

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

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

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

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

**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE  
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**ITEM NO:** 1

**WARD NO:** Prestatyn North

**APPLICATION NO:** 43/2009/1253/ PF

**PROPOSAL:** Change of use of part of land to touring caravan site and erection of WC/shower block

**LOCATION:** Festival Gardens Ffrith Beach Victoria Road West Prestatyn

**APPLICANT:** Hondon Limited Trading as Ffrith Leisure

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

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

**CONSULTATION RESPONSES:****PRESTATYN TOWN COUNCIL**

"No objections. Concerns raised about traffic access and egress. Restriction on numbers of caravans, duration of stay and length of site opening should be strictly applied. Highway entrance to site needs improving to accommodate touring caravans".

**ENVIRONMENT AGENCY**

No objection subject to the inclusion of a condition to ensure caravan pitches remain grassed and not covered by impermeable material.

**DWR CYMRU WELSH WATER**

No objection subject to conditions

**NORTH WALES POLICE**

No response received

**COUNTRYSIDE COUNCIL FOR WALES**

No objection

**COUNCIL FOR PROTECTION OF RURAL WALES**

No response received

**RAMBLERS CYMRU (DENBIGHSHIRE FOOTPATH COMMITTEE)**

A Public Right of Way (Footpath no 49) is affected by the proposal.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES****HEAD OF TRANSPORT AND INFRASTRUCTURE**

No objection subject to the inclusion of conditions relating to retention of parking and turning facilities

**FOOTPATH OFFICER**

Public Footpath No. 49 will need to be formally diverted prior to development.

**GROUNDS MAINTENANCE**

No response received

**PUBLIC PROTECTION MANAGER**

No objection subject to the inclusion of conditions relating to the length of season, number of units. Also suggested conditions relating to

**HEAD OF DEVELOPMENT SERVICES (TOURISM)**

No response received

**BIODIVERSITY OFFICER**

No objection subject to a condition requiring a buffer zone and more suitable landscaping details.

**CORPORATE PROPERTY UNIT**

No objection

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

**In objection**

Mr. & Mrs. G. Payne, 64, Stephen Road, Prestatyn  
P & J Montgomery, Ffrith Post Office, Prestatyn  
Mrs. C. E. Kirton, Victoria Road West, Prestatyn  
S. & L. Friar, 16, Brig y Don, Prestatyn  
Mr. & Mrs. J.M. Jones, The White House by the Sea  
C. Parry, Hill House, Hillside, Prestatyn  
H. & E. McDonough, 11, Victoria Road West, Prestatyn  
Mr. F. G. Bailey (Secretary) Friends of the Ffrith  
M. Cooper, 137, Victoria Road West, Prestatyn  
Mr. P. Roberts, 96, Fforddisa, Prestatyn (via e-mail)  
R. E. Senior, 238A, Victoria Road, Prestatyn  
Mr. & Mrs. Szabo, 12, Brig-y-Don, Prestatyn (via e-mail)

Summary of planning based representations:

Principle

Proposal does not comply with UDP policies

Highway Issues

Concerns relating to the adequacy of the access; proximity to traffic lights; traffic congestion; general highway safety concerns; impact on public footpath no 49

Drainage Issues

Capacity concerns

Nature Conservation

Impact of the proposal on the sand dunes

Impact on residential amenity

Noise and disturbance

Loss of open space

Proposal would lead to a loss of open space as it is out of bounds to the public

Precedent

It will eventually lead to static caravans or lodges

General Issues

Concerns relating to all year round season/occupancy of the site; impact on amenity of the area; pressures on water supply, electricity supply; too many caravan sites in the area;

**In Support**

Mrs. S. Pitt, 301 Victoria Road, Ffrith Beach, Prestatyn (via e-mail) Mr. F. G. Bailey, Gilhurst, 1, Oldgate Road, Prestatyn  
L. Marney, Glanavon, Ffordd Idwal, Prestatyn (via e-mail)  
Summary of planning based representations  
Support unreservedly;

No objection as it is believed it will bring much needed money into the town, provided noise levels are controlled at night along with unwanted behaviour and protection of sand dunes and.

Exactly the type of development that will improve the use of the Ffrith Gardens and provide an economic boost with minimum impact on the local community.

**EXPIRY DATE OF APPLICATION: 09/06/2010**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application seeks full planning permission for the change of use of part of the existing car park at the Ffrith Beach to form a touring caravan site and erection of a WC/Shower block. The application proposes the siting of 56 touring caravan pitches and 13 spaces for mobile homes.

1.1.2 The proposals involve the following main elements:

- Use of an existing vehicular access off the A548 Coast Road.
- Proposed amenity block located centrally within the site
- Waste disposal/fire/water stations in 3 locations within the site
- Additional landscaping on the boundaries and within the site

1.1.3 The application contains supporting information including a detailed Planning Statement, Design and Access Statement, Flood Consequences Statement and detailed landscaping proposals. The conclusions of the main planning statement are that:-

The proposal meets the criteria of Policy TSM 12  
The application comprises a sustainable form of tourism

The development will assist regeneration through increased visitor spend, boosting the local economy.  
The proposed use of land for touring caravans on land already used for car parking in association with an existing visitor attraction will not give rise to any unacceptable noise levels  
The proposed development will not have any adverse impact on features of ecological or geological interest; the proposal will have no adverse impact on any wildlife or on the adjoining site.  
The site is well screened and the proposal will not detract from the character and appearance of the surrounding area, or impact on longer views in and out of the site.  
The site has good, safe road access and the proposed development will retain more than the maximum car parking requirement.

## 1.2 Description of site and surroundings

1.2.1 The application site comprises an 'L' shaped grassed area approx 0.7ha in area which is used as an overspill car park for the Ffrith Beach, and approx 0.29 ha of hard surfaced area adjoining the car parking area of the Ffrith. The overspill car parking area is a level grassed area which forms a natural extension to the formal car park which has approximately 450 spaces in total. The site is screened to the western and southern boundary. The site is accessed off the A548 Coast Road.

1.2.2 To the north of the application site is an emergency access to the beach with sand dunes beyond, to the west is open recreational land and a local wildlife site, and to the south is recreational land which is heavily planted.

## 1.3 Relevant planning constraints/considerations

1.3.1 The site is located within a Policy TSM 2 Tourism Development Area. The site lies outside of, but immediately adjoining the development boundary of Prestatyn, within an area protected for open space by Policy REC 1. This is discussed further in the main report. The site also lies within a C1 flood zone as indicated in the Development Advice Maps contained within TAN 15: Development and Flood Risk.

## 1.4 Relevant planning history

1.4.1 None

## 1.5 Developments/changes since the original submission

1.5.1 Additional landscaping plans have been submitted along with additional information to address the comments and concerns originally raised by the Environment Agency, Public Protection and Highways.

## 1.6 Other relevant background information

1.6.1 None

## 2. **DETAILS OF PLANNING HISTORY:**

2.1 None specifically relevant to the site or for the proposed development of a touring caravan site.

## 3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

- STRAT 1 - General
- STRAT 6 - Location
- STRAT 7 - Environment
- STRAT 9 - Tourism
- STRAT 13 - New development
- Policy GEN 6 - Development Control Requirements
- Policy CPZ 1 - Development within the Coastal Planning Zone
- Policy ENV 1 - Protection of the Natural Environment
- Policy ENV 5 - Sites of Local Conservation Importance
- Policy ENV 6 - Species Protection
- Policy ENV 7 - Landscape/Townscape features
- Policy ENP 4 - Foul and Surface Water Drainage
- Policy TSM 1 - Tourism Development
- Policy TSM 2 - Tourism Development Areas
- Policy TSM 12 – Touring Caravan Sites
- 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 18 - Nature Conservation and Species Protection
- SPG 21 - Parking

GOVERNMENT GUIDANCE

Planning Policy Wales 2002

Technical Advice Notes

- TAN 13 - Tourism (1997)
- TAN 15 - Development and Flood Risk (2004)

**4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Scale of development
- 4.1.3 Landscape/Impact on visual amenity
- 4.1.4 Highway/access impact
- 4.1.5 Residential amenity
- 4.1.6 Drainage & Flooding
- 4.1.7 Ecology
- 4.1.8 Sustainability

4.2 In relation to the main planning considerations:

4.2.1 Principle

At a national level, the Welsh Assembly Government's objectives encourage sustainable tourism, maximising its economic and employment benefits, promoting tourism in all seasons whilst safeguarding the environment and interests of local communities. In rural areas, tourist development is considered to be an essential element in providing for a healthy, diverse local and national economy. TAN 13 (draft 2006) highlights however particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the

environment, landscape, biodiversity, coastal or historic environment or the interests of local communities.

Denbighshire's Unitary Development Plan policies are in accordance with the thrust of these national objectives. Within the UDP, there are a number of strategic policies seeking to ensure that development should be sustainable, including maximum re-use of buildings and land in preference of green field sites, maintaining and enhancing community benefit; and protecting biodiversity and historic areas. Policy STRAT 9 deals with tourism development. In the countryside or rural settlements, it highlights that development will be permitted in the form of small scale built or natural environment based tourism projects in the countryside and rural settlement", where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity, heritage or environmental interests.

Policy GEN 1 states that new development will, in principle, be allowed provided that it conforms with other policies in the Plan, material planning considerations and detailed development control criteria.

Policy CPZ 1 states that new development will only be permitted provided that: it is essential for the development to have a coastal location and it does not unacceptably harm i) the townscape and/or landscape value, character and appearance of the coast, ii) the scientific, historic or nature conservation value of the coast and iii) natural or physical coastal processes. The text to the policy comments that Denbighshire's coastline can be divided into developed and undeveloped sections, the boundary between which will generally be marked by development boundaries.

Although part of the coastal planning zone falls within development boundaries, new development will still need to prove that a coastal location is essential. Examples of acceptable development will include tourism attractions and infrastructure, recreation and leisure activities and other marine related uses and developments. The impact of development especially at the edge of the developed area on landscape, nature conservation and natural coastal process will require careful consideration.

Policy TSM 2 relates to Tourism Development Areas and generally, development proposals for the regeneration and improvement of the coastal resorts of Rhyl and Prestatyn will be permitted within the areas of the Rhyl Promenade and Ffrith Beach/Festival Gardens in Prestatyn.

Policy TSM 12 is the main 'detailed' policy relating to touring caravan sites, and sets specific tests for any application, requiring an unobtrusive and well screened site and/or can be readily assimilated into the landscape and in no way appears conspicuous or alien; the site is close to and can be easily accessed to the main highway network without significant or inappropriate highway alterations; the overall quality of the development is of a high standard by virtue of its design, layout and appearance as seen from inside and outside the site; there is no unacceptable impact on the surrounding area by virtue of noise, disturbance, fumes/smell or other nuisance and landscape, agricultural and nature conservation considerations and finally that the site is used for touring purposes only and touring vans are removed from the site for periods when not in use.

Overall, the policies of the UDP, and guidance in Planning Policy Wales and

TAN 13 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 the proposed touring caravan site development would not therefore be contrary to the UDP'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.

#### 4.2.1 Scale of development

Policy STRAT 9 of the Unitary Plan permits "small scale built or natural environment based tourism projects in the countryside and rural settlement", 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.

In the UDP, the application site is located immediately outside of Prestatyn's development boundary. It is within the Policy TSM 2 Tourism Development Area and is immediately adjoining large scale built development at the Ffrith. The proposal is for 79 touring caravans which includes 13 spaces for mobile homes and the specific environmental impacts of a development of that size are assessed in the following sections of the report. In officers' view, this scale of development in itself would not seem out of keeping in the context of the surrounding environment.

#### 4.2.2 Landscape/Impact on visual amenity

The proposed touring caravans would be sited just outside the development boundary but well related to existing built development at the Ffrith. The site is flat, and well screened and it is also proposed to carry out additional planting along the western and southern boundaries to supplement the existing landscaping. The surfacing of the touring caravan site would be grassed and not hard surfaced with the internal roadways/tracks also comprising reinforced grass.

The site as present is located at the end of a large car park, which is rarely used as an overflow car park. It is not considered that the siting of the proposed amenity block would impact significantly on the visual amenities of the site and surroundings as it would be located centrally in the site, and has been designed and sited sympathetically to appear low key and unobtrusive. A seasonal use of the site from 1<sup>st</sup> March to mid January (10.5 months) is considered acceptable in agreement with the Public Protection Manager.

A touring caravan site is not considered likely to adversely impact upon the visual amenities of the site and surroundings and therefore it is not considered that the proposal conflicts with Policy TSM 12.

#### 4.2.3 Highway/access impact

The main Unitary plan 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.

Access to the site would be derived from an existing access off the A548 Coast Road which serves the Ffrith Beach.

Highway Officers consider the existing access is suitable to serve the proposed development and have raised no objection to the proposal.

Local concerns have been raised regarding the access to the site and its proximity to the Ceg Y Ffordd junction, as at peak times vehicles turning right towards Meliden travelling from Rhyl block the access to the Ffrith as there is no designated right turn indicative arrow. Highways have stated that these issues could be investigated further if problems arise.

Highways are satisfied that the car parking facilities that will remain at the Ffrith are adequate, with 450 spaces available within the main car park.

The accessibility to public transport routes and cycle routes is a positive factor, and having regard to the comments of the highway officers it is considered the proposals are in compliance with test (ii) of TSM 12.

#### 4.2.4 Residential amenity

Policy GEN 6 requires due consideration of the impact of development on residential amenity. To the southern boundary, behind the recreational area are residential properties at Oldgate Road and Brig y Don, the closest property located approx. 15m from the boundary of the application site. To the south east is the White House Caravan Park, with the dwelling at the White House located approx. 15m away from the boundary where it is proposed to site some tourers, and is approx 6m from the access road into the site, which is well screened from the property. With the additional planting proposed, the distance between the properties, given the existing use of the site, in addition to suggested controls on use to limit noise and disturbance, it is not considered that the proposed use would result in an unacceptable adverse impact on the amenities of occupiers of these properties.

#### 4.2.5 Drainage & Flooding

Drainage considerations are contained in policies ENP 4 and GEN 6 of the Unitary Plan. 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 the foul drainage to the existing mains foul sewer and to drain surface water via a soakaway. No objections are raised by consultees to the proposals subject to the inclusion of conditions.

The site is located within a Zone C1 floodplain as defined by TAN 15. A Flood Consequences Assessment has been submitted with the application and the Environment Agency are satisfied that the risks of the consequences of flooding could be acceptably managed in accordance with the criteria set out in TAN 15.

#### 4.2.6 Ecology

Unitary Plan policies, Assembly guidance and national legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 5, ENV 6 and GEN 6). This approach is supported by SPG 18.

Adjoining the site to the west is recreational land that is designated as an

area of local nature conservation importance (Policy ENV 5). The Biodiversity Officer has raised no objection to the proposal provided a minimum 5m buffer zone is maintained between the application site and the wildlife site, which should be planted with native, local provenance species suited to the dune grassland and should be protected by effective rabbit proof fencing. It is also considered that the landscaping details submitted should be amended to be of more native species, and a condition is suggested.

It is not considered in this case that there are any unacceptable ecological impacts likely to arise.

#### 4.2.7 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 Unitary Plan policies which set a requirement to ensure the unacceptable environmental effects arise from development, and these are dealt with in the preceding section of the report. On the theme of sustainability effects arising from development, TSM 12 (ii) includes a specific requirement that a site is close to and can be easily and safely accessed to the main highway network, without significant or inappropriate highway alterations. 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 tourers, the application site is in close proximity to public transport routes and a local cycle network. The site is also relatively close to the town centres of Prestatyn and Rhyl.

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

## 5. SUMMARY AND CONCLUSIONS:

- 5.1.1 The proposals offer potential economic gains for the area, and are not considered to be in conflict with Unitary Development Plan policies.

### **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 site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days.
3. No caravan on site shall be occupied between the 14 January and 1 March in any year.
4. No more than 56 touring caravans/mobile homes shall be stationed on the land at any time.
5. The use of the touring caravans/mobile homes hereby permitted shall be limited to holiday use only and shall not be used for any other use, including as a sole or main residence of the owner/occupier.
6. Notwithstanding the submitted details, details of the additional planting to be carried out shall be submitted to and approved in writing by the Local Planning Authority Plan, and shall include a minimum buffer zone of 5m between the touring caravan site and the adjoining

wildlife site. The boundaries and buffer zone should be planted with native, local provenance species suited to the dune grassland and should be protected by effective rabbit proof fencing. The development shall then proceed in accordance with the approved details.

7. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

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

9. No development shall commence until further details have been submitted to and approved in writing in relation to the following:

- i) Storage of Waste including details of storage and collection arrangements and;
- ii) Any external lighting within the site.

10. No sound amplification equipment or loudspeakers shall be operated at the premises other than in accordance with details to be agreed in writing with the Local Planning Authority.

11. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.

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

13. No surface water and land drainage run-off shall not be permitted to connect/discharge, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

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

2. The use of the land as a static caravan site or for caravan storage would be contrary to the development plan which contains a strong presumption against further static caravan developments in the area.

3. The site is not considered suitable for permanent occupation.

4. In the interest of the character and appearance of the area.

5. For the avoidance of doubt and to ensure the units are occupied for tourism/holiday use, as a permanent residential caravan site would be contrary to adopted plan policy.

6. In the interest of visual amenity and nature conservation.

7. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

8. To ensure a satisfactory standard of development, in the interests of visual amenity.

9. In the interest of residential amenity and to avoid light pollution.

10. To protect the amenities of occupiers of nearby properties.

11. To provide for the parking of vehicles clear of the highway and to ensure that reversing into or from the highway is rendered unnecessary on the interest of traffic safety.

12. To protect the integrity of the public sewerage system.

13. To prevent hydraulic overload of the public sewerage system and pollution of the environment.

## **NOTES TO APPLICANT:**

You are advised that a Site License will be required.

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).

Public Footpath 49 (Prestatyn Community) crosses the development area and therefore you are advised of the following:

- (i) There is no diminution in the width of the right of way available for use by members of the public.
- (ii) No building materials are stored on the right of way.
- (iii) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.
- (iv) Vehicle movements are arranged so as not to interfere with the public's use of the way.
- (v) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
- (vi) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right or allowed to interfere with the right of way.
- (vii) The safety of members of the public using the right of way is ensured at all times.

If the applicant wishes to temporarily close the Path, he/she will need to apply for a temporary closure.

Please contact Paul Owen or Tania Evans on 01824 706872/2963 for further details.

SES

**ITEM NO:** 2

**WARD NO:** Prestatyn South West

**APPLICATION NO:** 43/2010/0437/ PF

**PROPOSAL:** Erection of single storey pitched roof extension to side and replacement porch to front; erection of detached double garage and alterations to existing vehicular access

**LOCATION:** 37 Harlech Crescent Prestatyn

**APPLICANT:** Mrs June Williams

**CONSTRAINTS:** C1 Flood Zone  
250m Of Landfill Site  
EA Floodmap Zone 2  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL  
"No objection"

DWR CYMRU WELSH WATER

A representative has advised the case officer that there are no Welsh Water facilities crossing the site and therefore have no objection to the proposal.

ENVIRONMENT AGENCY

No objection, the applicant would be advised to install flood proofing measures as part of the development.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to the inclusion of conditions relating to retention of parking and turning facilities, surfacing and entrance gate details.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr. J. Roberts, 27, Harlech Crescent, Prestatyn  
Mr. & Mrs. Holden, 22, Harlech Crescent, Prestatyn  
Miss S. G. Brooks, 29, Harlech Crescent, Prestatyn  
Mr. J. Batey, 31, Harlech Crescent, Prestatyn  
Mr Thomas, 33, Harlech Crescent, Prestatyn

Summary of planning based representations:

Highway Issues

Concerns relating to the formation of a new vehicular access as problems are already experienced with access to driveways and parking in the Crescent.

#### Impact on visual amenity

The double garage proposed is large, it would impact on views within the area

#### Impact on residential amenity

The double garage would be sited adjacent to the boundary with another property and in clear view from windows and doors of the property.

#### Principle

Concerns have also been received in relation to the use of the proposed double garage and the potential noise and disturbance and parking problems likely to be generated

**EXPIRY DATE OF APPLICATION: 02/06/2010**

#### **REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

#### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission to erect a single storey pitched roof extension to the side of the dwelling, the erection of a replacement porch to the front elevation, the erection of a detached double garage to the front of the dwelling and alterations to the existing vehicular access.
- 1.1.2 The plans at the front of the report show the basic proposals. The extension would be located on the east elevation and extend to the full depth of the property, approximately 10.3m, with a width of 3.4m and a ridge height of 4.4m to the front, and 4.8m to the rear. The proposal involves internal alterations and re-arranging the existing layout of the property. The extension would provide the overall property with an additional bedroom with en-suite, a living/dining area and downstairs toilet facilities.
- 1.1.3 The proposed porch would be located on the west elevation replacing an existing smaller porch and would measure 3.5m by 1.6m.
- 1.1.4 The proposed double garage would be sited to the front side of the property close to the boundary with 22, Harlech Crescent. The garage would measure 6.1m by 6.1m, with a ridge height of 3.8m.
- 1.1.5 The materials of the extension, porch and double garage would be facing brickwork, render and tiles to match the existing dwelling.
- 1.1.6 There is an existing vehicular access to the front of the site, however permission is sought to widen this vehicular access to enable access to the proposed garage.
- 1.1.7 Councillor Glyn Jones has requested the application be reported to committee to allow consideration of the impact on visual amenity, servicing issues near The Cut, flooding and concerns relating to the future use of the site.

##### 1.2 Description of site and surroundings

- 1.2.1 The property is a single storey dwelling located within a crescent of single storey dwellings of similar design. To the rear side is a detached garage. The property is set in a roughly triangular plot with a vehicular access to the front

of the property.

1.2.2 Immediately to the east of the site is The Cut which continues to run north east through 'Y Morfa', which is a local landscape area, protected as open space and community woodland. To the west and south of the property are neighbouring dwellings, 35 and 22 Harlech Crescent.

1.2.3 All of the properties on Harlech Crescent and in the locality are single storey dwellings. Within Harlech Crescent the bungalows are of a similar design, all built in the 1960's.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within a Zone C1 floodplain as indicated by the Development Advice Maps contained within TAN 15: Development and Flood Risk.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 The description has been altered to refer to 'alterations to existing vehicular access' rather than 'construction of a new vehicular access' as originally stated, in agreement with the applicants agent and Highways Officers.

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

2.1 None

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 1 Development within development boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 12 Extensions to Dwellings

Policy ENP 6 Flooding

3.2 Supplementary Planning Guidance

SPG 1 – Extensions to Dwellings

SPG 24 – Householder Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 2001

TAN 15: Development & Flood Risk (2004)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Detailed design and impacts

4.1.3 Flooding

4.1.4 Highway Issues

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 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.

##### 4.2.2 Detailed design and impacts

###### *- Scale and form*

The scale and form of the proposed extensions appears subordinate to the original dwelling. The scale and form of the detached double garage is considered acceptable, as it is smaller in scale and subservient to the dwelling.

###### *- Design and materials-*

The design of the extensions are considered in keeping with the appearance of the existing dwelling. Materials proposed include a facing brickwork plinth with painted rendered walls and a tiled roof, all to match the existing dwelling. The design of the detached double garage is considered acceptable in the location proposed, and again all materials would match those on the original 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*

It is not considered that the proposals would give rise to opportunities for overlooking of any nearby property or any material loss of residential amenity. The extension would be sited on an elevation where it would not impact upon any neighbouring properties, and no objections have been received to this element of the proposal. The side elevation of the property at 22, Harlech Crescent is located 8.5m away from the boundary of the application site. The proposed garage is to be set in 0.9m from the boundary, with a ridge height of 3.8m, with no windows proposed in the side elevation facing 22 Harlech Crescent. As there are some trees and shrubs to soften the appearance of the garage it is not considered that it would result in a significant impact on the character and appearance of the locality.

The comments of local residents are acknowledged. As noted above, it is not considered that the detached garage would adversely impact upon visual or residential amenity. In relation to the concerns relating to the use of the garage, this is a householder application seeking permission for a domestic garage. It would be inappropriate to comment on the 'intentions' of the applicant but if the use of the site and garage go beyond domestic use, then Enforcement Action can be considered. It is only possible to deal with the application as submitted, and that is for a domestic garage.

#### 4.2.3 Flooding

Policy ENP 6 seeks to prohibit development which would result in an unacceptable risk of flooding. Having regard to TAN 15, applications for minor extensions or alterations should not raise significant issues unless they are likely to have a direct and adverse effect on a watercourse or its flood defences, would impede access to flood defence and management facilities or where the cumulative impact of such developments could have a significant effect on flood storage capacity or flood flows. Given the scale and nature of the proposal, the Environment Agency have not objected or raised any concerns to the proposal, but they have advised that flood proofing measures should be installed as part of the development such as concrete floors, raised service entry points, non-return valves fitted to plumbed in facilities etc. The EA also advise that if at present there is no available loft space area within the dwelling, then if possible, one should be incorporated into the roof area of the extension, which could provide a refuge in the event of a flood. The case officer has taken up these matters with the agent, who has confirmed that there is scope to incorporate additional space within the roof level area for refuge. In the circumstances, having regard to the minor nature of the development on an existing dwelling, the proposal is unlikely to result in an unacceptable risk of flooding and is therefore considered to be compliant with policy ENP 6 and TAN 15.

#### 4.2.3 Highway Issues

Unitary Plan policies TRA 9 and GEN 6 require due consideration of the highway impacts of development.

There is an existing access at the front of the property, which leads to an existing detached garage to the rear side. It is proposed to widen the existing access in order to access the proposed garage at the front side of the property, where the kerb is already dropped. The Head of Highways has raised no objection to the proposal subject to standard conditions to ensure that parking and turning facilities remain within the site, that the surface of the parking area is paved with a concrete or bituminous material and that any new entrance gates should only open inwards and not towards the highway. Concerns of local residents relating to parking in the locality are acknowledged, however this application is a householder application proposing the erection of extensions and a double garage, the proposal would not lead to an increase in traffic flow and all parking required for a single dwelling can be provided within the site.

## 5. SUMMARY AND CONCLUSIONS:

5.1 Having considered the proposal under the relevant policies, it is considered that the proposal is acceptable, 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. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development details of the refuge area to be provided within the roof space shall be submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with such details.
3. 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.
4. Facilities shall be provided and retained within the site for the parking and turning of

vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.

5. The surface of the parking area shall be paved with a concrete or bituminous material or as otherwise agreed in writing by the Local Planning Authority before it is brought into use.
6. Any entrance gates shall be constructed so as to be incapable of opening towards the highway.

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 provide a satisfactory refuge in the event of flooding.
3. In the interests of visual amenity.
4. To provide for the parking and turning of vehicles clear of the highway in the interest of traffic safety.
5. To ensure that no deleterious material is carried onto the highway.
6. In the interest of highway safety.

**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).  
Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.  
You are advised to install Flood Proofing measures as part of the development, further details are available within the ODPM Publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'.

**ITEM NO:** 3

**WARD NO:** Rhyl South

**APPLICATION NO:** 45/2009/1574/ PF

**PROPOSAL:** Change of use of land to form a 19-pitch touring caravan site and associated landscaping

**LOCATION:** Cwybr Fawr Cwybr Rhuddlan Rhyl

**APPLICANT:** Mrs Helen Proffit Cwybr Fawr Partnership

**CONSTRAINTS:** C1 Flood Zone  
Green Barrier  
Tree Preservation Order  
250m Of Landfill Site  
CLA-Class A Road

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

**CONSULTATION RESPONSES:****RHYL TOWN COUNCIL**

“Object on the following grounds: Concerns at loss of residential amenities and privacy of occupiers of adjoining properties and further encroachment into the green divide between Rhyl and Rhuddlan. Request that should Local Planning Authority approve permission then condition be applied preventing static caravans from being permitted on this site”.

**DWR CYMRU WELSH WATER**

No objection subject to conditions

**ENVIRONMENT AGENCY**

No objection subject to the inclusion of a condition requiring further surface water drainage details.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES****HEAD OF TRANSPORT AND INFRASTRUCTURE**

No objection subject to the inclusion of a condition to ensure retention of unloading, loading, parking and turning of vehicles within the site

**PUBLIC PROTECTION**

No objection, a site license will be required

**TREE CONSULTANT**

No objection

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 23/06/2010**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application seeks full planning permission for the change of use of land to form a 19 pitch touring caravan site and associated landscaping, on land adjoining Cwybr Fawr, south of the Clwyd Retail Park in Rhyl. The site is approx 0.3ha and is currently an enclosed grassed paddock which forms part of the ownership of Cwybr Fawr.

The proposals involve the following main elements:

- Use of an existing vehicular access off the A525 dual carriageway to the south of Cwybr Fawr.
- Use of another existing vehicular access on to the A525 for emergency access only
- Removal of an existing nissen hut and erection of a replacement building to provide an amenity block
- Siting of 19 touring caravan pitches in 3 rows on one main field parcel which has a gravelled access located roughly centrally within the site.
- Removal of 5 no. sycamore trees along the northern boundary with 'Sainsburys' supermarket which are subject of a Tree Preservation Order
- Additional landscaping/planting along the eastern boundary fronting the A525
- Additional landscaping/planting along the southern boundary adjoining the 2 storey residential property at Cwybr House (containing 5 units)

1.2 Description of site and surroundings

1.2.1 The site known as Cwybr Fawr is all within the ownership of the applicant, the 'Cwybr Fawr Partnership' and comprises a caravan storage facility for 200 touring caravans, a reception building and general storage buildings, along with 10 cottages which are understood to be holiday cottages. Cwybr House, which contains 5 residential units, is located to the south of the site where livery facilities are available.

1.2.2 The application site comprises a flat grassed paddock located to the north of Cwybr House, which forms the boundary of 'Cwybr Fawr' with 'Sainsburys' supermarket and the Clwyd Retail Park. Along the northern and eastern boundary is a 2m high stone boundary wall, and a mix of mature sycamores and some younger trees, comprising mainly ash and Holm oak. The mature sycamores are subject of a Tree Preservation Order, with 7 trees in total covered by a TPO, 5 of which are within the application site.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies outside of, but immediately adjoining the development boundary of Rhyl, within a green barrier, and is subject to Policy GEN 5. The site also lies within a Zone C1 flood zone as indicated in the Development Advice Maps contained within TAN 15: Development and Flood Risk.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 An aboriginal site survey and landscaping plan has been submitted in response to comments raised by the Tree Consultant and case officer.

1.6 Other relevant background information

- 1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 None specifically relevant to the site or for the proposed development of a touring caravan site.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> 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 5 - Green Barriers
- Policy GEN 6 - Development Control Requirements
- Policy ENV 1 - Protection of the Natural Environment
- Policy ENV 6 - Species Protection
- 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 12 – Touring Caravan Sites
- 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 18 - Nature Conservation and Species Protection
- SPG 21 - Parking

GOVERNMENT GUIDANCE

Planning Policy Wales 2002

Technical Advice Notes

- TAN 13 - Tourism (1997)
- TAN 15 - Development and Flood Risk (2004)

**4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Scale of development
- 4.1.3 Landscape/Impact on visual amenity
- 4.1.4 Highway/access impact
- 4.1.5 Residential amenity

- 4.1.6 Drainage & Flooding
- 4.1.7 Ecology
- 4.1.8 Sustainability

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

At a national level, the Welsh Assembly Government's objectives encourage sustainable tourism, maximising its economic and employment benefits, promoting tourism in all seasons whilst safeguarding the environment and interests of local communities. In rural areas, tourist development is considered to be an essential element in providing for a healthy, diverse local and national economy. TAN 13 (draft 2006) highlights however particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity, coastal or historic environment or the interests of local communities.

Denbighshire's Unitary Development Plan policies are in accordance with the thrust of these national objectives. Within the UDP, there are a number of strategic policies seeking to ensure that development should be sustainable, including maximum re-use of buildings and land in preference of green field sites, maintaining and enhancing community benefit; and protecting biodiversity and historic areas. Policy STRAT 9 deals with tourism development. In the countryside or rural settlements, it highlights that development will be permitted in the form of small scale built or natural environment based tourism projects in the countryside and rural settlement", where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity, heritage or environmental interests.

Policy GEN 3 contains a general restraint on new development outside development boundaries, with a number of exceptions, including essential workers dwellings, agricultural development and tourism/leisure schemes, again subject to compliance with basic criteria and other policies in the plan.

Policy GEN 5 which relates to development within green barriers, states that development will only be permitted provided that the open character and appearance of the land is not prejudiced.

Policy TSM 12 is the main 'detailed' policy relating to touring caravan sites, and sets specific tests for any application, requiring an unobtrusive and well screened site and/or can be readily assimilated into the landscape and in no way appears conspicuous or alien; the site is close to and can be easily accessed to the main highway network without significant or inappropriate highway alterations; the overall quality of the development is of a high standard by virtue of its design, layout and appearance as seen from inside and outside the site; there is no unacceptable impact on the surrounding area by virtue of noise, disturbance, fumes/smell or other nuisance and landscape, agricultural and nature conservation considerations and finally that the site is used for touring purposes only and touring vans are removed from the site for periods when not in use.

Overall, the policies of the UDP, and guidance in Planning Policy Wales and TAN 13 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 the proposed touring caravan site development would not therefore be contrary to the UDP'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.

#### 4.2.2 Scale of development

Policy STRAT 9 of the Unitary Plan permits "small scale built or natural environment based tourism projects in the countryside and rural settlement", 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.

The application site is clearly located on the outskirts of Rhyl, immediately adjoining large scale development at the Clwyd Retail Park. The proposal is for 19 touring caravan pitches and the specific environmental impacts of a development of that size are assessed in the following sections of the report. In officers' view, this scale of development in itself would not seem out of keeping in the context of the surrounding environment, which includes significant built development at the Clwyd Retail Park and also built development at Cwybr Fawr itself.

#### 4.2.3 Landscape/Impact on visual amenity

The proposed caravan site would be located within the Policy GEN 5 Green Barrier between Rhyl and Rhuddlan, which is one of the concerns of Rhyl Town Council, further encroachment into the green divide between Rhyl and Rhuddlan. Policy GEN 5 relates to development within green barriers, and states that development will only be permitted provided that the open character and appearance of the land is not prejudiced.

The proposed touring caravans would be sited just outside the development boundary but well related to existing large scale built development at Clwyd Retail Park. The site is a small, flat, enclosed paddock only partially visible to public view from the eastern side from the A525. The site is well screened by stone boundary walls and existing landscaping. It is proposed to fell 5 no. mature sycamore trees as they are in declining condition, this would then allow the younger ash and Holm oaks which are developing well, to flourish and provide long term amenity value and screening. It is also proposed to carry out additional planting along the eastern and southern boundaries.

It is not considered the encroachment of this proposal into the Green Barrier alone would warrant refusal. The site as present is not 'open' in character and the appearance of the site and area generally will not be significantly affected. It is not considered that the siting of the proposed amenity block would impact significantly on the visual amenities of the site and surroundings as it is located to the western boundary of the site, however it should be designed sympathetically to take into account the existing properties in close proximity.

A seasonal use of the site from March to October, for a small scale touring caravan site is not considered largely to adversely impact upon the visual amenities of the site and surroundings and therefore it is not considered that the proposal conflicts with Policy GEN 5.

#### 4.2.4 Highway/access impact

The main Unitary plan 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.

Access to the site would be derived from an existing tarmaced entrance onto the A525 which serves Cwybr Fawr. The highway is classed as a bridleway.

Highways officers raise no objections to the proposals based on the amount of traffic generated, impact on the highway, the adequacy of space for parking and turning within the site, and the adequacy of the visibility at the point of entry onto the A525. The accessibility to public transport routes and cycle routes is a positive factor, and having regard to the comments of the highway officers it is considered the proposals are in compliance with test (ii) of TSM 12.

#### 4.2.5 Residential amenity

To the southern boundary, 5m from the boundary of the application site is the property known as 'Cwybr House' which is a 2 storey property subdivided into 5 residential properties. There are some ground and first floor windows overlooking the application site. There is a 2m high boundary wall along this boundary, and with the additional planting proposed, the distance between the properties and the application site is such that it is not considered that the proposed use would result in a significant adverse impact on the amenities of occupiers of these properties.

To the south western boundary of the application site are 5 cottages understood to be holiday cottages. Within the application site, in close proximity to the cottages is an 'L' shaped group of mature leylandii trees/hedging which is to be retained and this forms a well established boundary between the properties and the application site. With a well designed amenity block which is proposed to the south western corner of the site, it is not considered that there would be any adverse impact on the amenities of the occupiers or residents of the cottages.

#### 4.2.6 Drainage & Flooding

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

The proposals are to pump foul water up from the site to connect with the existing main sewer, and to drain surface water via a soakaway. No objections are raised by consultees to the proposals subject to the inclusion of conditions.

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

The site is located within a Zone C1 floodplain as defined by TAN 15. A Flood Consequences Assessment has been submitted with the application and the Environment Agency has indicated that the risks of the consequences of flooding could be acceptably managed in accordance with the criteria set out in TAN 15. The Environment Agency has suggested a condition requiring

further surface waste surface water drainage details.

#### 4.2.7 Ecology

Unitary Plan policies, Assembly guidance and national legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18.

The application proposes the removal of 5 sycamore trees, the Tree Consultant has raised no objection to their removal and has not advised that there are any protected species interests.

It is not considered in this case that there are any unacceptable ecological impacts likely to arise.

#### 4.2.8 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 Unitary Plan policies which set a requirement to ensure the unacceptable environmental effects arise from development, and these are dealt with in the preceding section of the report. On the theme of sustainability effects arising from development, TSM 12 (ii) includes a specific requirement that a site is close to and can be easily and safely accessed to the main highway network, without significant or inappropriate highway alterations. 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 tourers, the application site is in close proximity to public transport routes and a local cycle network. The site is also relatively close to the town centre of Rhyl but closer to the town centre of Rhuddlan.

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

## 5. SUMMARY AND CONCLUSIONS:

- 5.1.1 The proposals offer potential economic gains for the area, and in principle would not be in conflict with Unitary Development Plan policies.

### **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 site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days.
3. No caravans shall remain on site between the 31 October in any one year and the 1 March in the succeeding year.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) the written approval of the Local Planning Authority shall be obtained in respect of the siting, design and external appearance of any buildings required by the conditions of the site licence prior to their erection on site.

5. No more than 19 touring caravans shall be stationed on the land at any time.
6. The use of the static caravans hereby permitted shall be limited to holiday use only and shall not be used for any other use, including as a sole or main residence of the owner/occupier.
7. Notwithstanding the submitted details, details of additional planting shall be submitted to and approved in writing by the Local Planning Authority along (a) the southern boundary adjoining Cwybr House and (b) in the area occupied by tree no T1 on the Aboricultural Site Survey & Replacement Tree Plan dated 27th March, 2010.
8. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.
9. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.
11. Foul water and surface water discharges shall be drained separately from the site.
12. No surface water and land drainage run-off shall not be permitted to connect/discharge, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
13. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until a scheme of surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

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. The use of the land as a static caravan site or for caravan storage would be contrary to the development plan which contains a strong presumption against further static caravan developments in the area.
3. In the interest of the character and appearance of the area.
4. The site is located within a sensitive area wherein the Local Planning Authority wish to ensure that any buildings are of a high standard of design.
5. In the interest of the character and appearance of the area.
6. For the avoidance of doubt and to ensure the units are occupied for tourism/holiday use, as a permanent residential caravan site would be contrary to adopted plan policy.
7. In the interests of visual and residential amenity.
8. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.
10. To provide for the parking of vehicles clear of the highway and to ensure that reversing into or from the highway is rendered unnecessary on the interest of traffic safety.
11. To protect the integrity of the public sewerage system.
12. To prevent hydraulic overload of the public sewerage system and pollution of the

environment.

13. To ensure satisfactory drainage of the site and to avoid flooding.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.  
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).  
You are advised that a Site License will be required.

**ITEM NO:** 4

**WARD NO:** Rhyl South East

**APPLICATION NO:** 45/2009/1626/ PF

**PROPOSAL:** Demolition of existing workshop and erection of 2 no. detached, dwellings (1 no. 2 bedroomed and 1 no. 3 bedroomed units) (0.07 ha land)

**LOCATION:** Land at Merllyn Farm 23 Dyserth Road Rhyl

**APPLICANT:** Mr Hugh Jones

**CONSTRAINTS:** Article 4 Direction  
PD Removed  
CLB-Class B Road

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL – ‘No objections’.

WELSH WATER – No objection, subject to standard conditions regarding separate foul and surface water, with advisory notes.

COUNTRYSIDE COUNCIL FOR WALES – Following receipt of a protected species report, which indicates the absence of bats and nesting birds, no objections to the proposal

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

SENIOR BIODIVERSITY OFFICER – In responding to the protected species report, no objections, and suggests precautionary measures during bat or bird nesting season, and removal of the climbing plant outside nesting season.

HEAD OF TRANSPORT AND INFRASTRUCTURE - No objections subject to the inclusion of a condition, and standard notes.

COUNTY ARCHAEOLOGIST – At time of writing report, comments awaited.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
A. Gatley, 2, Merllyn House, Dyserth Road, Rhyl  
Mr. J. Rider, 1, Merllyn House, Dyserth Road, Rhyl  
Mr. R. Owen, 21, Dyserth Road, Rhyl (via e-mail)

Summary of planning based representations:

Highways and parking- additional access problems for Merllyn House, with potential reversing onto main road;

Amenity - overlooking onto rear gardens – should be no higher than height of existing workshop

Other points raised; demolition of the workshop should not affect current boundary details

**EXPIRY DATE OF APPLICATION: 26/05/2010**

**REASONS FOR DELAY IN DECISION (where applicable):**

- additional information required from applicant
- re-consultations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

The application is a full planning application involving the demolition of an existing workshop ( on northerly boundary ) and the erection of two, detached, two storey houses, using an existing vehicular access point off Dyserth Road. The site lies to the rear of existing residential properties along Dyserth Road. The extent of land and access driveway is 0.07ha.

The main part of the site is a rectangular area measuring 40 metres length by 13 metres to be sub – divided into two plots; unit two, on the easterly half, to include a three bedroomed unit, with parking space for two vehicles positioned alongside the existing vehicular to the site; unit 1 to the west, a two bedroomed unit, which proposes the use of an existing garage on the site with vehicular access obtained around the rear of unit two. To the north are the detached, single storey bungalows along Dyserth Road.

The proposal involves units with a footprint of 61.5 sqm for unit 2, with no first floor windows on the northerly elevation; and Unit 1 with a footprint of 59 sqm, also with no first floor windows on the northerly elevation. Limited garden areas are provided for each unit.

The application submission includes a Design and Access Statement (DAS) and a Protected Species survey. The DAS includes reference to accessibility; character; community safety; environmental sustainability; movement. The Protected Species survey confirms no bat presence in/outside the building, with the potential for occurrence low and provides precautionary recommendations and the inclusion of positive bat features. There is no evidence of barn owls or nesting birds.

Description of site and surroundings

The application site is accessed off a track from Dyserth Road which serves a total of two existing dwellings at the site. It was previously known as Merllyn Farm site.

The site is relatively level and includes 2 metre high walls to the west and northerly boundaries, with close boarded timber fencing along the remaining boundary. An existing workshop is located along the northerly boundary, constructed of brick and render walls with and pitched slate roof. Along the westerly boundary is a semi detached domestic garage and a detached, lean to corrugated log store building.

To the south of the site is a converted, detached two storey cottage ( No 25A ) , positioned some 2 m off the application site boundary, with both ground and first floor windows facing the application site. To the rear of and further south of 25A , is No 25, a relatively new dormer style dwelling. Surrounding developments, particularly along the southern half of Dyserth Road includes predominantly traditional character detached, bungalows set back from the highway edge, with modest sized gardens and detached garages.

### Relevant planning constraints/considerations

1.1.1 The site lies within the defined development boundary.

### 1.2 Relevant planning history

Outline planning permission was granted for a dwelling on part of the site in April 2007 under application code 45/2007/0984. The decision to grant was made against officer recommendation, officers concerns being the cramped nature of the development and adverse impacts on amenities of the adjacent property, No 25 A.

A full planning permission was granted for the development of a single dwelling in February 2008 (code 45/2007/0984/ PF).

Members should refer to the plan accompanying this report which outlines the relevant planning applications for the site.

### Developments/changes since the original submission

1.2.1 A 'Direction' was issued for the submission of a protected species survey. The report was submitted to the Local Planning Authority on the 1 April 2010.

### 1.3 Other relevant background information

1.3.1 A domestic garage is located on the south westerly corner of the site, as noted during the planning assessments for planning application codes 45/2007/0137/ PO and 45/2007/0894/PF

## **2. DETAILS OF PLANNING HISTORY:**

45/2007/0137/PO

Outline application for the erection of one detached dwelling:

This permission included a condition limited to a single-storey dwelling only, in order to protect the amenity of nearby residents and the character of the area.

Granted 18/04/ 2007

45/2007/0984/ PF

Demolition of existing workshop and garages and erection of detached dwelling

Granted 02/02/2008

Adjacent sites

45/607/99/PO

Development of 0.09ha of land by demolition of existing buildings and erection of 1 no. detached bungalow and detached garage ( outline application)

Granted 26/ 11/1999

45/2000/0720/PF – Demolition of existing buildings and erection of dormer bungalow

Granted 11/09/2000

45/2001/0309/PF – Renovation of former cottage and conversion of attached outbuildings to create 2 no. dwellings –

GRANTED – 7/12/2001

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 2- Development of un-annotated land

Policy GEN 6 Development Control Requirements

Policy ENV 6 – Species Protection  
Policy ENP 4- Foul and surface water drainage  
Policy HSG 2 - Housing development in main centres  
Policy TRA 6 – Impact of New Development on Traffic Flows  
Policy TRA 9 – Parking and Servicing Provision  
Policy ENV 1 – Protection of the Natural Environment  
Policy ENV 3 – Species Protection

### 3.1 Supplementary Planning Guidance

8 Access for All  
18 Nature Conservation and Species Protection  
22 Parking and Development  
25 Residential Development Guide

### GOVERNMENT GUIDANCE

Planning Policy Wales March 2002 and related MIPPS, TAN'S and circulars

### **MAIN PLANNING CONSIDERATIONS:**

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

- 3.2.1 Principle
- 3.2.2 Amenity impact
- 3.2.3 Highway impact
- 3.2.4 Protected Species

3.3 In relation to the main planning considerations:

#### 3.3.1 Principle

The application site is located within the defined settlement limit of Rhyl where the principle of residential development is considered acceptable, subject to compliance with all relevant policies in the UDP. An extant planning permission exists for a single dwelling on the site.

#### 3.3.2 Amenity impact

Policy GEN 6 and SPG 25 requires consideration be given to the amenities of proposed and existing residents. TAN 12 reinforces these considerations.

The current proposal involves two, full height two storey residential units with a floor to ridge height of 6.8 metres, with the majority of Unit 2 positioned in close proximity and along the majority of the front of the existing dwelling at number 25A. Having regard to the site area, the proximity of property No 25 a, and the proposed layout, it is clear that the current proposal provides only a limited curtilage area for each property, a cramped layout arrangement, and the potential for direct overlooking into No 25 in particular. The distance between the respective main elevations of Unit 2 and No. 25A scales off the plans at 9 metres meaning main habitable room windows would directly face one another at very close quarters. The standard 'window to window' distance sought by the authority in these circumstances could be 21 metres. These distances give rise to concerns similar to those voiced in the planning officer's previous planning assessment under code 45/2007/0984/ PF, and as the current scheme involves a more intense development of two units, officers would again express the opinion that the proposals are unacceptable on basic amenity grounds.

It is considered that the proposal fails to comply with planning policy GEN 6, criteria (i) (ii) (v) and SPG 25, together with TAN 12.

#### Highway Impact

Policies GEN 6; TRA 9 Parking and Servicing ; TRA 6 Impact of New

Development on Traffic Flows require regard to highway conditions and parking provision.

The Head of Highways and Transport raises no objection to the proposal and considers that a condition regarding parking and turning should be imposed.

#### Protected Species

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impacts on nature conservation and protected species, as covered in policies ENV 1, ENV 3 and GEN 6, as supplemented by SPG 18. Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence should be established before a grant of planning permission.

As confirmed by the responses of both the Countryside Council for Wales and County Ecologist, the species report submitted conclude that there are no protected species currently on site.

Subject to a suitable condition to provide positive bat enhancement design features, and notes highlighting the need for a precautionary approach in the event of a bats presence and nesting birds, the proposal is considered to comply with the policies and guidance in relation to protected species.

#### **4. SUMMARY AND CONCLUSIONS:**

Having regard to the relationship with the adjoining properties , it is considered that the proposal fails to satisfy GEN 6, criteria (i) (ii) ( v) and SPG 25, together with TAN 12, and is therefore unacceptable.

#### **RECOMMENDATION: - REFUSE** for the following reason:-

1. The Local Planning Authority considers that the development, involving the erection of two (2 no.) two storey dwellinghouses, would by virtue of the proposed siting, layout and design, result in a cramped form of development, out of character with surrounding residential properties and detrimental to the amenity of the existing property, 25a Merllyn Farm, and the general character of the area. Furthermore, the proposal would create a dominant and intrusive form of development, likely to cause an overbearing and dominant effect, and would create the potential for direct overlooking into the habitable rooms of 25a Merllyn, thereby adversely affecting the level of amenities and privacy currently enjoyed by occupiers of the property. The proposal is therefore in conflict with Denbighshire Unitary Development Plan Policy GEN 6 criteria i and ii, and iv , together with SPG 25, and TAN 12, the aims of which are to ensure that development respects the site and surroundings and provides satisfactory amenity standards.

#### **NOTES TO APPLICANT:**

None

**ITEM NO:** 5

**WARD NO:** Denbigh Central

**APPLICATION NO:** 01/2010/0309/ PF

**PROPOSAL:** Change of use from off licence to fast food takeaway

**LOCATION:** Booze Busters 108 Vale Street Denbigh

**APPLICANT:** Mr Fotik Miah

**CONSTRAINTS:** Town Heritage Area  
Conservation Area  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

DENBIGH TOWN COUNCIL-

'The Council does not wish to raise any objections to the application'.

DCC CONSULTEE RESPONSES

PUBLIC PROTECTION AND POLLUTION CONTROL

No objection, subject to clarification of details.

PUBLIC PROTECTION LICENSING

The existing 'off licence' licence should be surrendered if change of use is implemented.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

C. Jones, 106, Vale Street, Denbigh (via e-mail)

Summary of planning based representations:

Concerns over residential amenity impact of proposal.

Concerns over highway safety impact of proposal, particularly relating to parking problems.

**EXPIRY DATE OF APPLICATION: 09/05/2010****REASONS FOR DELAY IN DECISION (where applicable):**

- Additional information required from applicant

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The application proposes change of use from an existing A1 shop to an A3 hot food takeaway at 108 Vale Street in Denbigh. No external changes are proposed; internally the existing shop floor area is proposed to be reduced in size to accommodate an open kitchen area, with a reception/waiting area to the front of the unit.
- 1.1.2 Limited information has been submitted with the change of use application, which consists of basic floor plans, a front elevation and a Design and Access Statement. The planning application forms indicate that three staff are proposed to be employed, and the desired opening hours would be from 1700hrs to 2300hrs daily.

#### 1.2 Description of site and surroundings

- 1.2.1 No. 108 is located to the east of Denbigh Town Centre, on the southern side of Vale Street, immediate opposite the junction with Station Road.
- 1.2.2 Formally occupied by 'Booze Buster' as an off licence, the A1 shop is now vacant. Although set slightly forward of the attached unit, it forms the eastern side of a semi-detached unit. The attached unit is occupied by a physiotherapists practice. There is access to the rear of the site via a private lane, which abuts the eastern side of the shop. This access also serves a dwelling 108b Vale Street to the south of a yard area.
- 1.2.3 To the west and east the adjacent units are commercial premises, i.e. the physiotherapists to the west and a newsagent to the east. Further east and west the area is mainly residential with a butchers shop at no. 120 and post office at no.124 and the Hope and Anchor public house at no. 94.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary and forms part of the extended Denbigh Conservation Area.

#### 1.4 Relevant planning history

- 1.4.1 There is no relevant planning history on this or the attached unit.

#### 1.5 Other relevant background information

- 1.5.1 Cllr Kensler has requested that this application is considered by Planning Committee, to allow considerations of local concerns on over-intensification of takeaways in this area, the impact on the character of the area which is predominantly residential and the residential amenity impact as there are residential uses over the proposed unit.

### **2. DETAILS OF PLANNING HISTORY:**

- 2.1 None

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 - Development Control Requirements  
Policy CON 5 - Development within Conservation Areas  
Policy RET 16 - Food & Drink - Hot Food Take-aways  
Policy TRA 6 - Impact of New Development on Traffic Flows.

3.1 Supplementary Planning Guidance  
Supplementary Planning Guidance Note No. 11 Hot Food Takeaways

### 3.2 GOVERNMENT GUIDANCE

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Clustering / Retail Impact
- 4.1.3 Visual Impact
- 4.1.4 Residential Amenity Impact
- 4.1.5 Highways Safety Impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is outside the defined town centre and has no specific allocation within the Unitary Development Plan. Policy RET 16 refers specifically to hot food take-aways, and permits take-aways provided that the proposal is within a town/district centre, does not result in a clustering of such uses, out of keeping with the surrounding area, would not result in an unacceptable effect on residential amenity by virtue of noise, disturbance, fumes and late night activity, would not result in unsatisfactory traffic movements and incorporates a suitably designed shopfront. Similarly policy GEN 6 recognises that development needs to be considered against amenity, environmental, highway and parking impacts, including where the principle is acceptable. These impacts will now be considered below.

4.2.2 Clustering / retail impact

Policy RET 16 refers to clustering of A3 uses, and is explored further in SPG Note No.11. Considering the proposal is adjacent to an A1 Newsagents and Physiotherapists, clearly there is not a cluster or concentration of A3 uses in this location. Whilst it would be desirable to retain a mix of retail uses on the eastern end of Vale Street, in the absence of a policy presumption against A3 uses, Officers would suggest this type of application is difficult to resist. In terms of wider A3 uses whilst there is an A3 public house at No. 94 and A3 public house and Chinese takeaway further east at the junction of Vale Street and Rhyl Road, it would be difficult to argue there is a 'clustering' issue with distances of 70m and 80m from the application premises.

4.2.3 Impact on visual amenity

Policy RET 16 refers to proposals for change of use having 'suitability designed' shopfronts. The visual impact of development is also mentioned in the criteria of GEN 6. Policy CON 5 is also relevant as the site is located within the Conservation area, and seeks to ensure that developments cause no harm to the conservation area. Given that there are no external changes proposed, the application can not be adjudged to cause any harm to the area. However in the interests of improving this area of Vale Street, which is located in the extended Conservation Area, a condition can be attached requiring details of any changes to the shopfront to be approved.

4.2.4 Impact on residential amenity

Policy RET 16 states proposals will be permitted where there is no unacceptable impact on residential amenity, as they can involve increased activity, particularly at unsociable hours. Policy GEN 6 also refers to the assessment of residential amenity impact of proposals. The Applicant has indicated his preferred opening hours would be from late afternoon to evening, i.e. 1700hrs until 2300hrs. In assessing the residential amenity

impact of the proposed use the hours of operation have to be considered. In this edge of centre location where there is a public house within 70-80 metres it would not be unusual to have some activity until midnight. Therefore in the absence of evidence to suggest otherwise it would be difficult to resist the development on the basis of a residential amenity impact. Whilst the submitted details contain no information to assess the smell issue, a condition can be attached to ensure a suitable extraction system is provided.

#### 4.2.5 Highway Safety

Policy RET 16 and Policy GEN 6 refer to the impact of development on the local highway network. The proposal is located in a town centre location where there is on-street parking on the southern side of the highway, close to the premises, and further parking on the opposite side. Considering the potential of the existing use for traffic generation, the parking availability in the area and proposed hours of operation, Officers believe the proposal is unlikely to impact adversely on the local highway network.

### 5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered acceptable under the terms of the relevant policies and is therefore recommended for grant subject to conditions relating to shop front details, hours of operation and extraction system details.

**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 premises shall not be open to customers outside the following times and days:  
1100 hours to 2300 hours Monday to Sunday inclusive
3. The premises shall not be permitted to open for trade other than when a system of fume extraction is in operation, the system to be strictly in accordance with detailed plans to be submitted to and approved in writing by the Local Planning Authority.
4. Specific provision shall be made at all times when the shop is open for the disposal of litter by customers in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the commencement of the use of the premises, equipment for the treatment and extraction of fumes and smells resulting from the preparation and cooking of food shall be installed in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Following its installation, the equipment shall be operated whenever preparation and/or cooking of food is taking place.
6. No alterations shall be made to the shop front unless detailed scaled plans and elevations (1:20 scale) have been submitted to and approved in writing by the Local Planning Authority showing the proposed frame material, finish and sectional profile, the subdivision of the fixed lights and method of opening the windows, the nature of the glazing, details of the beading and puttying, and the extent of recess of the frames in the openings.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of amenity of occupiers of neighbouring properties.
3. In the interests of amenity.
4. In the interests of amenity.
5. In the interests of amenity.
6. To ensure any alterations to the shop front respect the character of the existing building and Conservation Area.

**NOTES TO APPLICANT:** None

**ITEM NO:** 6

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2010/0462/ PF

**PROPOSAL:** Erection of two storey pitched roof extension to side, single storey pitched roof extension to rear and pitched roof over existing garage

**LOCATION:** 4 The Park Ruthin

**APPLICANT:** Mr Jason Williams

**CONSTRAINTS:**

**PUBLICITY** Site Notice - No

**UNDERTAKEN:** Press Notice - No  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**  
RUTHIN TOWN COUNCIL- No objection

**RESPONSE TO PUBLICITY:**  
Letters of representation received from:  
Mr. & Mrs. J. Jones, Minffordd, Denbigh Road, Ruthin  
Miss. A. Williams, Ferndale, Denbigh Road, Ruthin  
Mr. R.C. & Mrs. A. Williams, 5, The Park, Ruthin  
Mr. M. Hession, Agincourt, 3, The Park, Denbigh Road, Ruthin

Summary of planning based representations:  
Concerns over visual impact of extension, impact on character of the area.  
Adverse impact on residential amenity of adjacent occupiers.

**EXPIRY DATE OF APPLICATION: 13/06/2010**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application proposes alterations and extensions to 4 The Park, Denbigh Road, Ruthin. On the western side, the extension would be set back from the main front wall by 0.4m and the extension would be 2.4m in width, single storey for the first 2.2m, rising to two storey for the remaining 7m towards the rear garden. On the eastern side a pitched roof is proposed over the existing flat roof garage, to run through to the rear, covering an extension projecting 4m out from the garage.
- 1.1.2 The main door entrance is proposed to be relocated to the front of the dwelling from the eastern side. Windows are proposed on the front and rear of the extensions, with side windows to serve a wc/shower and en suite. All materials are proposed to match the existing.
- 1.1.3 The extensions are proposed to provide a hall, wc, utility with an additional bedroom and en suite on the western side. To the east the extension comprises an extended kitchen/living room.

## 1.2 Description of site and surroundings

- 1.2.1 No. 4 The Park is a semi-detached dwelling, attached to No. 4 on the south by a single storey garage. No. 4 is one of 10 similar dwellings on the south of the Park Estate fronting Denbigh Road.
- 1.2.2 The dwelling is bounded by a panel fence and established landscaping. There is a small enclosed garden to the rear and a parking area and garden area to the front.
- 1.2.3 The Park Estate is located on the northern side of the A525 Denbigh Road to the west of Ruthin town centre. It is a predominantly residential area with a mix of dwelling types and styles.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary; there are no other planning constraints.

## 1.4 Relevant planning history

- 1.4.1 There is no planning history on this site.

## 1.5 Other relevant background information

- 1.5.1 The application is reported to Planning Committee as four objections have been received.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 None

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

- Policy GEN 6 Development Control Requirements
- Policy HSG 12 Extensions to Dwellings

### 3.2 Supplementary Planning Guidance

- SPG Note No. 1 Extensions to Dwellings
- SPG Note No. 24 Householder Development Design Guide

### 3.3 GOVERNMENT GUIDANCE

## **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 impact

4.2 In relation to the main planning considerations:

### 4.2.1 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.

### 4.2.2 Impact on visual amenity

Policy HSG 12 requires extensions to be subordinate and in keeping with the

character of the original dwelling; this advice is reiterated in Supplementary Planning Guidance Note No. 1.

The proposed west extension would be set back from the front wall and project no further into the rear garden than the existing rear wall. The ridge on the extension would be set below the existing ridge. The ridge on the eastern side extension would be set slightly below the eaves of the main part of the house. Materials are proposed to match the existing. These elements are considered in keeping with the design guidance set out in SPG No. 1, which aims to preserve the original character of a dwelling by ensuring extensions do not appear over-dominant in the context of the dwelling.

Whilst the 10 dwellings on the southern side of the Park Estate are of a similar design, some of these 1970's style dwellings have been altered in various ways, for example by the addition of extensions to the rear and use of existing external materials. In the wider area there is a mix of dwelling styles and types, therefore there is no locally distinctive design or pattern of development which would set this proposal at odds with the character of the development.

#### 4.2.3 Residential Amenity

Criterion iii) of policy HSG 12 refers to the requirement for development proposals to respect amenity standards of the area; this advice is reiterated in Supplementary Planning Guidance Note No. 1.

The attached dwelling at No. 3 The Park has a balcony over the garage and there is a window on the side elevation of the main dwelling which is obscure glazed. It is not considered that the proposed pitched roof over the garage and single storey extension will impact on the amenity of the occupiers of No. 3 The Park.

There is a side window on the east of No. 5 The Park, which serves a hall; this window is located halfway along the side elevation between ground and first floor level. There would be a distance of 1.2m from the side elevation of No. 5 to the extension. As the two storey element of the extension is set back 2.6m from the frontage it is not considered that the proposal will have a significantly greater impact on the amenity enjoyed at No. 5 by loss of light or overbearing impact than existing.

As the extension projects no further to the rear of the dwelling it is considered that the proposal would not impact on the amenity of the occupiers to the rear, as separation distances remain as existing.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable and within the terms of the relevant policies 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.

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

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

**NOTES TO APPLICANT:**

None

**ITEM NO:** 7

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2009/1051/ PF

**PROPOSAL:** Change of use of outbuilding to form holiday cottage and construction of new vehicular access

**LOCATION:** 2 Bryn Goleu Berwyn Llangollen

**APPLICANT:** Mr Robert Eames

**CONSTRAINTS:** World Heritage Site Buffer  
Within 67m Of Trunk Road  
Canal Consultation Zone

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

**CONSULTATION RESPONSES:****LLANGOLLEN TOWN COUNCIL-**

'Members objected to this application on the basis that the proposed conversion is far more extensive than a mere change of use and that this application should be considered more of a major conversion'.

**BRITISH WATERWAYS-**

No objections.

**CADW (ANCIENT MONUMENTS ADMINISTRATION)-**

CADW considers that the proposed change of use and new vehicular access is too small a scale to constitute any adverse impact on the World Heritage Site and therefore have no comment to make.

**COUNTRYSIDE COUNCIL FOR WALES (CCW)-**

No objection.

**WELSH ASSEMBLY GOVERNMENT TRANSPORT & STRATEGIC REGENERATION DEPARTMENT-**

No comments.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES-****BIODIVERSITY OFFICER-**

No objection.

**BUILDING CONTROL OFFICER-**

Building is capable of conversion.

**CONSERVATION ARCHITECT-**

No objection, subject to conditions.

**COUNTY ARCHEALOGIST-**

No objection.

**HEAD OF TRANSPORT AND INFRASTRUCTURE-**

No objection, subject to conditions.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
Mr. W. Best, Plas yn Vivod, Llangollen (via e-mail)

Summary of planning based representations:  
Concerns over impact on private water supply.

**EXPIRY DATE OF APPLICATION: 17/05/2010**

**REASONS FOR DELAY IN DECISION (where applicable):**

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

**PLANNING ASSESSMENT:****1. THE PROPOSAL:****1.1 Summary of proposals**

- 1.1.1 The application proposes change of use and conversion of an ancillary building to the east of no. 2 Bryn Goleu to holiday accommodation with associated off road parking. Alterations proposed to facilitate the conversion to a one bedroom holiday cottage, comprise of the infilling of a set back section on the front elevation and the installation of three internal partition walls. Externally an existing double door is proposed to be replaced by French doors.
- 1.1.2 Off road parking is proposed to the north west of the building, as this area is slightly lower than the building, a retaining wall and stairway with railings is proposed. Parking and turning is provided for two vehicles. A 2 metre high gateway is proposed at the access point with a hedge bounding the site on all sides.

**1.2 Description of site and surroundings**

- 1.2.1 The site is located to the west of Llangollen, in an area known as Berwyn. The site is accessed off a minor road, which runs parallel to the A5 on its southern side. Immediately opposite the site on the northern side of the A5 at a lower level is the Chain Bridge and Llangollen Canal.
- 1.2.2 Bryn Goleu comprises a terrace of two storey rendered dwellings. No. 2 is on the eastern end. Either side of the site is open agricultural land. The ancillary building is brick built with a slate roof and set slightly back from the front of no. 2 on a slightly higher level.

**1.3 Relevant planning constraints/considerations**

- 1.3.1 The site is located in the open countryside, outside of any defined development boundary. It is an Area of Outstanding Beauty (AOB) and within the buffer zone of the world heritage site of the Pontcysyllte Aqueduct and Llangollen Canal .

**1.4 Relevant planning history**

- 1.4.1 None

**1.5 Developments/changes since the original submission**

- 1.5.1 This application has been amended on the advice of Officers since its original submission to reduce the scale of changes to the building to facilitate the

conversion.

## **2. DETAILS OF PLANNING HISTORY:**

2.1 None

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 3 - Development outside development boundaries  
Policy ENV 1 - Protection of the Natural Environment  
Policy ENV 6 - Species Protection  
Policy ENV 2 - Development affecting the AONB/ AOB  
Policy GEN 6 - Development control requirements  
Policy TSM 15 - Self-serviced holiday accommodation

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note 16 – Conversions of Rural Buildings

3.2 GOVERNMENT GUIDANCE

## **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 impact
- 4.1.4 Highway safety impact
- 4.1.5 Ecology impact

4.2 In relation to the main planning considerations:

### 4.2.1 Principle

Policy GEN 3 relates to new development in the open countryside, and restricts development other than for specific exceptions. One of the exceptions relates to tourism development in the open countryside which may be acceptable subject to compliance with TSM 15. The primary objective of policy TSM 15 relates to the reuse of existing buildings for tourism uses. The remaining criteria of policy TSM 15 relate to the structural stability of the building, the retention of the character of the building and building group, the capability of the highway network to cater for the development, satisfactory standards of accommodation are provided and finally that the number of units does not represent an over-development of the site.

### 4.2.2 Visual and landscape impact

The main policy that refers to scale, landscape and visual impact is GEN 6. Policy TSM 15 also refers to the character of the buildings and area. In terms of visual appearance, the proposal would retain the scale and form of the building, with minimal alterations to facilitate the conversion, which is in line with the general thrust of policy TSM 15.

As the site is located within the buffer zone of the World Heritage Site, the visual impact of the development in the context of the Canal must also be considered. The site is located some distance from the actual canal, albeit on a more elevated site, and the scale of the development is relatively small and confined to an existing site and building. The proposals are unlikely to conflict with the aim of controlling new development in the buffer zone. A condition can be attached to control the detailing of the retaining wall and railings as per the Conservation Officer's response.

The site is also located in the AOB where developments should not prejudice the future designation as an AONB, as above. With respect to the Town Council comments, the extent of works to the building would be relatively minor here, and it is not considered the proposals would impact adversely on the Area of Outstanding Beauty.

#### 4.2.3 Residential amenity impact

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development; policy TSM 9 also refers to accommodation standards and the need to assess amenity impacts of tourism development. The outbuilding is located to the east of the dwelling no. 2; the dwelling enjoys a private garden area immediately to its southern and eastern side. Owing to the spacing and window arrangements there will be no adverse impact on with existing occupiers by virtue of loss of amenity or overlooking. It is not considered that the impact of noise and disturbance or comings and goings of either occupier would be excessive owing to the scale of each use, i.e. the average size dwelling and one bed holiday let and the provision of the proposed parking area. There is adequate space around the site to allow for ample amenity areas for both uses.

#### 4.2.4 Highway safety impact

Policy GEN 6 criterion (vii) permits development where it does not have an unacceptable effect on the local highway network. The application proposes off road parking for the holiday cottage, which owing to the width of the minor access road is imperative. A condition can be attached to ensure a parking area is retained and maintained for the holiday cottage.

#### 4.2.5 Ecology impact

In terms of ecology, Policies ENV 1, ENV 6 and GEN 6 oblige due consideration of wildlife impacts. A bat and bird survey has been carried out to ascertain if protected species are present in the outbuilding. The survey found no evidence of bats in the outbuilding therefore no recommendations were necessary for bat mitigation. A swallow's nest was found so it is recommended no work be carried out until after the breeding season to ensure no breeding birds are disturbed. The Biodiversity Officer and CCW are satisfied with the results of the survey and notes can be attached as per the Biodiversity Officer's recommendations.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered acceptable under the terms of the relevant policies 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 occupancy of the holiday accommodation shall not be used as a sole or main unit of living accommodation.
3. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
4. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
5. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until there has been submitted to, and approved in writing

by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment.

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

7. Notwithstanding the approved plans, the retaining wall shall not be as shown but shall be finished in natural stone facing, prior to the erection of the retaining walls or installation of any railings; and the design, materials and height of the wall and railings shall be approved in writing by the Local Planning Authority. The wall and railings shall be erected in accordance with the approved details and maintained and retained 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. The unit would not be suitable for full-time occupancy.
3. In the interests of visual amenity.
4. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. As the site is located in the World Heritage Site Buffer Zone, in the interest of visual amenity.

#### **NOTES TO APPLICANT:**

##### **Ecology Note**

The Biodiversity Officer has advised your attention should be drawn to the following: Although the survey recorded no evidence of bats, you are reminded of the following precautionary recommendations for good working practice, as bats may still be found due to the location of the site and as most buildings offer potential for over-wintering and single seasonal occupancy for individual bats:

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

immediately and further advice sought from a licensed bat worker.

Please ensure the recommendations in section 4 of the report are incorporated, these relate to the installation of bat and bird friendly features into the conversion as a positive conservation measure.

Finally, as swallow and sparrow nests were recorded work will need to avoid the bird nesting season (March to September) and compensation for lost nests will need to be provided within the conversion.

<b>ITEM NO:</b>	8
<b>WARD NO:</b>	Llanbedr Dyffryn Clwyd / Llangynhafal
<b>APPLICATION NO:</b>	16/2010/0143/ PR
<b>PROPOSAL:</b>	Details of siting, design, external appearance, access and landscaping of 1 no. dwelling submitted in accordance with condition no.1 of outline permission code 16/2009/1226
<b>LOCATION:</b>	Plot Of Land To Front Of Bryn Melyn Llanbedr Dyffryn Clwyd Ruthin
<b>APPLICANT:</b>	Mr Lyn Evans
<b>CONSTRAINTS:</b>	Within 67m Of Trunk Road 250m Of Landfill Site Groundwater Vulnerability 1 AONB
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - No Press Notice - No Neighbour letters - Yes

**CONSULTATION RESPONSES:****LLANBEDR DC COMMUNITY COUNCIL-**

"Main points of concern are; the proposed size of the dwelling is too large for this plot of land, this property being quite high will overlook the next property resulting in the loss of their privacy and light, is of insufficient distance and therefore will have a detrimental impact on the amenity of the neighbouring dwelling, in heavy rains the drains on the A494 will increase the volume of run off water and the proximity of the proposed soakaway would cause dirty water to enter and contaminate the watercourses".

**WELSH ASSEMBLY TRANSPORT & STRATEGIC REGENERATION TRUNK ROADS-**

Direction not issued on the basis that there is no increase in traffic. Recommend condition to keep visibility splays clear.

**DWR CYMRU WELSH WATER-**

No objection, subject to notes.

**AONB JAC-**

'The JAC welcomes the proposed additional landscaping and lowered ground floor levels which will help reduce the visual impact of the new dwelling on its surroundings. The JAC also supports the revised roof design in principle; but considers that the appearance would be improved if the pitch were increased. The dwelling should also be roofed with natural blue/grey slate. The JAC still considered the external appearance, particularly the south and west elevations, to be not well resolved, but notes that these details will have little impact on the wider landscape'.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**DCC HEAD OF TRANSPORT & INTRASTRUCTURE-** No objection, recommend previous conditions concerning the access off the trunk road be reiterated.

## **RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr. W. Hughes (via e-mail)

Mr. C. Pole, California, Llanbedr D.C. (via e-mail)

Mr. A. Garratt, Tan y Ffordd Cottage, Llanbedr D.C. (via e-mail)

Summary of planning based representations:

Concerns over accuracy of the plans.

Overdevelopment of the site.

Detrimental impact on the AONB.

Detrimental impact on amenity of adjacent occupiers.

Impact on the access road, decreased width leading to restricted access.

Highway safety issues with existing access onto trunk road.

**EXPIRY DATE OF APPLICATION: 26/05/2010**

## **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:**

### **1. THE PROPOSAL:**

#### 5.1 Summary of proposals

The application seeks approval of reserved matters details for the development of land at Bryn Melyn, Llanbedr DC. A two storey dwelling with integral garage is proposed to be sited centrally on the site with amenity space to the front and rear. The site levels will be reduced to accommodate the dwelling and reduce its overall height relative to surrounding property.

The proposed dwelling would be orientated in a north south direction on the site; and a heavily glazed gable is proposed to front the A494. It would have an overall height of 7.5m, width of 8.5m and depth of 15m. Windows are proposed on all elevations. The integral garage is proposed on the western side towards the rear of the dwelling, a lean-to slate porch is proposed over the garage door, and ground floor entrance to the dwelling. Materials proposed are smooth render and slate roof.

The application includes the blocking up of the entrance from the dwelling Bryn Melyn to the access road onto the A494, obliging Bryn Melyn to be accessed off the Tan Y Bryn Estate road to the west, and the new dwelling proposed to be accessed off the access road onto the A494 (all as required by the outline consent).

#### 5.2 Description of site and surroundings

The site forms part of the garden area of Bryn Melyn and is located to the east of the access road serving Bryn Melyn and three adjacent dwellings. The site slopes gently down from the north to the A494, and is bounded by an established hedge of Leylandii to the east and a stone wall to the south, with open boundaries to the north and west. There is a mix of dwelling styles and sizes in this area, with recently constructed modern dwellings to the west of the site along the A494. The access road meets the A494 at the southern end of the site.

#### 5.3 Relevant planning constraints/considerations

The site is located within the development boundary of Llanbedr DC, and the designated AONB.

#### 5.4 Relevant planning history

The application seeks the reserved matters approval of code ref. 19/2009/1226, which was granted outline planning permission on the 25 November 2009. There was a previous application on the site which was refused owing to access issues, which were resolved with the most recent outline approval.

#### 5.5 Developments/changes since the original submission

5.5.1 Some elements of the scheme including the design of the proposed dwelling have been amended following discussion with Officers and receipt of the AONB JAC feedback.

### 6. **DETAILS OF PLANNING HISTORY:**

- 6.1 16/2009/1226 Development of 0.08 ha of land by the erection of a dwelling (outline application - all matters reserved) Granted 25/09/2009. This application was granted by Planning Committee.
- 6.2 16/2008/1226 Development of 0.09 ha of land by the erection of a dwelling (outline application - all matters reserved) Refused 29/09/2009 owing to access issues. The application was refused by Officers under delegated powers.
- 6.3 16/2001/1247 development of 0.1ha of land by the erection of 1 no. dwelling. (outline application) Refused 06/02/02 owing to access issues. The application was refused by Officers under delegated powers.

### 7. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 7.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 1 Development within Development Boundaries
  - Policy GEN 6 Development Control Requirements
  - Policy TRA 6 Impact of New Development on Traffic Flows
  - Policy ENV 2 Development in the AONB

#### 7.2 GOVERNMENT GUIDANCE

### 8. **MAIN PLANNING CONSIDERATIONS:**

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

- 8.1.1 Principle
- 8.1.2 Visual and landscape impact
- 8.1.3 Residential amenity
- 8.1.4 Highway safety

8.2 In relation to the main planning considerations:

#### 8.2.1 Principle

In this case the principle of the proposal has been established in the outline permission granted in November 2009. The site is within the development boundary of Llanbedr where the principle of new residential development is generally acceptable.

This application relates solely to the assessment of the reserved matters of siting, design, external appearance, landscaping and access. Policy GEN 6 must be applied to assess these reserved matters, the main issues considered under this policy area set out below. ENV 2 relates to development in the AONB and states development affecting the area of outstanding beauty will only be permitted where it would not unacceptably harm the character and appearance of the landscape and area.

#### 8.2.2 Impact on visual amenity

Policy GEN 6 contains general considerations to be given to the impacts of new development. The proposed dwelling would be set back from the road by 15m, which is comparable to surrounding plots (California 25m, White House 10m, Cae Fron 15m). As a lower ground level is proposed for the dwelling, this will enable it to blend better into the site and not appear visually obtrusive.

The proposed design takes account of the narrowness of the site by orientating the dwelling north to south. The gable detailing on the front of the dwelling is not dissimilar to the adjacent dwelling California; likewise the materials, overhanging roofs/fascias and large glazed sections are common features of some of the more modern dwellings in the village.

The application has been amended following discussion with the AONB Committee; their most recent comments have been addressed by adding a steeper pitch to the roof and a lean-to porch on the side elevation. It is noted that the AONB Committee are not opposed to the principle of the development of the site, and concur with Officers whose opinion is that the development of this site, which is part of the village of Llanbedr will in no way conflict with the overall landscape quality and character of the AONB area.

#### 8.2.3 Impact on residential amenity

Policy GEN 6 sets specific tests to be applied to amenity impacts of development. Owing to the siting and orientation of the dwelling, it can be accommodated on the site with adequate amenity space for proposed occupiers and spacing between it and adjacent dwellings.

#### 8.2.4 Impact on highway safety

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.

The access issues were discussed and resolved in the consideration of the outline application. The access from Bryn Melyn to the A494 will be closed, obliging Bryn Melyn to be accessed solely from the Tan Y Bryn estate to the west. The proposed dwelling would use the access onto the A494. As Bryn Melyn would no longer be using this access, there would be no increase in the level of use of the trunk road access.

### 9. SUMMARY AND CONCLUSIONS:

- 9.1 The principle of the development of the site has been established. This application seeks approval of the reserved matters which are considered acceptable within the terms of the relevant policies.

**RECOMMENDATION: - APPROVE** subject to the following conditions:-

1. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
2. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1

metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

3. No development shall commence on the dwelling hereby approved until the existing access from Bryn Melyn to the A494 has been closed in accordance with the approved plans and there shall be no access from that property to the trunk road at any time thereafter.

4. The existing visibility splays along the site frontage shall be maintained clear of any object or vegetation greater than 1.05m in height above the adjoining carriageway.

5. **PRE-COMMENCEMENT**

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

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

1. To ensure a satisfactory standard of development, in the interests of visual amenity.
2. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
3. In the interest of highway safety to prevent additional users of a substandard access onto the A494.
4. In the interest of highway safety.
5. In the interests of visual amenity.

**NOTES TO APPLICANT:**

You are advised to contact Mike Rodgers of the Major Projects Group of the Local Planning Authority on 01824 706904 to discuss the development of the site, as it has been noted that a land / highway drainage system may be present on the site. Alternately you may wish to discuss this issue directly with the Welsh Assembly Truck Roads Section who are the land drainage authority in this case.

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**PLANNING INQUIRY**

**CHANGE OF USE OF LAND BY THE SITING OF 21 TIMBER CLAD HOLIDAY  
CARAVANS (LODGES) AND ASSOCIATED WORKS**

**CLWYD LOFTS, UPPER DENBIGH ROAD, ST. ASAPH**

**1. PURPOSE OF REPORT**

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

**2. BACKGROUND**

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to grant planning permission in December 2009 for a holiday caravan development at a site on the outskirts of St. Asaph.
- 2.2 The application was the subject of a site inspection panel meeting and was reported to the Planning Committee on the 16<sup>th</sup> December 2009. The officer recommendation was to GRANT planning permission. The Committee resolved to REFUSE permission for the following reasons:-

"1. In the opinion of the local planning authority, the holiday lodge development would have an unacceptable impact on the landscape and visual amenity in this location within a Local Landscape Area on the edge of the historic city of St Asaph, contrary to strategic and detailed policies of the Denbighshire Unitary Development Plan (in particular STRAT 1, 6, 7; ENV 2 and 3, TSM 9 and GEN 6), Supplementary Planning Guidance Note 20 - Static Caravan and Chalet Development, and guidance in Planning Policy : Wales.

2. The proposed development is considered likely to give rise to additional vehicular and pedestrian movements close to existing residential properties near the entrance onto Upper Denbigh Road, and would generate unacceptable levels of disturbance adversely impacting on the amenities of occupiers, contrary to Policies STRAT 5, STRAT 7 and STRAT 9 and GEN 6 of the Denbighshire Unitary Development Plan".

- 2.3 The resolution to refuse permission was proposed by Councillor Dewi Owen and seconded by Councillor Diana Hannam.
- 2.4 The formal Certificate of Decision was dated 16<sup>th</sup> December 2010.
- 2.5 The Planning Inspectorate notified the Council on the 20<sup>th</sup> May 2010 that the appeal will proceed and will be dealt with at a Public Inquiry.
- 2.6 The Council's Statement of Case on the appeal has to be sent to the Planning Inspectorate by 1<sup>st</sup> July 2010. The start date for the Inquiry is the 7<sup>th</sup> September 2010, and it is scheduled to last 3 days.

### **3. DECISION**

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

Paragraph 8.3 states:

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

- 3.2 In this instance, as the appeal is to be dealt with at a Public Inquiry, officers would seek Members' authorization to engage a planning consultant to front the Council's case and to co-ordinate with Members in the presentation of evidence for the Inquiry.

### **4. RECOMMENDATION**

- 4.1 That the Planning Committee appoints two representatives to work alongside a planning consultant in the preparation and presentation of the Council's case.

**GRAHAM H. BOASE  
HEAD OF PLANNING & PUBLIC PROTECTION**