which refer to scale, landscape and visual impact are STRAT 7, GEN 6, ENV 1 and ENV 7. Guidance on landscape considerations in SPG 20 suggests the scale of development must respect its surrounding environment, and that 'larger developments will generally only be permitted within or adjacent to settlements' (9.2).

Owing to the location of the site between The Thatched Cottage the former railway, and the boundary screening to the north, east and west there are limited views into or out of the site from these directions. However there is a view from the Tremeirchion Road into the site, which is screened somewhat by a close boarded fence and Oak trees. There is potential to improve this screening to minimise the visual impact of the development from that direction. With regard to the proximity to Llanerch Hall and historic park, the site is outside of this designation and screened from it, therefore it is considered unlikely to affect the setting. It is considered therefore that the proposal does not conflict with the tests of policy TSM 9 in terms of landscape and visual impact.

23.2.5 Residential amenity

Policy GEN 6 sets out the general requirement to assess the impact of development on the amenity of local residents, including from increased activity, disturbance and noise.

The main impacts on local residents would be on the occupiers of properties close to the site access, The Thatched Cottage (which is in the applicant's control) and the dwellings on the southern side of Tremeirchion Road. Considering the surrounding land uses, including residential and leisure developments at Llanerch, retail outlet at Tweedmill, the A525 and the relatively small scale nature of the use, whilst acknowledging there would be increased activity and disturbance for occupiers of nearby dwellings, officers would not conclude this would be so unreasonable in itself to justify refusal of permission.

23.2.6 Drainage

Drainage considerations are contained in policies ENP 4 and GEN 6. The requirement is to ensure new development has no unacceptable impacts on the locality from foul or surface water drainage.

The proposals are to connect with the existing main sewer, and to drain surface water via a suitable filter to a ditch close to one of the ponds. No

objections are raised by consultees to the proposals. There are no flooding issues here.

It is not considered there are likely to be any adverse drainage impacts from the proposals.

23.2.7 Access for All

Policy GEN 6 sets a requirement to consider the access needs for persons with disability, and is supported by strong Assembly backing to ensure adequate provision for inclusive design.

The application contains an Access Statement showing proposals access to the caravans and ease of movement around the site.

It is considered the proposals show reasonable measures can be introduced to meet with the requirements of policy and guidance.

23.2.8 Sustainability

The Unitary Development Plan's General Development Strategy sets the strategic aims of the County Council, and includes as a key objective to ensure development and uses of land are undertaken in a sustainable manner. Sustainable development involves the effective protection of the environment. There are a range of policies which set a requirement to ensure that no unacceptable environmental effects arise from development, and these are dealt with in the preceding sections of the report. On the theme of sustainability effects arising from development, TSM 9 (i) includes a specific requirement that a site is accessible by a choice of means of transport. This policy test is in support of the accessibility and sustainability objectives in Planning Policy: Wales which include the reduction in the need to travel by private car by locating development to locations where there is good access by public transport, walking, and cycling; and reducing the length of journeys.

Whilst there would inevitably be a degree of reliance on the private motor car by occupiers of the static caravans, the consultation response of the highways officer offers a degree of support for the proposals based on the close proximity of the application site to public transport routes.

Overall it is suggested the development would not pose significant conflict with the accessibility/sustainability objectives of the Unitary Plan or Planning Policy Wales.

23.2.9 Occupancy

SPG 20 sets out a requirement to impose conditions to restrict occupancy for holiday purposes only, to ensure units are not used for residential purposes.

Officers are suggesting, in the event of permission being granted, the imposition of a condition specifically limiting the use of units to holiday purposes, precluding use as a sole/main residence, and obliging the owner/site operator to maintain detailed registers / logs of all owner occupiers (to include main home addresses and length of each stay), with these records available or request for inspection by Council officers. It is considered the form of condition suggested is a considerable improvement on the 'standard' national condition stating simply that units should be used for holiday purposes, which imposes an onerous duty on officers to check compliance.

24. SUMMARY AND CONCLUSIONS:

24.1 Having considered the proposal under the relevant policies, it is considered that the proposal is acceptable within the terms of these policies and therefore is recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions:-

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

2. In relation to the use of the caravans:

(i) The caravans shall be occupied solely for holiday purposes.

(ii) The caravans shall not be occupied at any time as a person's sole or main place of residence.

(iii) The owners of each unit and the site operator shall maintain an up to date register of the names of the owners/occupiers of each caravan on the site, their main home addresses, a log of the exact dates each caravan has been occupied, and by who, and the registers/logs shall be made available at all reasonable times for inspection on written request from officers of the local planning authority. Responsibility for the collection and maintenance of the registers/logs shall be that of the caravan site licence holder or his/her nominated person(s).

3. PRE-COMMENCEMENT CONDITION

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

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

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

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

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

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

4. All plants, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the occupation of the first unit. Any trees or plants which within 5 years of the completion 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 or as otherwise agreed in writing with the local planning authority.

5. PRE-COMMENCEMENT CONDITION

No development shall take place until a scheme for the management and maintenance of the landscaping scheme for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall thereafter be carried out in strict accordance with the approved schedule.

6. Notwithstanding the requirements of Condition 3 all trees and hedge to be retained as part of the development hereby approved shall be protected during engineering and construction works by 1 metre high fencing erected a minimum of 1 metre outside the outermost limits of the canopy spread or in accordance with an alternative scheme agreed in writing by the local planning authority. No construction materials or articles of any description shall be burnt or placed on the ground that lies within the fenced area, not within these areas shall existing ground levels be altered or any trenches or pipe runs excavated without the written prior approval of the local planning authority.

7. Notwithstanding the submitted plans, no units shall be permitted to be brought into

the site until the written approval of the local planning authority has been obtained to the detailed locations, sizes, designs, and elevational treatment of each unit, the levels of the bases and associated parking areas. The development shall thereafter be carried out in accordance with the approved details.

8. PRE-COMMENCEMENT CONDITION

Notwithstanding the submitted details, no development shall be permitted to commence until details of all external lighting has been submitted to and approved in writing by the local planning authority, and the development shall thereafter be carried out in accordance with the approved details.

9. PRE-COMMENCEMENT CONDITION

Development shall not be commenced on site until full details of the foul and surface water drainage of the site have been submitted to and approved in writing by the Local Planning Authority including a scheme for the provision and implementation of a surface water regulation system. Such schemes shall be implemented prior to the construction of any impermeable surfaces draining to the system, unless otherwise agreed in writing by the local planning authority.

10. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the local planning authority has been obtained to the detailed measures to assist access within the site for persons with disability, including gradients of accessways, surfacing, lighting and signing. The development shall be completed strictly in accordance with the approved details.

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 that the units are used solely as holiday accommodation and not as residential units contrary to the Council's development strategy in open countryside.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. To ensure adequate protection for the trees.
7. In the interests of visual amenity and to ensure the impact of the development on the landscape is minimised.
8. In the interests of visual amenity and to ensure the impact of the development on the landscape is minimised.
9. To ensure a satisfactory drainage system for the site and to ensure the protection of the aquatic environment.
10. To ensure adequate measures are secured to assist accessibility for persons with disability.

NOTES TO APPLICANT:

You are advised to contact the Environment Agency Wales & Dwr Cymru in relation to the proposals for foul and surface water drainage prior to the submission of details seeking compliance with the conditions of this permission.

You are reminded that it is the developer's responsibility to secure any consents which may be required under separate legislation to allow the uses/developments hereby permitted to take place, in particular the need for a Site Licence from the Council under the Caravan Acts, and any Licence which may be required from Welsh Assembly Government in relation to disturbance of protected species.

ITEM NO: 7

WARD NO: Dyserth

APPLICATION NO: 42/2009/1628/ PF

PROPOSAL: Erection of new ground-floor and lower ground-floor bedroom/roof terrace extension and first-floor conservatory to existing dwelling house.

LOCATION: Morwylfa Lower Foel Road Dyserth Rhyl

APPLICANT: Mr Craig Davies

CONSTRAINTS: Previous Mining Area

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

CONSULTATION RESPONSES:

DYSERTH COMMUNITY COUNCIL

“Object on the ground of over-intensification of development and does not ‘fit in’ with other properties in the area”

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 28/02/2010**PLANNING ASSESSMENT:****25. THE PROPOSAL:**

- 25.1 Outline of application
- 25.1.1 The application is for the erection of a ground floor and lower ground floor extension, and a first floor conservatory at Morwylfa, Dyserth.
- 25.1.2 The ground floor and lower floor extension would measure 4.4m by 4m, with a height of 5m to the flat roof. This element would be sited to the rear of the garden (east of site). The west and north elevations would be glazed, with the flat roof being utilised as a balcony.
- 25.1.3 The conservatory would be in place of the existing lean-to which is at first floor level. The new conservatory would be of a “cubed” design, giving an additional 3.75m² floor area.
- 25.2 Description of site and surroundings
- 25.2.1 Morwylfa is a three storey detached dwelling located in a residential area. The property is of a modern design, sited on a corner plot with generous amenity space on all sides of the dwelling. The site is bounded by a mixture of hedgerow and stone wall.
- 25.2.2 The closest dwelling to the proposal is Hafan Wen to the immediate south of the site. This has an established Leylandi hedgerow along the boundary, and one window on its elevation facing the site.
- 25.2.3 Surrounding properties are predominantly detached dwellings.
- 25.3 Relevant planning constraints/considerations

25.3.1 None

25.4 Relevant planning history

25.4.1 None

25.5 Developments/changes since the original submission

25.5.1 None

25.6 Other relevant background information

25.6.1 None

26. DETAILS OF PLANNING HISTORY:

26.1 None

27. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy GEN 6- Development control requirements

Policy HSG 12- Extensions to dwellings

27.2 Supplementary Planning Guidance

SPG No.1- Extensions to dwellings

SPG No.24- Householder Development Design Guide

28. MAIN PLANNING CONSIDERATIONS:

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

28.1.1 Principle

28.1.2 Detailed design and impacts

28.2 In relation to the main planning considerations:

28.2.1 Principle

The principle of extending existing dwellings is acceptable in relation to the policies of the Unitary Development Plan and Supplementary Planning Guidance Note No.24- Householder Development Design Guide. The main UDP policies are HSG 12 and GEN 6. HSG 12 permits extensions to dwellings subject to 4 tests- requiring assessment of the acceptability of scale and form; design and materials; the impact on the 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 sections.

28.2.2 Detailed design and impacts

Scale and form-

The scale and form of the proposal is subordinate to the existing dwelling in terms of footprint, volume and mass, therefore meeting the requirements of HSG 12 part i).

Design and materials-

The bespoke design of the proposal is in keeping with the modern appearance of the existing dwelling. Materials proposed include grey roof tiles, aluminium windows throughout the entire dwelling, and white render, all to match the existing dwelling. The proposal is therefore considered to comply with part ii) of HSG 12.

Impact on character, appearance and amenity standards of the existing dwelling-

Having regard to the design, scale and siting, it is not considered the visual or residential amenity of the existing dwelling would be materially harmed by the proposal. This meets the requirement of Policy HSG 12 part ii).

Impact on character, appearance and amenity standards of the locality-

No opportunities for overlooking would arise which would lead to a material loss of residential amenity for any surrounding properties, which are an acceptable distance from the site. A condition could be imposed to ensure no additional windows are inserted on the south elevation in the future, and to ensure the screening to the balcony is agreed at a future date. This would reduce the impact on residential amenity at Hafan Wen.

The comments of Dyserth Community regarding design are acknowledged. In this instance, it is considered the design of the proposal follows the extant modern appearance of Morwylfa. It is considered the additions proposed would not be visually distinguishable from the existing dwelling.

Overdevelopment of the site-

Dyserth Community Council also raise concerns relating to overdevelopment of the site. The increased footprint of the dwelling is considered modest, equating to approximately an additional 6m². SPG no.1 elaborates further on the matter of overdevelopment, recommending that no more than 75% of a site should be covered by buildings. In this instance, it is estimated that around 30% of the site would be covered by building, with the remaining garden space considered of sufficient size to offer adequate amenity for future occupiers. The proposal therefore meets iv) of HSG 12.

29. SUMMARY AND CONCLUSIONS:

- 29.1 The proposal complies with the relevant policy requirements and is therefore recommended for approval.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the south elevation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall be permitted to commence on the proposed balcony until the written approval of the local planning authority has been obtained to the detailing of a screen on the south side. The screen shall be installed in accordance with the approved details and retained at all times 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 residential amenity.
3. In the interests of residential amenity.

NOTES TO APPLICANT:

None

Appeal Decisions between 01/04/2009 and 31/12/2009

Decision Date

Appeal Allowed

Informal

20/2008/0379	PR	<p>Land at (Part garden of), Ty Berllan, , Graigfechan, Ruthin, LL152EU,</p> <p>Details of siting, design and external appearance of building, means of access thereto and landscaping, submitted in accordance with Condition No. 1 of outline permission Code No. 20/2007/0205/PO (Reserved matters)</p>	Costs Against Council	Committee	12-May-2009
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21/2007/0344	PF	<p>Glebe Land off, Rectory Lane, Llanferres, Mold,</p> <p>Erection of 5 no. dwellings and construction of new vehicular/pedestrian access (site area 0.37ha)</p>	Costs Against Council	Committee	20-May-2009
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03/2008/0918	PF	<p>Bryn Derwen, Abbey Road, , Llangollen, LL208EF,</p> <p>Installation of foul and surface water drainage plant</p>		Committee	01-Jul-2009
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13/2008/1271	PC	<p>Bryn Hyfryd, , Pwllglas, Ruthin, LL152PE,</p> <p>Retention of log effect unit for use as ancillary to main dwelling</p>		Committee	02-Oct-2009
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Public

43/2008/0473	PS	<p>Land Adjoining Brookdale, Cefn Y Gwrych, , Prestatyn,</p> <p>Variation of condition no. 8 of planning permission code no. 43/2000/0875/PO relating to stopping up or closure of Cefn Y Gwrych, by proposed design and detail of new estate road junction intended to prevent vehicular access to and from estate via Cefn Y Gwrych to the east</p>		Committee	12-Jun-2009
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Written

10/2008/0906	PF	<p>Plas Yn Ial, , Llandegla, Wrexham, LL113BD,</p> <p>Installation of 15m high wind turbine</p>		Delegated	01-May-2009
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Appeal Decisions between 01/04/2009 and 31/12/2009

			<u>Decision Date</u>
43/2007/1089	PR	(Land adjoining 30), 28, Calthorpe Drive, , Prestatyn, LL199RF,	Committee 05-Aug-2009
		Details of siting, design, external appearance of dwelling, means of access and landscaping of site submitted in accordance with Condition No. 1 of outline planning permission Ref. No. 43/2006/0243/PO	Against Officer Recommendation
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<u>Appeal Dismissed</u>			
<u>Informal</u>			
30/2007/1320	PF	Storage Barns and Stables, Home Farm Llannerch Hall, Llannerch Park, , St. Asaph,	Delegated 22-Apr-2009
		Conversion of barn and stables into 2 No. detached dwellings	
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43/2008/0841	PF	5, Manod Road, , Prestatyn, LL198PH,	Committee 09-Jul-2009
		Demolition of existing lean-to and erection of single storey extension to rear (partly retrospective)	Against Officer Recommendation
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47/2008/0813	PF	Bryntirion Farm, , Rhualt, St. Asaph, LL170TG,	Delegated 30-Jul-2009
		Erection of detached equipment store	
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16/2007/1232	PF	Land Adjacent To, Bryn Derw, , Llanbedr Dyffryn Clwyd, Ruthin, LL151TB,	Committee 24-Jul-2009
		Erection of 8 no dwellings and construction of new vehicular and pedestrian access (site area 0.66 ha)	Against Officer Recommendation
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24/2008/1352	PF	Coed Duon Chalet, , Llanrhaeadr, Denbigh, LL164PN,	Delegated 26-Aug-2009
		Amended details for the erection of a replacement dwelling, construction of new vehicular access and extension to residential curtilage	
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Appeal Decisions between 01/04/2009 and 31/12/2009

			<u>Decision Date</u>
21/2009/0165	PF	Pen Barras Lodge, Forestry Road, Llanferres, Mold, CH7 5SH, Erection of replacement dwelling	Delegated 17-Dec-2009
<hr/>			
Public			
25/2007/0642	WF	Gorsedd Bran, , Nantglyn, , Construction of 13 wind turbine generators (up to 125m in overall height) c/w electrical control room & compound area, new and improved access tracks, underground cabling, 80m anemometry mast, ancillary works and equipment; temporary construction works; new vehicular access from the minor country road; removal of conifer forest	Full Council 18-Nov-2009 Against Officer Recommendation
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21/2008/0323	LE	Camp Alyn, Tafarn-Y-Gelyn, Llanferres, Mold, Application for Certificate of Lawful Use of building as a residential dwelling	Delegated 02-Nov-2009
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Written			
03/2008/0870	PF	6, Fron Castell, Fron Bache, Llangollen, LL207BX, Erection of first floor balcony and entrance canopy to front of dwelling	Delegated 22-Apr-2009
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46/2008/0683	PC	Land At Cornel Bach, Lower Denbigh Road, , St. Asaph, LL170EL, Continuation of use of land for siting of static caravan to be used as a granny annexe ancillary to the dwelling at Cornel Bach	Delegated 19-May-2009
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45/2008/0987	PF	Former, Esplanade Service Station, Rhyl Coast Road, , Rhyl, LL183PP, Erection of a convenience store	Committee 01-Jun-2009 Followed Officer Recommendation
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Appeal Decisions between 01/04/2009 and 31/12/2009

			<u>Decision Date</u>
31/2008/0943	PC	6 Mairwen, , Cefn, St. Asaph, LL170HB, Retention of existing balcony at rear of dwelling (Retrospective application)	Committee 14-Jul-2009 Followed Officer Recommendation
05/2007/1491	PF	Land near, Dee Bank, Penybryn, , Corwen, , Erection of dwelling, construction of new vehicular access and installation of private treatment plant on 0.15 hectares of land	Delegated 21-Aug-2009
01/2008/1249	PF	Brynhyfryd, Abrams Lane, , Denbigh, LL163SS, Replacement of 3 timber windows with white UPVC windows	Delegated 27-Jul-2009
45/2008/1077	PF	44, Abbey Street, , Rhyl, LL181PA, Conversion of loft space into 1 no. self-contained apartment and installation of rear dormer feature	Committee 04-Sep-2009 Against Officer Recommendation
01/2009/0069	PF	Land at (Part garden of), 73, Trewen, , Denbigh, , Erection of 1 no. two-storey detached dwelling and construction of new vehicular access (0.022ha)	Delegated 08-Sep-2009
40/2009/0474	PF	Part Field No. 5900, Min Y Morfa Farm, Borth Crossroads, , Abergelle, LL229SB, Change of use of part of field for operation of outdoor market on Thursday and Saturday each week between 1st April and 30th September annually (resubmission)	Delegated 17-Nov-2009
43/2008/0030	PO	Land at (Part garden of), 39 Purbeck Avenue fronting, Seabank Drive, , Prestatyn, Development of 0.02 hectares of land by erection of single dwelling and formation of vehicular access (Outline application to include access)	Delegated 17-Dec-2009

Appeal Decisions between 01/04/2009 and 31/12/2009

Decision Date

Number of Appeal Decisions = **25**

Percentage Allowed = **28**

Number of appeals allowed = **7**

Written = **2**

Informal = **4**

Public = **1**

Percentage Dismissed = **72**

Number of appeals dismissed = **18**

Written = **10**

Informal = **6**

Public = **2**

Percentage Withdrawn = **0**

Number of appeals withdrawn = **0**

Written = **0**

Informal = **0**

Public = **0**