

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 28<sup>ain</sup> Gorffennaf 2010**  
**Eitem: 2**

**PLANNING COMMITTEE**  
**MEETING – 28<sup>th</sup> July 2010**  
**Agenda Item: 2**

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

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

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

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

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

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

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

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

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

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Enforcement Item  
Unauthorised  
Dolafon, St Asaph Road , St Asaph

**ITEM NO:** 1

**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.

**DCC CONSULTEE RESPONSES-****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 two-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.

1.5.2 This application was deferred from consideration at the last Planning Committee to enable a site panel to be undertaken. The Agent was also invited to submit additional plans showing site levels and parking/manoeuvring arrangements. At the time of writing this report further plans are awaited.

## **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 criteria (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.

**ITEM NO:** 2

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2010/0682/ PF

**PROPOSAL:** Use of space in completed basement of Plas Derwen for 1 no. apartment and creation of 2 no. external parking spaces to provide a total of 35 spaces to serve 21 apartments

**LOCATION:** Plas Derwen Abbey Road Llangollen

**APPLICANT:** Belgrave Homes (Llangollen) Ltd.

**CONSTRAINTS:** World Heritage Site Buffer  
Canal Consultation Zone

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

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

"Members once again raised objections to this application on the basis that this would still mean a reduction in overall parking spaces in a development where it was most likely to require additional parking to that already provided and that it could lead to visitors' vehicles being parked on Abbey Road which can cause serious congestion problems".

**LLANGOLLEN CIVIC SOCIETY**

Oppose the application.

No windows in two rooms of the apartment, requires more electricity consumption. Parking spaces outside the buildings would create an eyesore, being raised so high above road level. Apartments are likely to house 2 car families, meaning parking space will be at a premium, and once one car is parked outside the building, others, with a lack of space inside, will simply be encouraged to park on the access road. Until landscaping details in connection with the treatment tank have been submitted and approved, no external parking should be allowed.

**BRITISH WATERWAYS**

No objections.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES****CONSERVATION ARCHITECT**

Response awaited. Previously advised that the setting of Fron Deg (nearby Listed Building) is unaffected, and that external alterations would have no impact on the setting of the World Heritage Site.

**ARCHAEOLOGIST**

No comments.

**HEAD OF TRANSPORT & INFRASTRUCTURE**

Application is a variation to a similar one where officers raised no objection. The

provision of two additional off-street spaces is an improvement to the previous submission, hence no objections are raised.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

A.M. Davis & W. Davis, Hazeldene, Abbey Road, Llangollen (via e-mail)

Mr. G. Read, Arncliffe, Tower Road, Llangollen (via e-mail)

Summary of planning based representations:

Parking implications

Unacceptable traffic levels.

Space should remain available for parking, if only to give extra capacity for visitors/parking along the road has been a continuous problem here and should be alleviated in the future/apartments likely to be occupied by couples with 2 cars, so provision is inadequate.

Detailing on plans

Original plans do not show position of the surface water storage tank and how this would be protected/extent of ownership not accurate.

Amenity issues

No natural light in study and kitchen/parked cars at front would detract from the 'clean lines' of the building and detract from the overall style/will reduce the soft landscaping area even further.

Highway safety issues

Additional traffic would add to hazards along this section of Abbey Road.

Impact on surface water tank

Cars parked over water storage tank.

Overdevelopment

Already overcrowded development.

Failure to comply with previous permissions/legal agreements

Principle

If additional unit had been part of original plans, objections would have been raised.

**EXPIRY DATE OF APPLICATION: 28/07/2010**

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application seeks full planning permission to retain what has been used a 'show unit' at the basement level of a 20 apartment redevelopment scheme on the site of the former Bryn Derwen Hotel, as an additional one bedroom apartment.

1.1.2 It is a revised submission from one considered and refused at the April 2010 Committee, in that it proposes a rearrangement of parking spaces within the

'basement' level, and the creation of 2 additional visitor parking spaces in the area immediately in front of the building, close to the point where the vehicle access off Abbey Road enters the basement. The arrangements are shown on the plan at the front of the report, and are described further below.

- 1.1.3 The plans for the apartment area show a unit of some 125 square metres floorspace, containing one bedroom with an en-suite bathroom, lounge, kitchen, dining room and study. External access is shown at the side of Block A, and into the basement parking area.
- 1.1.4 Detailed plans of the redevelopment scheme were approved in 2006 and were for a total of 20 two bed apartments with a parking area for 36 vehicles at basement level, accessed off a single entrance onto Abbey Road.
- 1.1.5 The application dealt with at Committee in April 2010 under Code No. 03/2010/0082/PF proposed the use of the show unit as a one bedroom apartment. The net effect of a grant of permission would have been a total development of 21 apartments, with 32 parking spaces in the basement area. Members refused permission on the basis of concerns over inadequate off-road parking for residents and visitors, creating a potential for parking along the busy A542 road.
- 1.1.6 The current application to retain the show unit as an apartment includes a revised layout of parking spaces within the basement area, to accommodate 33 vehicles, and with the two additional spaces proposed outside the building, the scheme would result in a total of 21 apartments with 35 off road parking spaces. 5 of these spaces, including the 2 new spaces proposed as part of this application, would be designated for visitors' use.
- 1.1.7 Members will be aware that the development has been in progress over some time, but is substantially complete at the date of preparing this report. The unit was set up in the basement level of Block A (the north end of the site) at an early stage in the development, and was the subject of investigation, as it was not authorised by the main permission. The developers indicated at the time that this was proposed for the purposes of 'sales and marketing', and accepted its planning status would need to be resolved prior to completion of the scheme.
- 1.1.8 The application documents include a Design and Access Statement which contains commentary on the background, the planning matters considered relevant to the application, and the reasons for refusal of the previous application. The main points are:
  - The space has been used as a sales and marketing suite during construction.
  - Now construction is complete, "...its retention as an apartment would make more efficient and effective use of the floorspace than approved under application no. 03/2004/0720 and 03/2005/0692, and would provide the developer with another saleable unit which would be beneficial to the purpose and viability of the scheme".
  - The main fenestration is visible along the front elevation allowing ample natural light to penetrate the basement. The unit is not visible to the rear due to the sloping nature of the ground, and the side elevation is only partially visible.
  - The western corner of the approved development included an internal void space, which does not make efficient and effective use of floorspace.
  - Now construction is complete, the sales and marketing suite is no longer

required, and for it to revert to a void when it is demonstrable that it can form a residential unit would result in inefficient use of the vacant floorspace.

- The physical alterations to the development are minimal and complement the approved design. There is ramped access to the unit.
- It is acknowledged there is no fenestration to serve the rear of the unit, which is due to the sloping nature of the land at the side and rear. It is, however, to be noted that natural light will enter the apartment via the lounge, bedroom and hallway, providing occupiers with sufficient light and outlook; and there should be no requirement for windows to serve a kitchen, bathroom or study.
- The applicant has reviewed the parking provision in light of the Committee's decision, and is proposing a further 3 parking spaces, 1 within the basement, and 2 external spaces (intended for use by visitors) making a total of 21 apartments served by 35 parking spaces.
- The parking standards are compliant with local and national planning policy and the authority's parking standards.
- The developer's approach is to include specific parking spaces in each sale contract so that incoming residents know whether they have 1 or 2 spaces and which spaces they are. Any persons requiring more than the specific spaces available to them are unlikely to buy into the development.

#### 1.2 Description of site and surroundings

- 1.2.1 The application relates to part of a larger development of apartments nearing completion. The site itself lies to the east of the A542 road (Abbey Road) as it runs north out of Llangollen town, and is part of a string of development on that side of the road looking out over the Llangollen canal, the railway, and the River Dee to the west.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside the development boundary of Llangollen, within the Area of Outstanding Beauty, and the buffer zone of the Pontcysyllte Aqueduct and Canal World Heritage site.

#### 1.4 Relevant planning history

- 1.4.1 Outline permission for the demolition of the former Bryn Derwen Hotel and the redevelopment of the land by way of 20 apartments was granted in 2005, and the detailed plans of the scheme were approved in 2006.
- 1.4.2 Applications seeking approval of a treatment tank for handling the foul drainage were refused by the Council in October 2008 but an appeal into the refusal was subsequently upheld in July 2009 by the Planning Inspectorate, following a Hearing. The treatment tank has been installed. Landscaping works remain to be completed.
- 1.4.3 The application to retain the show unit as a one bed apartment was refused at Committee in April 2010. The reason for refusal is quoted in paragraph 2.1. The applicant's agents have lodged an appeal against the refusal.

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

- 1.5.1 The agents have submitted additional plans clarifying the detailing of the area around the proposed external parking spaces, correcting the extent of land ownership, and they have confirmed the water tank over which vehicles would be parked has been encased in concrete and would be capable of taking the

weight of vehicles.

1.6 Other relevant background information

1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

**2.1 03/2004/0720/PO**

Demolition of existing hotel and dwelling and redevelopment of land by the erection of 20 residential apartments and alterations to existing vehicular access (outline application)

GRANTED – 25/08/2005

**03/2005/0693/PR**

Details of siting, design, external appearance, means of access and landscaping for development of 20 apartments granted outline planning permission under Code No.

03/2004/0720/PO

APPROVED – 06/09/2006

**03/2008/0918**

Installation of foul and surface water drainage plant.

REFUSED – 01/10/2008

GRANTED ON APPEAL – 01/07/2009

**03/2010/0082/PF**

Use of void space in completed basement of Plas Derwen for 1 no. apartment.

REFUSED – 20/4/2010 – Reason:

”In the opinion of the Local Planning Authority, the introduction of an additional apartment taking up 4 previously approved parking spaces in the basement area of the Plas Derwen development would represent an unacceptable change to the scheme, as the intensification of development resulting in 21 apartments with a total of 32 parking spaces, would reduce the availability of off-street parking to serve the development to an unacceptable level, with the consequent potential for residential and visitors vehicles being parked along the busy A542 frontage, leading to congestion and dangers to all users of the highway. The development is considered to be contrary to Policies GEN 6 (vii) and TRA 9 of the Denbighshire Unitary Development Plan, and guidance in the Council’s Supplementary Planning Guidance Note 21 – Parking Requirements in New Developments “.

This refusal is the subject of a current appeal to the Planning Inspectorate.

**3. RELEVANT POLICIES AND GUIDANCE:**

As the 20 unit development is near completion, it is suggested the main planning issues here relate to the acceptability of the ‘additional’ impacts of a proposed 1 bedroom apartment within the framework of a consented building, and the parking/visual implications thereof, hence the main planning policies/guidance are:

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 TRA 9 - Parking and Servicing provision
- Policy ENP 4 - Foul and Surface Water drainage

3.2 WELSH ASSEMBLY GOVERNMENT POLICY & GUIDANCE  
Planning Policy Wales (Edition 2, 2010)  
TAN 12 - Design

**4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Impact on residential amenity
- 4.1.3 Design/Impact on visual amenity
- 4.1.4 Overdevelopment
- 4.1.5 Parking/access
- 4.1.6 Drainage
- 4.1.7 World Heritage Site Buffer Zone impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of the apartment development at Plas Derwen has already been accepted by the Council in permitting the scheme of 20 units in 2005 and 2006. The application is not an opportunity to revisit the basis of this previously approved redevelopment, which is approaching completion.

Officers suggest the key considerations relate to matters of detail and whether the addition of a single apartment and external parking spaces are acceptable in terms of impact on the amenities of the locality (effect on nearby residential property and visual impact), the adequacy of parking arrangements to serve the development, and whether there are any additional issues likely to arise on the drainage arrangements. These matters are reviewed in the following sections.

4.2.2 Impact on residential amenity

Policy GEN 5 (v) of the Unitary Plan requires due consideration of the impact of development on the amenity of local residents.

The proposed apartment is located at the northern end of the Plas Derwen development, hence would be closest to the existing long established dwelling at Is Coed. The respective side walls of Is Coed and the Block A unit which would contain the proposed additional apartment are set some 10 metres apart, as can be seen from the site plan at the front of the report. A substantial screen fence has been erected along the site boundary between Is Coed and Plas Derwen. The proposed apartment is at 'basement' level in the Plas Derwen development, meaning its floor level is set well below that of Is Coed. There is one high level window on the side of the proposed apartment which would be obscured from view from the garden of Is Coed by virtue of the screen fence.

It is not considered therefore that the proposed unit would have additional adverse impacts on the amenities of occupiers of Is Coed, particularly given the fact that the approved development includes apartments at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor level immediately above the proposed apartment. The apartment would be sufficiently distant from other residential properties not to have any impacts on them.

4.2.3 Design/impact on visual amenity

The need to take account of design considerations and visual amenity impacts are set out in Policy GEN 6.

(i) External Detailing of the unit

The plans at the front of the report illustrate the detailing of the apartment. These show the insertion of full length windows on the front (Abbey Road) elevation, and a side entrance door. The external materials are as approved for the main development, with a grey stone faced block on the front at basement level, and white painted render on the side and from first floor level and above.

In officers' opinion, the external design detailing specific to the additional unit is in keeping with the 'modern' detailing of the remainder of the development, and in this context is considered appropriate to the locality. There are not considered to be any issues of impact on the local landscape arising from the design of the additional apartment.

(ii) Impact of parked cars outside the building

The proposals would allow for two vehicles to be parked between the front of the Plas Derwen building and the boundary with Abbey Road, in a location elevated well above the highway. Officers have some sympathy here with the comments of the Civic Society in that the presence of parked vehicles would have an adverse visual impact on the character of the development, detracting from the relatively uncluttered (yet to be landscaped) 'green' area between the road and the main building. The introduction of the parking spaces would further reduce the area available for soft landscaping in front of the development. These are negative factors to weigh in the balance on the application.

(iii) Amenities of occupiers of the apartment

The absence of windows to serve the dining area/kitchen, study, and en-suite bathroom are a matter of concern to the Civic Society. Whilst it has to be borne in mind that there is no planning policy/guidance specific to the provision of natural light in rooms of apartments and there is no strong basis for refusal on this ground, the applicants have been made aware of the requirements of the Building Regulations for ventilation and means of escape, and will need to revised the plans to include a new opening to serve the study area. Taken together with the fact that modern lighting systems provide effective and energy efficient solutions to deal with situations where there is limited natural lighting in rooms, it is not considered the level of amenity for occupiers would be unacceptable.

4.2.4 Overdevelopment of site

Considerations relevant to the issue of overdevelopment are contained within Policy GEN 6(i) of the Unitary Plan. This requires development to respect the site and surroundings in terms of siting, layout, scale, form and design, density, materials, aspect, microclimate, and intensity of use of land/buildings and spaces between buildings.

Overdevelopment is a term normally applied to circumstances where proposals result in unacceptably cramped development, where buildings take up a high proportion of a site area, leading to unreasonably small amenity spaces around dwellings, and reduce distances around and between properties to levels where physical relationships become inappropriate, or other adverse impacts result.

Whilst respecting concerns over the implications of introducing a single additional apartment here, officers would not consider the particular proposals would lead to an overdevelopment of the site. The application does not



involve the physical extension of the building previously approved, simply the use of part of that structure at basement level, hence there would be no new issues of intensity of use of the plot or more cramped physical relationships with adjacent property. Matters such as parking implications are reviewed separately below.

#### 4.2.5 Parking/access

Policies TRA 9 and GEN 6 oblige due consideration of the adequacy of parking arrangements in association with new development.

The approved plans for the 20 apartment development included a total of 36 parking spaces at basement level. This ratio of parking spaces to the number of apartments was considered adequate by the Head of Transport and Infrastructure. The proposed additional apartment takes up a section of the basement level, reducing the number of parking spaces to 33 as shown on the plans, with the 2 additional 'external' parking bays. The 'total' development would therefore involve 21 apartments and 35 parking spaces.

The Head of Highways has no objections to the revised application. The Council's Supplementary Planning Guidance Note 21 sets out 'maximum' standards for parking provision in relation to different forms of development, in all cases, the level of provision being subject to consideration of local circumstances. In this instance, the Head of Highways has taken a view that the level of provision is an improvement on the previously refused application and is adequate at approximately 1.7 spaces per unit.

On the separate matter of the detailing of the two parking bays, it is to be noted that these are located close to the entrance to the lower level parking area serving the development. Drivers using these bays would have to manoeuvre by reversing into or out of the bays off the access driveway, creating potential conflict with vehicles entering or exiting the main parking level. This would be an inconvenience for drivers.

#### 4.2.6 Drainage

Policy ENP 4 requires satisfactory arrangements for foul and surface water disposal.

The foul drainage system from the proposed additional apartment would connect to the approved system for the rest of the development, feeding to the treatment tank granted permission on appeal in July 2009. There would be no additional surface water arising from the creation of this apartment.

The details submitted with the application for the installed treatment tank confirmed the system was designed to deal with the treatment needs of a development of 21 units, so would be adequate to cope with the additional discharge from the proposed apartment. It is therefore not considered the proposal raises any new drainage issues.

#### 4.2.7 World Heritage Site Buffer Zone impacts

The designation of the Llangollen canal as a World Heritage Site obliges due consideration of the potential impact of new development on the setting of the canal and its buffer zone.

In this instance, as the new apartment would be created entirely within the structure of a previously approved development, it is not considered there are

any additional, or adverse impacts likely on the setting of the canal.

4.2.8 Other matters

With due respect to the comments of the Civic Society, it would not be appropriate to withhold a permission on the basis of failure to comply with the conditions of the permission relating to the treatment tank arrangement. That is a separate matter being dealt with by compliance officers irrespective of the outcome of this application.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposals involve the creation of a 1 bed apartment wholly within the framework of a building containing 20 apartments, which is nearing completion following the approval of detailed plans in 2006. In officers' opinion the issues are finely balanced here. The physical detailing of the apartment are considered acceptable, and would not result in adverse impact, including on neighbouring properties. Highways Officers consider the level of parking provision (35 spaces) would be adequate to service the total of 21 apartments which would comprise the development. On the negative side, the prospect of parked vehicles being visible in a location outside the building, elevated well above the road, is considered likely to have a detrimental visual impact on the character of the development, reducing still further the limited 'green' area between the road and the imposing Plas Derwen building. Overall it is suggested the potential impact of the external parking of vehicles would be unacceptable and does not merit support.

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

1. The proposals involve the creation of two parking spaces outside the Plas Derwen building, in an elevated position above the A542 (Abbey Road), where parked vehicles are considered likely to have an unacceptable visual impact, detracting from the character and appearance of the development, and reducing the effectiveness of the landscaped/green area between the building and the road, and creating the potential for conflict with vehicles entering and exiting the main parking area, all in conflict with Policy GEN 6 of the Denbighshire Unitary Development Plan.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 3

**WARD NO:** Llanarmon Yn Ial / Llandegla

**APPLICATION NO:** 21/2010/0447/ PF

**PROPOSAL:** Substitution of house type previously approved under code no. 21/2007/0344

**LOCATION:** Plot 3 Glebe land off Rectory Lane Llanferres Mold

**APPLICANT:** Mr Dewi Thomas The Church In Wales

**CONSTRAINTS:** Conservation Area  
AONB

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

**CONSULTATION RESPONSES:**

LLANFERRES COMMUNITY COUNCIL- Response awaited to reconsultation sent 24<sup>th</sup> June 2010.

Original response:-

'The Community Council object to the revised plan. The change was substantive and would have a greater impact on the housing opposite which would result in a view of sheer walls. The design would not fit in with the housing in the surrounding area'.

AONB JAC- Response awaited to reconsultation sent 24<sup>th</sup> June 2010

Original response:-

'The JAC is disappointed that the Design Statement accompanying the application does not consider the location of the site within the Conservation Area or its relationship to the nearby Listed Church and Druid Inn.

The JAC notes that the original scheme was granted on appeal, but still considered that blue/grey slate roofs would better compliment the character of this Conservation area that the proposed zinc finish. In addition, whilst the use of render and stone to match the prevailing local style is supported for the wall facings, the arrangement of these materials is not clearly shown on the plans and should be clarified. In this context, the suggested use of stone quoins is not a characteristic feature of the Conservation Area and would create a suburban feel to what is a rural village development. Whilst the attempt to introduce some contrast through the use of brick for the garage is noted, this needs to be very carefully considered to ensure it does not jar with the Conservation Area.

The JAC regrets the loss of the hedge to facilitate access to this development, but welcomes the intention to plant and maintain a traditional hedge of indigenous native species behind the visibility splays'.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

DCC CONSERVATION ARCHITECT-  
No objection

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 27/07/2010**

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

- 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 the substitution of a dwelling type for one previously approved on a site in Llanferres village under ref. 21/2007/344.
- 1.1.2 The orientation of the dwelling would remain the same as the granted permission on appeal in 2009, although the dwelling would be set 1.5 metres forward on the site to gain additional private space to the rear. The scale and size would remain similar to the original, a two storey dwelling with attached double garage. The width is proposed to be increased by 2 metres to accommodate additional garage accommodation. Changes to the elevations proposed are; the removal of large areas of glazing to the front and rear, changes to window sizes, addition of a lean-to porch and a reduction in the amount of timber cladding. Internally the layout has been altered to include a study area in lieu of living space on the ground floor.

1.2 Description of site and surroundings

- 1.2.1 The application site is located on a plot of land known as 'Glebe Land' which has permission for 5 no. dwellings off Rectory Lane in Llanferres. Plot 3 is located centrally on the southern side of the site, adjacent to the approved access point.

1.3 Relevant planning constraints/considerations

- 1.3.1 The Glebe land is located within the development boundary of Llanferres, on a designated housing site. The site is within a conservation area and the Clwydian Range AONB.

1.4 Relevant planning history

- 1.4.1 There is planning history on this site relating to residential development. Of relevance is the most recent planning application to develop Glebe Land which was refused by Planning Committee in June 2008. The decision was subsequently appealed and the Planning Inspectorate allowed the appeal in May 2009.

1.5 Developments/changes since the original submission

- 1.5.1 Since its original submission this proposal has been amended on the advice of the Conservation Officer. The changes relate mainly to the detail and to ensure the amended house type appears in keeping with the originally approved scheme.

1.6 Other relevant background information

- 1.6.1 This application for amended house type is sought as the applicant, the Church in Wales, wish to retain the dwelling on Plot 3 for a parsonage for the village.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 21/2007/344 Erection of 5 no. dwellings and construction of new vehicular/ pedestrian access (site area 0.37ha). Allowed on Appeal 20/05/2009.

**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 ENV 2 Development affecting the AONB
- Policy CON 5 Development within Conservation Areas
- Policy HSG 4 Housing development in villages

3.2 Supplementary Planning Guidance

- SPG No. 13 Conservation Areas
- SPG No. 25 Residential Development Design Guide

3.3 GOVERNMENT GUIDANCE

- Planning Policy Wales (Amended June 2010)

**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

The site is within the development boundary of Llanferres where the principle of new residential development is generally acceptable. In this case the principle of the proposal has been established in the full planning permission granted in May 2009. This application relates simply to the substitution of one house type. Policy GEN 6 should be applied to assess the minor changes forming part of the application, and the main issues considered under this policy area set out below. Policy 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. Policy CON 5 is also relevant as the site is located within the Conservation area, this policy seeks to ensure that developments cause no harm to the conservation area.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is Policy GEN 6. Policy ENV 2 and CON 5 seek to ensure that developments cause no harm to the AONB and conservation area respectively. It is the opinion of Officers that the cumulative impact of the changes proposed in this application, such as the changes to fenestration details, materials and siting are not contrary to the spirit and design approach of the original permission. Although the changes to elevations simplify the original design slightly, the resulting dwelling would still be a relatively modern design.

Notwithstanding the initial concerns of the AONB JAC this modern approach has been deemed acceptable by the Conservation Officer and previously by the Planning Inspector, therefore it would be difficult to resist at this stage. Furthermore if Officers were to resist this application the fallback position is the originally approved group of 5 dwellings with a modern design approach and similar materials. As such it is considered that the visual impact of the proposed changes is acceptable.

#### 4.2.3 Impact on residential amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development.

As the siting remains similar and no closer to the dwellings to the south, east or west, it is not considered that the amended house type proposal would have any greater impact on adjoining occupiers than the approved scheme. 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 adjacent dwellings.

### 5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the substitution of house type is acceptable within the terms of the relevant policies and would not represent a significant departure from the design concept of the original development. The application 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**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. The access road and visibility splay shall be laid out and constructed strictly in accordance with the submitted plan (Drawing No. 6656/L(9)(01).
4. No dwelling shall be occupied until the roads have been constructed to the base coat level.
5. The dwelling shall not be occupied until its parking space and the access thereto have been laid out in accordance with the approved plans.
6. Foul and surface water discharges shall be drained separately from the site.
7. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.
8. Land drainage run-off shall not be permitted to discharge, either directly or indirectly to the public sewerage system.
9. No development shall take place until fencing has been erected, in a manner to be agreed in writing with the local planning authority, around the platform identified in the archaeology report (CPAT report No. 850) submitted as part of the planning ref. 21/2007/0344), and no works shall take place within the area inside that fencing without the written approval of the local planning authority.
10. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.
11. No works to remove the hedgerow to form the access into the site shall be carried out during the bird nesting season (end of May to the end of August) in any one year unless details of a nesting survey indicating that no nests would be disturbed has been submitted to and approved in writing by the local planning authority.
12. 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, shrubs or plants which, within a period of five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C, D and E of part 1 of Schedule 2 of that Order shall be carried out.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of highway safety.
4. In the interests of highway safety.
5. In order that adequate parking facilities are available within the curtilage of the site.
6. To ensure proper drainage of the site.
7. To ensure proper drainage of the site.
8. To ensure proper drainage of the site.
9. To safeguard the site of archaeological interest.
10. In the interests of archaeological investigation and recording.
11. In the interests of any protected species on the site.
12. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
13. To ensure a satisfactory standard of development, as the uncontrolled erection of ancillary buildings could be detrimental to the appearance of the development.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2009/1219/ PF

**PROPOSAL:** Change of use of land to touring caravan site with 11 pitches and conversion of part of existing outbuilding to form amenity block

**LOCATION:** Cae'r Mynydd Farm Saron Denbigh

**APPLICANT:** Mr Robert Barton C/O Charles F Jones & Son LLP

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:****LLANRHAEADR COMMUNITY COUNCIL**

"The Members of the Llanrhaeadr Community Council feel that the Planning Application would make the Cae'r Mynydd Caravan Park site in Saron far too big a development and the application should be refused. Members also feel that the narrow highway infrastructure leading to the application site is unable to support the additional traffic to the application site".

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

No objection subject to the inclusion of a condition to ensure retention of parking and turning facilities for vehicles within the site

**PUBLIC PROTECTION**

No objection, a site licence will be required

**TREE CONSULTANT**

No objection

**HEAD OF DEVELOPMENT SERVICES (TOURISM)**

No response received

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 06/07/2010**

**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 an 11 pitch touring caravan site and conversion of part of an existing redundant outbuilding to form an amenity block, with associated landscaping,



on land at the established Cae'r Mynydd Caravan Park in Saron. The site is approx 0.2ha in extent and is currently an open area of land, following the removal of a dilapidated barn some years ago.

1.1.2 The proposals involve the following main elements:

- Use of an existing vehicular access off the Saron to Denbigh Road
- Siting of 11 touring caravan pitches
- Additional landscaping along the north and south eastern boundaries comprising a mix of hedgerow shrubs and trees
- Conversion of part of an existing redundant outbuilding to provide amenity facilities

## 1.2 Description of site and surroundings

1.2.1 The site known as Cae'r Mynydd Caravan Park is located opposite Capel Saron and is bounded on 2 sides by the Saron to Denbigh Road and Saron to Nantglyn Road. The caravan park is an established static and touring caravan site, and comprises an existing touring caravan site on the opposite side of the road for 30 mixed touring units (caravans and tents), and 7 static caravans on land to the south west of the application site. In addition, there is the owner's dwelling with ancillary reception area, a small shop and former farm outbuildings, which have consent to be converted into 5 no. self catering holiday units.

1.2.2 The application site comprises a slightly sloping grassed area of vacant land to the north east of the existing static caravan site. The application site was formerly occupied by a dilapidated farm building. Along the northern eastern boundary is a boundary fence in part; however the boundary hedge has been severely pruned and in places removed.

## 1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the open countryside. Saron itself is not recognised as a settlement and has no development boundary in the Unitary Development Plan.

## 1.4 Relevant planning history

1.4.1 None

## 1.5 Developments/changes since the original submission

1.5.1 A detailed landscaping plan has been submitted in response to comments raised by the Tree Consultant and case officer. The application site has been amended to include the provision of an amenity block by converting part of an existing redundant outbuilding in response to comments raised by Public Protection.

## 1.6 Other relevant background information

1.6.1 None

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

11/5856 Retention of 5 holiday caravans for which temporary permission was granted under code no 11/2287. Refused, but ALLOWED on appeal.

34/1087 Stationing of 2 additional holiday caravans GRANTED 20<sup>th</sup> February, 1976

23/2007/1327/PF Rationalisation of existing touring caravan park to allow for siting of 30 mixed touring units (caravans and tents) in lieu of 18 touring caravans and 12 tents GRANTED 27<sup>th</sup> December, 2007 (Site on opposite side of road) with condition limiting season from 31<sup>st</sup> October in any one year to the 1<sup>st</sup> March in the succeeding year.

23/2008/614/PS Variation of Condition No. 3 on planning application 11/2856 (Former Denbighshire CC) appeal decision Ref. No. 429/33 dated 8 February 1972, and Condition No. 3 of planning permission Ref. 34/1087 dated 20 February 1976, to allow extension of the operating season from 1 March in any one year to 14 January in the following year GRANTED 10<sup>th</sup> October, 2008. (Statics only)

23/2008/0603/PS Variation of Condition No. 2 on planning permission Ref. No. 23/2007/1327/PF, to allow removal of the 21-day stay limitation GRANTED 10<sup>th</sup> October, 2008 subject to Condition 2 reworded as follows: *The site shall only be used for caravans on tour, and none of the caravans shall be occupied as a sole or main residence at any time. A record shall be kept of all caravans visiting the site and shall be made available for inspection at the reasonable request of the Local Planning Authority.*

## 2. 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 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 Revised Edition (2010)

Technical Advice Notes

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

### **3. MAIN PLANNING CONSIDERATIONS:**

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

- 3.1.1 Principle
- 3.1.2 Scale of development
- 3.1.3 Landscape/Impact on visual amenity
- 3.1.4 Highway/access impact
- 3.1.5 Residential amenity
- 3.1.6 Drainage & Flooding
- 3.1.7 Ecology
- 3.1.8 Sustainability

3.2 In relation to the main planning considerations:

#### **3.2.1 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 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.

### 3.2.2 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 located within open countryside in close proximity to an existing 30 unit touring van/camp site and 7 static van site which form 'Cae'r Mynydd Caravan Park'. In Officers' opinion, the additional site would form a logical extension to the existing tourism use, within the boundary of the caravan park. The proposal is for 11 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 existing touring and static caravans, with permission in place for self catering holiday cottages.

### 3.2.3 Landscape/Impact on visual amenity

Policies STRAT 1, 6, and 7, GEN 6 and TSM 12 oblige assessment of landscape and visual impact of development.

The proposed touring caravans would be sited in open countryside, as is the existing established caravan park. The site is visible from the highway on the approach to Saron, however the siting of the touring caravans would be well related to the existing development on the site, and with the landscaping scheme submitted for the north and south eastern boundaries, it is not considered that there would be a significant adverse impact on the landscape or visual amenity of the area.

A seasonal use of the site from March to October would be consistent with the existing touring permission, and given this involves a small scale touring caravan site it is not considered the use would adversely impact upon the visual amenities of the site and surroundings.

### 3.2.4 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 access off the main Saron to Denbigh Road.

Highways officers raise no objections to the proposals based on the amount of traffic generated and impact on the local highway network. The site is easily and safely accessed to the highway network and with respect to the Community Council's comments, having regard to the comments of the highway officers it is considered the proposals are in compliance with test (ii) of TSM 12.

#### 3.2.5 Residential amenity

GEN 6 requires due consideration of the impact of development on residential amenity.

In this case, there are no residential properties within close proximity to the application site, other than the owner's accommodation.

#### 3.2.6 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 proposal is to use a septic tank to dispose of the foul sewage and to drain surface water via a soakaway.

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

#### 3.2.7 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 does not propose the removal of any trees, the Tree Consultant has raised no objection to proposed boundary landscaping scheme.

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

#### 3.2.8 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 reliance on the private motor car by users of tourers due to the rural location of the site, the site is a well established caravan park where a tourism use of has been established over time by the granting of planning permission for touring, static and holiday cottages.

Overall it is suggested the development would not pose significant additional conflict with the accessibility/sustainability objectives of the Unitary Plan or Planning Policy Wales having regard to the established nature of the site and scale of the proposal.

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

- 4.1.1 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. In relation to the use of the touring caravans:-
  - (i) None shall be used other than for holiday purposes only.
  - (ii) None shall be occupied at any time as a person's sole or main place of residence.
  - (iii) No caravan shall be permitted to be present on the site for a period in excess of 21 consecutive days, or to return to the site within a period of 21 days from the date it was last present on the site.
  - (iv) The site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and motor homes, and the dates each caravan or motor home arrives on the site and leaves the site. The register shall be made available on request for inspection by officers of the Local Planning Authority. Responsibility for the maintenance of the register shall be that of the caravan site licence holder or his/her nominated person(s).
3. No more than 11 touring caravans shall be stationed on the land at any time.
4. No caravans shall remain on site between 31 October in any one year and the 1 March in the succeeding year.
5. 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.
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 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.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure the units are occupied for tourism/holiday use, as a permanent residential caravan site would be contrary to adopted plan policy.
3. In the interest of the character and appearance of the area.
4. In the interest of the character and appearance of the area.
5. 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.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.

**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:** 5

**WARD NO:** Prestatyn Central

**APPLICATION NO:** 43/2010/0451/ PO

**PROPOSAL:** Development of 0.097 hectares of land by erection of dwelling and formation of new vehicular access (Outline application including access)

**LOCATION:** Land on south side of Highfield Bishopswood Road Prestatyn

**APPLICANT:** Mr & Mrs B Bryce

**CONSTRAINTS:** Previous Mining Area  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL:

“Observation. Concerns about vehicular access/egress and adverse impact of construction traffic”

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**

HEAD OF TRANSPORT & INFRASTRUCTURE

Does not raise an objection to the proposal as the comments of the Inspector on the previous appeal suggest that it would be difficult to sustain a refusal on highway grounds.

FORESTY & WILDLIFE ADVISORY GROUP

Has advised the Case Officer that the proposal is unlikely to have any significant impact upon the woodland, or any protected trees. However, further consideration may be required at the detailed application stage.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr & Mrs J Morris, 39 Orme View Drive, Prestatyn

Mrs. P. J. Milner, 41, Orme View Drive, Prestatyn

Mr & Mrs G Evans, 43, Orme View Drive, Prestatyn

Mr & Mrs C Taft, 45, Orme View Drive, Prestatyn

RT & GS Hartley-Williams, Ridgeway, 37, Orme View Drive, Prestatyn

Summary of planning based representations:

- Impact upon residential amenity;
- Poor access arrangements
- Impact upon character of adjacent AONB

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



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

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

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 Outline permission is sought for the development of 0.097ha of land by the erection of a dwelling. Access details are included within the application, but all other matters are reserved for future consideration. There are illustrative plans showing ideas for a two storey dwelling close to the Bishopswood Road Boundary. The plans are attached to the front of the report.
- 1.1.2 Access is proposed off Bishopswood Road, with a parking and turning area within the plot.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is currently used as garden and amenity space for the dwelling Highfield to the north, and is accessed off Bishopswood Road. The eastern boundary is defined by a hedgerow which runs along Bishopswood Road, and there are trees on the western and southern boundaries. Site levels rise up from west to east. This slope continues up across Bishopswood Road. The site is consequently elevated above the dwellings on Orme View Drive to the west.
- 1.2.2 Beyond the site and to the west of the site are the dwellings on Orme View Drive, to the north is the dwelling Highfield and to the east of the site is woodland.
- 1.2.3 The area is characterised by detached two storey dwellings in spacious plots with views across Prestatyn to the Irish Sea.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located with the Prestatyn development boundary as defined in the adopted Denbighshire Unitary Development Plan. It also adjacent to, but not within, the Area of Outstanding Natural Beauty, and an SSSI.

#### 1.4 Relevant planning history

- 1.4.1 None specifically for this site
- 1.4.2 Members attention is drawn to the planning history of a neighbouring plot further north between the dwellings Highfield and Greycote which has similar physical characteristics to the one currently being considered. In 2007, planning permission was sought and refused for the development of the plot by way of one dwelling (43/2007/1134/PO). The location of this site is shown on the plan at the front of the report.
- 1.4.3 The Local Planning Authority refused the application on the grounds of inadequate access along Bishopswood Road, and impact upon the amenity of dwellings on Orme View Drive. A subsequent appeal was allowed, and it is

considered that the Inspector's decision letter is material to the current application.

1.4.4 The Appeal Inspector reasoned that the increase in traffic on Bishopswood Road caused by an additional dwelling would be limited to a degree that it would not result in a material harm to highway safety. With regard to the proposal impacting upon the living conditions of dwellings on Orme View Drive, the Inspector noted that there was already a potential for some overlooking, and that with careful screening and design a dwelling in this location would not harm the amenity of dwellings on Orme View Drive. He further commented that a dwelling on this site was likely to have long ranging views above Orme View Drive and would not materially overlook their rear gardens.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

2.1 None for this site specifically, please see section 1.4.2, above.

**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 GEN6 – Development control requirements

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 6 – Species Protection

SUPPLEMENTARY PLANNING GUIDANCE

SPG Note 18 – Nature Conservation and Species Protection

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (Edition 2, June 2010)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Highways

4.1.3 Residential amenity

4.1.4 Impact upon ecology

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the town development boundary where the principle of residential development is acceptable in respect of Policy GEN 1, Development Within Development Boundaries. All proposals are subject to detailed tests in other Unitary Plan policies relevant to this type of development.

#### 4.2.2 Highways

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

The Highway Officer response is framed in terms of the Planning Inspector's comments in the appeal case referred to above. It is considered that the recent decision suggests that it would be difficult to sustain a refusal for a single dwelling based on access and traffic conditions on Bishopswood Road. Given the scale of the proposal, one additional dwelling (and with no other potential plots apparent within the vicinity), it is not considered the proposal would be detrimental to highway safety and is therefore considered acceptable on these grounds

#### 4.2.3 Residential Amenity

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

Concerns have been raised by residents of Orme View Drive that the proposal will result in an unacceptable loss of privacy by way of overlooking. The illustrative drawings submitted suggest that it would be possible to achieve a separation distance between the rear elevation of the proposed dwelling and the rear elevation of dwellings on Orme View Drive of approximately 25 metres. The illustrative cross sections further suggest that there is unlikely to be a direct window to window line of view as a result of the sloping topography and it is considered that there would be sufficient distance to avoid unacceptable levels of overlooking. In this context, the comments of the Inspector in the most recent appeal case are also relevant in stating "the relationship between the proposed dwelling and those on Orme View Drive would be broadly comparable to that between both Greycote and Highfield and other dwellings on Orme View Drive, and there is no evidence that this has resulted in harm to residential living conditions." In addition, the screening that both exists and is proposed will further help reduce any perception of overlooking. This is also considered applicable to the amenity implications on Highfield. It is considered that this application would not impact upon the living conditions of neighbouring properties to the extent that a refusal could be justified.

#### 4.2.4 Impact upon Ecology:

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

The illustrative drawings suggest that one tree would need to be removed and a gap in the hedgerow created to form the access to the site. It is not considered that this would impact adversely upon the character of the area. Opportunity exists on other boundaries for additional planting and this could be secured through condition. The adjacent woodland and SSSI are unlikely to be affected by this proposal. Whilst it is unlikely that protected species would be affected by this proposal because of the nature of the site (maintained garden area), it is considered prudent to attach a condition which

requires the site to be surveyed to determine wildlife interest and to include for possible mitigation measures.

**5. SUMMARY AND CONCLUSIONS:**

**5.1** It is considered, with regard to the background history and the basic details in the application that the proposals are acceptable, and the application is therefore recommended for grant.

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

1. Approval of the details of the layout, scale and appearance of the building(s), and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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.
5. **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.
6. The access shall be laid out and constructed strictly in accordance with the submitted plan.
7. The car parking accommodation shall be laid out and constructed strictly in accordance with the submitted plan and completed to the satisfaction of the Local Planning Authority before the use hereby permitted is commenced and shall thereafter be kept available for that purpose at all times.
8. Full details of the construction of the means of access shall be submitted and approved in writing by the Local Planning Authority before the use is hereby permitted is commenced.
9. **PRE-COMMENCEMENT CONDITION**  
Prior to commencement of development on site a habitat survey shall be carried out using specialist consultants at an appropriate time of year and development shall only proceed following the submission and approval of details including any mitigation measures considered necessary to address conflicts with protected species etc., by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.

5. In the interests of visual amenity.
6. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. To provide for the loading and unloading and parking of vehicles clear of the highway.
8. To ensure the formation of a safe and satisfactory access.
9. In the interest of mammal and bird protection under the provisions of the Wildlife and Countryside Act 1981 and the EC Habitat and Species Directive Regulations 1994 and the Badger Act 1992.

**NOTES TO APPLICANT:**

Where any species listed under Schedules 2 and 4 of The Conservation (Natural Habitats & C) (Amended) Regulations 2007 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

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

**ITEM NO:** 6

**WARD NO:** Rhyl South West

**APPLICATION NO:** 45/2009/1477/ PF

**PROPOSAL:** (a) Change of use of unused land to allotments (b) Engineering works along part of the existing 'Rhyl Cut' to enable enhanced fishing and leisure facilities

**LOCATION:** The Cut adjacent to Cefndy Road Rhyl

**APPLICANT:** Denbighshire County Council

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

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL – 'No objection.'

ENVIRONMENT AGENCY - No objections, on the basis of the flooding consequences report submitted with the proposal. The information shows that the risks and consequences of flooding could be acceptably managed in accordance with the TAN 15 criteria. Requests that the hydraulic gradient of the Rhyl cut be maintained or improved as part of the improvements. Notes consent may be required by the EA for works to any watercourse.

THE COUNTRYSIDE COUNCIL FOR WALES - Confirms withdrawal of 'holding objection', further to discussions and additions to the protected species report, in respect of the detail of proposed protected species mitigation and compensation measures in relation to the otter and water vole.

WELSH WATER – No objections, subject to conditions regarding separate foul and surface water discharges. Notes that a water main exists nearby.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

HEAD OF TRANSPORT AND INFRASTRUCTURE – No objection, subject to the inclusion of a condition relating to details of site compound location, traffic management scheme, vehicle wheel washing facilities, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes.

COUNTY ARCHAEOLOGIST - No objection to the proposal. Notes that the Cut was constructed as part of the drainage and enclosures work which took place in the 19th century, and there are no known archaeological sites in the area.

COUNTY BIODIVERSITY OFFICER - Subsequent to detailed discussions with the consultant and CCW, raises no objections, provided a number of matters are attended to, including the need to obtain a WAG licence, with more detailed mitigation and Reasonable Avoidance Measures (RAMs). Confirm that the Habitats Regulations 3

tests will be satisfied, namely that there is overriding public interest for the project with social and economic benefit; that there is no satisfactory alternative, and with the measures proposed implemented there will be no detrimental impact on the favourable conservation status of otters. Briefly, the detailed requirements are:-

- RAMs will require an external consultant being employed as a clerk of works throughout the project. The work will be carried out in sections with time in between each for water vole exclusion, prior to or whilst work is going on the Cut to create the fishery. Liaison will be required with the EAW to prevent any annual management work being done on the Cut further towards the river so that there will be a refuge for any water voles that are displaced out of the habitat in the working area.
- Mitigation, to include the following, resulting in an improvement to the watercourse as a whole for otter and water vole: the planting of a woodland strip from the River Clwyd up to the Cut all the way to the cycle path; the construction of 2 scrapes adjacent to the Cut near where the cycle path crosses over the Cut; a link will be created between the new lake and reed bed at Glan Morfa and the Cut by creating a watercourse to link the two with a culvert with valve to hold water in the watercourse and planting to provide cover and a wildlife corridor and island(s) will be created in the Glan Morfa lake.
- Management will be improved with an annual sum supplied for maintenance, including for annual Countryside Service monitoring of the habitat and vole population with a consultant employed to do the same every three years.
- The site will further be protected by extending the Local Nature Reserve status of the nearby Brickfields Pond to include the Cut.
- Pathways will be a minimum of 2 m to ensure maximum reed bed retention.
- A code of practice will be put in place for fishermen using the site.

Confirms that there are no protected sites affected by this proposal and the only other protected / LBAP species that have the potential to be affected are nesting birds. All work should take place outside of the nesting season or if they cannot then the ecological clerk of works employed must assess any potential nesting areas for nesting birds and only allow work to continue if none are present.

COMMUNITY SAFETY OFFICER - Supports the proposal, as a good improvement on the existing environment.

ACCESS OFFICER – Considers the proposal acceptable.

PUBLIC PROTECTION – Response awaited.

#### **RESPONSE TO PUBLICITY:**

Letters of representation received from:

Miss G. Hill, 110, Gwynfryn Avenue, Rhyl

Summary of planning based representations:

Children's Play area – if the proposal is to relocate – would exacerbate existing noise and litter problems; also existing drainage problems on relocated site.

Mr. J. Holmes, No. 1, St. Paul's Square, Liverpool on behalf of Parlo Leisure Holdings Limited, Marine Caravan Park, Cefndy Road, Rhyl - **objection withdrawn 15 June 2010**

**EXPIRY DATE OF APPLICATION: 22/07/2010**

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

- timing of receipt of representations
- additional information required from applicant
- 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 proposal is a full planning application, submitted by Denbighshire County Council,. The proposal is essentially in two parts, involving the change of use of land and engineering operations.
- 1.1.2 The proposals involve works on land in two separate ownerships. Subsequent to clarification on procedural matters, all relevant planning notices have now been served on the respective landowners.
- 1.1.3 The plan accompanying this report indicates the extent of works proposed. The change of use of land for use as allotments is limited to a small area, measuring some 0.7ha, to the north east of the site, with the engineering operations including an extension to the existing cycle track route, providing a circular route along the north and southerly embankments of the Cut; widening the cut along approximately 800 metres length, to provide enhanced fishing opportunities, pond areas; provision of a limited number of timber fishing platforms to the southern embankments, and footbridge to the south west. The application documents also indicate new fencing is proposed.
- 1.1.4 The application includes a Design and Access Statement: Protected Species Survey: Flood Consequence Assessment: Tree Survey; Ground Investigation report. Briefly, the contents of the above documents highlight :
- Design and Access Statement - makes reference to character; access; site operation; community safety; community safety; environmental sustainability;
  - Protected Species Survey - notes the evidence of otters and water voles; details an impact assessment for otters, water voles and birds; mitigation and recommendations, which includes safeguarding of 3 m reed beds, with 4-5 m in places, which must be maintained; an environmental management scheme for optimum water vole habitat , and control of evening fishing; link between the new lake and reed bed at Glan Morfa and the Cut
  - Flood Consequence Assessment - the report includes details an update on the hydrological information and flood outlines, including adjustments to take into account the proposed widening and deepening of sections of the Rhyl Cut. The report states that the proposed increase in channel capacity would have beneficial impacts on the water level across the range of flood events modelled.
  - Tree Survey - indicates existing tree species and locations; with 13 trees to be removed; comprising of elder; hawthorn and apple trees.
  - Ground Investigation report - includes details on ground quality and its structure along the length of the channels/in – channels and the surrounding land mass, including embankments and ground quality across the green space area.



1.1.5 Description of site and surroundings

The site lies on the south westerly edge of Rhyl. To the north of the site lies the residential estates on Brookes Avenue and Rhydwen Drive; with the Marine Holiday caravan park and associated buildings to the south and south west. Rhyl College, together with Brickfield Pond Local Nature Reserves lies further to the east, with the Rhyl Tip and redevelopment involving the construction of waste recycling centre, BMX track and cycle track, car parking area to the south west, included within the designated Coastal Planning Zone.

There is a new cycleway and bridge along part of the Cut, with a new bridge in the upper north easterly corner, giving pedestrian access to the site. A children's play area and leisure area exist within the Open Space area, with an ancillary building.

Currently, The Cut is around 2 metres in width with 45° earth banks and dense bankside vegetation, and joins the River Clwyd via a large culvert, some 500 metres to the west. A limited number of trees lie along the Cut and site boundary.

- 1.1.6 The planning application site includes an area of scrubland, used by the general public as an informal recreation area. It is understood that the land was historically used as a 'land tip', although this use has long since ceased.

Relevant planning constraints/considerations

- 1.1.7 The site lies within the defined development boundary of the town, within and adjoining a defined recreational open space area as identified in the current Denbighshire Unitary Development Plan.  
The majority of the length of the Cut is with a flood zone.

1.2 Relevant planning history

The only application of direct relevance to the proposals is a permission granted in 2008 for the construction of cycleway and new bridge over Rhyl Cut.

There are records of a number of planning applications on adjoining land and buildings, which are of limited relevance in this case.

1.3 Developments/changes since the original submission

- 1.3.1 Officers have sought to clarify the extent of works involved with the proposal, including the implications regarding different landowners and protected species issues.

1.4 Other relevant background information

- 1.4.1 It is understood that the proposal forms part of a Strategic Redevelopment Area project for Rhyl

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 The plan accompanying this report identifies the area involved with planning application code no. 45/2007/1514/PF - Construction of Cycleway and new bridge – GRANTED – 20/2/2008.
- 2.2 The 2008 application site included part of the recreational area, including a large area of scrub/ overgrown land adjacent to the Rhyl cut, located to the rear of properties at Gwynfryn Avenue, Rhyl. The proposal included the construction of a cycleway and new bridge over Rhyl cut. Access to the cycleway would be gained from the Pavilion, Gwynfryn Avenue and Cefndy Road, with the timber ridge over the

cut measuring approximately 10m in length, and cycle path measuring 2.5m – 3m in width.

### 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) Strategic Policies – 1, 5,7,9,11,13 , 16

Policy GEN1 Development boundary  
6 Development Control Criteria  
9 Environmental Assessment/Statement  
10 SPGs

Policy CON11 – areas of archaeological importance

Policy REC 1 Protection of existing open space  
4 Recreation Facilities within development boundaries  
8 Recreational routes

Policy ENV 1 Protection of the natural environment  
5 Sites of local conservation importance  
6 Species Protection  
7 Landscape/Townscape features

Policy ENP 4 Foul and surface water drainage  
6 Flooding  
8 Contaminated Land

Policy CPZ 6 - Public Access

Policy TSM 1 - Tourism Development

Policy CF1 - Community facilities

#### 3.2 Supplementary Planning Guidance

2 Landscaping  
6 Trees and development  
8 Access for all  
15 Archaeology  
18 Nature Conservation

#### 3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 2010

TANS 5 Nature Conservation  
12 Design  
14 Coastal Planning  
15 Development and Flood Risk  
16 Sport and Recreation  
18 Transport

#### Circulars

35/95 Use of conditions

60/96 Planning and the Historic Environment; Archaeology

Other Council Documents  
Local Biodiversity Action Plan  
Landscape Strategy  
Access for All  
Rhyl Going Forward Plan  
North West England and North Wales Shoreline management plan – consultation  
draft October 2009

#### **4. MAIN PLANNING CONSIDERATIONS**

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

- 4.1.1 Principle
- 4.1.2 Nature conservation
- 4.1.3 Amenity implications
- 4.1.4 Highway and access
- 4.1.5 Inclusive design.
- 4.1.6 Flooding and drainage
- 4.1.7 Contaminated Land
- 4.1.8 Archaeology
- 4.1.9 Landscape and trees
- 4.1.10 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Given that the site lies within the development boundary, Policies GEN 1, GEN 6 REC 1 and REC 4 are applicable. The principle of the type of development is acceptable, subject to satisfying site specific tests and compliance with related planning policies and material considerations, covered in the following paragraphs.

4.2.2 Nature conservation

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impact on wildlife and in particular protected species. (Policies ENV 1, ENV 6, and GEN 6); Planning Policy Wales : Tan 5 , Unitary Plan Policy and Supplementary Guidance). Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence should be established before the grant of permission.

TAN 5 states that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'. In this context, all details have to be resolved at this stage, as a planning condition could not cover all the relevant matters. In assessing planning applications with protected species implications, Local Planning Authorities have to assess the implications in terms of 'preserving public health or safety, or reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to for the environment'.

Both the Countryside Council for Wales and County Ecologist have been involved in discussions and meetings with the applicant. Subsequently, amendments to the protected species report have resolved initial concerns, resulting in the holding objection being withdrawn by the Countryside Council for Wales. The species report provides sufficient information to confirm that

suitable precautionary measures can be taken, should planning permission be granted.

The comments and observations of the Council's Biodiversity Officer, confirms sufficient measures and mechanisms are available and achievable, in the interest of preserving protected species.

The proposal is therefore considered to comply with the policies and guidance relating to protected species, including UDP policy ENV 6, and the accompanying SPG.

Notwithstanding the planning issues, separate licence consents may be required in relation to protected species. A note to applicant can be included, highlighting this process, with the WAG as the licensing authority. WAG will request information from the Local Planning Authority, the developer and other persons, in order to assist in the consideration of licence applications.

#### 4.2.3 Amenity implications

Policy GEN 6 requires consideration of the impact of development on residential amenity. It is accepted that the proposal will increase the number of users within the area, but given the scale and extent of the allotment in particular, the nature of the proposed uses proposed, it is not considered that residential amenity will be adversely affected.

Additional fencing and means of enclosure would also be of benefit in providing screening /privacy to adjoining, existing rear garden areas of Gwynfryn Avenue and Brookes Avenue. The Council as landowner will also control the use etc of the allotments through the relevant tenant licences.

In relation to disturbance to local residents – adjacent dwellings and neighbouring caravans - in the event of planning permission being granted, adequate safeguards could also be conditioned to include arrangements during construction stage, minimising disruption to residents and visitors, together with controls over potential light pollution. No floodlighting or any other means of lighting are proposed as part of the proposal. Details of site boundary proposals would need to be conditioned to ensure suitable design, particularly to provide suitable safeguards/mitigation against fishing lines/lengths. It is suggested that these could be conditioned, to ensure compliance with the planning policies referred to.

#### 4.2.4 Highway and access

Policy GEN 6 requires consideration of traffic implications in assessing proposals.

The Head of Highways has assessed the proposal and subject to a specific condition, has no objections.

#### 4.2.5 Inclusive design.

Members will be aware that Design and Access Statements are now mandatory for most planning applications, and access issues have to form part of a planning assessment. The approach is outlined in TAN 12 Design and TAN 18 Transport, and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All' supplements this policy, together with Council's documents on inclusive design.

The application details show a positive approach to inclusive design,

respecting the Welsh Assembly approach for residential development quality standards. The proposal is considered to be acceptable in this respect.

#### 4.2.6 Flooding and drainage

Policies GEN 6, ENP 4 & 6, and TAN 15 obliges due consideration of the impact on existing flood zone areas, including the implications of additional surface water flows.

The proposal would be generally in accord with the principles of TAN 15, in that it does not involve any residential development and involves an element of regeneration. It would also be consistent with the recommendations of the draft North West England and North Wales Shoreline management plan – consultation draft October 2009. The recommendations include the need to manage and maintain the Clwyd Estuary for habitat creation or flood storage, and one of the key action plans includes a study to develop an integrated approach for coastal, tidal and surface water management around the Clwyd Estuary and the adjacent areas. It is understood that a final plan is expected to be formally adopted by this Autumn.

Having regard to the detailing, and in consultation with the County's Drainage Engineer, it is considered an opportunity exists to develop a drainage plan which would bring about positive improvements for surface water management, for the benefit of both the site and the locality. The approach would involve a sustainable drainage system. This would reflect the aims and objectives of planning policies ENV4 and 6, government policy, and with the final shoreline management plan. It is considered that this could be covered by a suitably worded condition.

#### 4.2.7 Contaminated Land

Policy ENP 8 requires full regard to the potential for land contamination, both on and off site, to be fully investigated.

The submitted ground investigation report includes details for a number of ground trial holes. Conditions would need to be included on the recommendation of the Public Protection Unit.

#### 4.2.8 Archaeology

Policies CON 11 and GEN 6, supplemented by SPG15 requires consideration of archaeological impacts. The County Archaeologist confirms that there are no known archaeological sites in the area and has no objections.

#### 4.2.9 Landscape and Trees

Policy ENV 7, as supplemented with by Supplementary Guidance Notes, requires considerations of landscape implications.

The submitted plans, include cross – sections of the engineering 'Cut ' works, and show the new embankments would involve a gradual slope along the length of the cut. Minimal tree removal is involved.

In order to ensure the 'new' Cut blends in sympathetically with both the nature conservation approach for the site, and to reflect the proximity of the adjoining caravan site, a landscaping scheme should be conditioned.

#### 4.2.10 Other matters

The Council is also considering the re positioning of the existing children's play area, currently centrally located within the existing open space area. The re-positioning may not necessarily require planning permission, as the works

could constitute works under permitted development rights. The Council's Parks and Gardens Officer would be involved in this matter.

## 5. SUMMARY AND CONCLUSIONS:

5.1 Subject to inclusion of a number of planning conditions which would cover the issues highlighted in this report, the proposal merits support, on the basis that it will enhance the area and will help to realise objectives set by the both the Council and WAG, in support of the Strategic Regeneration Area.

### **RECOMMENDATION:- GRANT - subject to the following conditions:-**

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

#### 2. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of:-

- i) Fencing
- ii) Lighting facilities, including luminance levels
- iii) Site compound location, traffic management scheme, vehicle wheel washing facilities, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes.
- iv) Arrangements to secure an annual sum for maintenance , including for annual Countryside Service monitoring of the habitat and vole population with a consultant employed to do the same every three years.

3. The details shall include the timing and or phasing plan involved, and the development shall be completed in accordance with the agreed details.

#### 4. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to an overall drainage plan, to include the maximum potential to include a Sustainable Urban Drainage system. The submitted details shall;

- a. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- b. Include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

#### 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.

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, highway safety and residential amenity, and ecological diversity.
3. In the interests of the amenities and character of the locality and to protect and enhance nature conservation.
4. In the interests of maximising opportunities for a sustainable approach to the disposal of surface water.
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.

**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 separate protected species licence may be required, issued through the Welsh Assembly Government. Licences can only be issued for specific purposes and can only be issued on condition that there is 'no satisfactory alternative' and that the development will not be detrimental to the maintenance of the population species in their natural range.

**ITEM NO:** 7

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2010/0411/ PF

**PROPOSAL:** Change of use from Class A1 shop to mixed Class A1 and A3 photo art studio and coffee house

**LOCATION:** Amber Coffee House & Photo Art Studio 85 High Street Rhyl

**APPLICANT:** Mr Tariq Agha

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

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

“Object due to an over intensification of this type of provision”.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

RHYL TOWNSCAPE HERITAGE INITIATIVE OFFICER

No objection to the principle of the application.

PUBLIC PROTECTION MANAGER

No response received

**RESPONSE TO PUBLICITY:**

Letters of objection received from:

Cramers, 72 High Street, Rhyl, LL18 1UB

Rachel Ward (via e-mail)

Paula Thomas, Paula's Sandwich and Salad Bar

Mrs. K.A. Piper, Liffy's Cafe, 7/9 Russell Road (via e-mail)

Mrs. J. Atkins & Miss D. Ryder, Snax, 16, Wellinto Rd (via e-mail)

Mr. M. Rae, The Poplars, Marsh Road, Rhuddlan (via e-mail)

Mrs. L. A. Jones, 18 Tirionfa, Rhuddlan (via e-mail)

Mr. J. Frost, Direct T.T. Supplies Ltd., Woodlands Office, Forden

Summary of objections:

- Over concentration of this type of use.
- Impact on viability of town centre
- Back of no.85 currently untidy and therefore potential health and safety issue
- Retrospective element of the proposal

Letters of support received from:

Mrs H.Amstrong, 72 Ernest Street, Rhyl

Mr Saddler, 8 Summer Court, Towyn



Mr Jason Williams, Holmgarth, Waterfall Road, Dyserth  
Mrs S Jones, 17 Weaver Avenue, Rhyl

Summary of support:

- Provides a needed use to Rhyl Town Centre

**MEMBERS' COMMENTS:**

None.

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

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

- timing of receipt of similar applications

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 Retrospective planning permission is sought for a change in use from use a ground floor retail shop at 85 High Street, Rhyl, to a mixed use of use class A3 Coffee Shop and Use Class A1 photo art studio. The previous shop use fell into Use Class A1.

1.1.2 The application raises issues common to two other applications which follow on the agenda (45/2010/0472/PF and 45/2010/0501/PF) which relate to A3 uses at properties at 3a Wellington Road and 3/5 Wellington Road. The other two applications seek permission for a Creperie Shop at 3/5 Wellington Road, and for a Coffee Shop at 3a Wellington Road.

1.2 Description of site and surroundings

1.2.1 The site is located on the High Street, with no.85 being surrounded predominantly by Use Class A1 retail shop uses. In the immediate Wellington Road block to the west there are; 15 A1 Uses, 4 A2 Uses, and 1 A3 Use (Snax). A2 uses are financial and professional services and A3 uses are restaurants and cafes.

1.2.2 The nearby sections of the High Street and Russell Road contain; 17 A1 Uses, 2 A2 Uses, Webbers Amusement and 3 A3 Uses (The National Milk bar, The New Inn and Tiffany's Café).

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the development boundary of Rhyl and is within a Designated Town and District Centre in the Unitary Development Plan, where policy RET 1 applies. RET 1 identifies such centres as the main location for retail and commercial development appropriate to the centre, which maintains its vitality and viability. The text to the policy refers to a range of retail uses including those in Use Classes A1, A2 and A3.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 The application is referred to Committee at the request of Councillors J. Butterfield and I. Armstrong to enable full assessment of potential impact on the vitality and viability of the town centre.

## 2. DETAILS OF PLANNING HISTORY:

45/2008/1128/PF, Conversion of upper floors of existing building to provide 2 bedroom flat (first floor) and 3 bedroom maisonette (second and third floors), approved at Planning Committee, 15.04.2009

## 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 CON 5- Development within conservation areas

Policy RET 1- Town & District Centres

Policy RET 6- Town and District Centres (non A1 uses)

Policy RET 16- Food and drink- hot food takeaways.

### 3.2 GOVERNMENT GUIDANCE

Ministerial Interim Planning Policy Statement 02/2005, Planning for Retailing and Town Centres

## 4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Impact on the vitality and viability of the Town centre

4.1.3 Impact on visual amenity/conservation area

4.1.4 Impact on residential amenity

4.2 In relation to the main planning considerations:

### 4.2.1 Principle

Policy RET 1 states that Town Centres should be the main location for retail and commercial development providing a proposal is of an appropriate scale and type and that it serves to maintain or enhance the vitality of the Town Centre itself. Policy RET 6 allows for the change of use to Non A1 uses within town centres provided that it maintains, enhances and improves the viability and vitality of a centre and that it is of a scale and type which is in keeping and does not have an unacceptable impact upon the surrounding area. The visual and amenity impacts are discussed below; as is the impact the proposal would have on the vitality and viability of the Town Centre. The principle of introducing an A3 use is not therefore considered contrary to Unitary Plan Policy, but the impacts of such a change of use have to be carefully assessed to determine potential effects on the town centre.

### 4.2.2 Impact on the vitality and viability of the Town centre

Policies RET 1 and RET 6 require due consideration of the impact of proposals on a town centre, and oblige assessment of impact on viability and vitality. The policies do not however preclude change of use to A3 uses, and refer to circumstances where a flexible approach may be necessary, for example, where there are vacant premises unlikely to function again as shops; where there are only a limited number of existing A3 uses, and the A3 uses are small in scale- i.e. the overall impact on the vitality and viability of a town would be negligible. RET 16 is a policy of specific relevance to A3 uses permitting such uses in town and district centres, subject to not resulting in clustering out of keeping with the character of such areas, and no adverse effect on residential amenity or highways.

In this case, the introduction of an A3 shop in this location seems unlikely to adversely affect the balance of A1 and A3 shops, either in the vicinity or in the

town itself. Even taken together with the other two A3 shops proposed, officers would feel it difficult to conclude this would constitute an over concentration, or to point to specific adverse impact sufficient to justify refusal of permission. However, in recognising local concerns over the issue of groupings of A3 uses, it is considered reasonable to consider restricting the use to a coffee Shop and to no other use within Use Class A3.

A basic survey of uses in the locality points to a preponderance of A1 shops. The nearest A3 uses in the area are Snax, The National Milk bar, The New Inn, and Tiffany's Café. It is not considered, in this context, with respect to the objection raised, that the proposal would materially harm the vitality or viability of Rhyl Town Centre, in particular, as the proposal actually offers a service (coffee shop) which is not currently in oversupply in the vicinity.

4.2.3 Impact on visual amenity/conservation area

Policy CON 5 permits proposals which would not harm the appearance or character of the conservation area. No external alterations have been outlined in the proposal. It is considered the proposal would have little impact on the conservation area, meeting the requirements of policy CON 5.

4.2.4 Impact on residential amenity

Policy GEN 6 part v) seeks to ensure that development does not harm the amenity of local residents or other property users in the surrounding area. The site is in a Town Centre location. It is intended opening hours would be 09 00-17 30 Monday to Saturday. As there is a permission granted for a flat above no.82, it would be appropriate to condition the opening hours of the unit, to minimise any potential harm to residential amenity. Subject to conditions, the proposal would accord with policy GEN 6 part v).

**5. SUMMARY AND CONCLUSIONS:**

- 5.1 The proposal is not considered to conflict with basic policy requirements, and is therefore recommended for approval subject to the conditions noted below, including one restricting the use to a coffee shop and no other use within Use Class A3.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) the property shall only be used as a Coffee Shop and Photo Art Studio and for no other use within Use Class A3 as defined in the aforementioned Order, without the further permission of the Local Planning Authority.
3. The premises shall not be open for customers outside the following hours: -  
0900 - 1730 Mondays to Saturdays  
10 00- 1600 Sundays

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 enable the Local Planning Authority to retain control over the use in the interests of maintaining the vitality and viability of the town centre, and the amenities of occupiers of residential property in the location.
3. In the interests of the amenities of occupiers of residential property in the locality.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 8

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2010/0444/ PF

**PROPOSAL:** Renovation of main part of derelict/vacant public house, including partial demolition of rear annexe and previous extension. Erection of new three-storey service extension to rear. Change of use from public house/guest house to office accommodation and associated facilities and construction of new vehicular access to serve parking area for 7 vehicles.

**LOCATION:** Bee & Station Public House 41 Bodfor Street Rhyl

**APPLICANT:** Denbighshire County Council

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

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

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

"No objection subject to a condition requiring that any construction works/materials storage be restricted to on site or the adjacent car park to minimise disruption to Bodfor Street.

In this respect, the Council is aware of proposals for refurbishments of the Rhyl Railway Station and the former "Costigan's" public house and would ask that if possible and should those developments be progressed then the adjacent one site be identified for the storage of construction materials to minimize impact on an important gateway into the town".

**ENVIRONMENT AGENCY WALES**

Confirms the property lies within a C1 flood zone as defined by the development advice map accompanying TAN 15 Development and Flood Risk. Developers are encouraged to install flood proofing measures as part of the scheme (e.g. raised entry points, concrete floors); to ensure occupiers sign up to receive the Agency's flood warnings; and to use Sustainable drainage options for any additional hardstanding areas.

**CLWYD POWYS ARCHAEOLOGICAL TRUST**

Records suggest the development would have limited archaeological implications. The historic/architectural interest of the building should be recognised by a photographic survey prior to any alterations.

**WELSH WATER/DWR CYMRU**

Request inclusion of suitable conditions if permission is granted, relating to detailing of drainage systems.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

### HEAD OF TRANSPORT AND INFRASTRUCTURE

No objections subject to conditions relating to construction of the access and parking area.

### PROJECT MANAGER, TOWNSCAPE HERITAGE INITIATIVE

Content with the proposals subject to attention to detailed elements of the design.

### RESPONSE TO PUBLICITY:

None.

**EXPIRY DATE OF APPLICATION: 20/07/2010**

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

- Awaiting consideration at Committee

### PLANNING ASSESSMENT:

#### 1. THE PROPOSAL:

##### 1.1 Summary of proposals

- 1.1.1 The application seeks permission to change the use of the Bee and Station Public House/Hotel into office units, with associated demolition of rear extensions and the erection of a replacement extension providing the main entrance, circulation space and ancillary facilities including a plant room, stores, and shower room. A new vehicular access is proposed off South Kinmel Street to serve a small parking area in the rear yard.
- 1.1.2 The Bee and Station is a Grade 2 listed building dating back to the 1850's. It has operated as a public house/guest house over many years, but has been vacant for some time, and is in a poor state of repair. It was purchased by Denbighshire County Council in 2004 with the aim of obtaining regeneration funding, to help renovate it and contribute to the improvement of the wider area.
- 1.1.3 A separate listed building consent application has been submitted, as the proposals involve alterations to the original building, and as stated above, demolition of more modern outriggers at the rear, and the erection of a new 'servicing' extension. Under current legislation, as the proposals are submitted by the County Council and relate to buildings in its ownership, this listed building application has to be referred to Welsh Assembly Government/CADW for determination.
- 1.1.4 The main elements of the scheme are:-
- The refurbishment of the original building, to accommodate 6 small business units, 2 on each of the 3 floors. The physical changes to the external elevations of the original building would be minimal.
  - The demolition of existing rear extensions, including a 3 storey extension, which accommodate the public house toilets, domestic and guest kitchens and bathrooms; a single storey flat roofed function room, and a separate toilet block.
  - The erection of a new 3 storey rear extension to act as a 'servicing' block for the scheme, including the new main entrance, toilets/store rooms, linked by a glazed section to the original building.
  - The use of the 2 ground floor units as A2 uses (professional services/estate

agents, accountants etc); and the 4 units on the first and second floors as B1 business uses (offices).

- The creation of a new vehicular access off South Kinmel Street to serve a parking area for 7 vehicles.
- The provision of an external landscaped seating area, bicycle store and waste/recycling store.
- The provision of a low level boundary wall at the edge of the car park, and a landscaped bank between the wall and the kerbing forming the edge of the car park to the south east.
- The removal of an elm tree, which has been surveyed and is estimated to have a safe useful life expectancy of five years.

The plans at the front of the report show the basic proposals in plan and elevation form.

- 1.1.5 A small section of the site is in the ownership of Network Rail, and the relevant notices have been served to comply with the requirements of planning legislation.
- 1.1.6 The application is accompanied by a range of plans and documents. These include a detailed planning design statement, an impact/justification statement, access statement, flood risk assessment, bat report, and a building condition report. The plans contain a considerable level of detail illustrating the proposed treatment of the listed building.
- 1.1.7 The basis of the submission is set out in the planning and justification statements. The main points are:-
- the scheme is one of a number in which the Council, in conjunction with partner organisations, is attempting to return some of the town's oldest and most derelict buildings into use.
  - the proposals seek to refurbish an historic building whilst achieving high modern standards for energy conservation, reduced emissions, recycling, etc.; and seek to replace unsympathetic extensions with a sensitive modern link building.
  - the provision of the 6 office type units would allow the Council to offer employment opportunities in the area, filling a void in Denbighshire's current portfolio of available space/units.
  - there are a mix of commercial and retail properties in the area, of varying design and different uses of external materials.
  - the site is well located to take advantage of accessibility to public transport, and proposes a small parking area with provision for persons with disability.
  - the building would have a fully accessible entrance (not currently possible).
  - the scheme has been developed in consultation with North Wales Police Architectural Liaison Officers, and would incorporate a range of Crime prevention features such as CCTV, external lighting and alarm systems.

## 1.2 Description of site and surroundings

- 1.2.1 The Bee and Station is a 3 storey building located in the centre of Rhyl, immediately to the north of a parking area adjacent to the town's main bus station and the main line railway station. It fronts Bodfor Street on the north east side, flanks the aforementioned parking area on its south east boundary, and backs onto South Kinmel Street on its south west boundary. South Kinmel Street is a narrow 'one way' road which loops off Kinmel Street to the north.

1.2.2 The building is of 3 storey construction along Bodfor Street and where it flanks the car park to the south. It has a rendered 3 storey and single storey extension to the rear, and other single storey brick faced extensions to the rear. There is a gateway on the South Kinmel Street boundary which would allow access into the rear yard off that road.

1.2.3 The property immediately adjoining the Bee and Station on Bodfor Street is a newsagents shop, and those running north are a restaurant, tattoo parlour and beauty salon.

There are a mix of shops and commercial uses in the area around the site, including public houses, hotels, banks, and offices; residential properties along South Kinmel Street, and flats above some of the ground floor shop/commercial units.

1.2.4 Properties in the vicinity range in height from 3 to 4 storey on the main streets, with 2 storey dwellings along South Kinmel Street. External materials nearby include rendered and brick walls, and slate roofs.

### 1.3 Relevant planning constraints/considerations

1.3.1 The site is within the Town/District Centre boundary in the Unitary Development Plan. This is subject to policy RET 1 which seeks to steer most retail and commercial development into existing centres, to maintain or enhance their vitality and viability. The principal shopping street as identified on the Unitary Plan's Proposal map is some 200 metres to the north along High Street.

1.3.2 The Bee and Station is a Grade II listed building on the CADW schedule, and is notable for its extensive glazed ceramic tiled walls.

1.3.3 The site is inside the town's conservation area.

### 1.4 Relevant planning history

1.4.1 Department records list a number of minor applications for the rear extensions to the property, including toilet accommodation in 1965, and a store extension in 1972.

### 1.5 Developments/changes since the original submission

1.5.1 None.

### 1.6 Other relevant background information

1.6.1 None.

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

2.1 Application ref. 10630 – Toilet accommodation  
GRANTED 1965

Application 13467 – First floor store extension  
GRANTED 1972

## **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 STRAT 1 - General
- Policy STRAT 7 - Environment
- Policy STRAT 8 - Employment
- Policy STRAT 10 - Town Centres
- Policy STRAT 11 - Regeneration
- Policy GEN 1 - Development within development boundaries
- Policy GEN 6 - Development Control requirements
- Policy ENV 1 - Protection of the natural environment
- Policy ENV 6 - Species protection
- Policy CON 1 - The setting of listed buildings
- Policy CON 2 - Extension or alterations to listed buildings
- Policy CON 3 - Change of use of listed buildings
- Policy CON 5 - Development within Conservation Areas
- Policy CON 7 - Demolition in Conservation Areas
- Policy CON 11 - Areas of Archaeological Importance
- Policy ENP 6 - Flooding
- Policy RET 1 - Town & District Centres
- Policy TRA 6 - Impact of new development on traffic flows
- Policy TRA 9 - Parking and servicing provision

### 3.2 Supplementary Planning Guidance

- No. 6 - Trees and Development
- No. 8 - Access for all
- No. 14 - Listed Buildings

### 3.3 WELSH ASSEMBLY GOVERNMENT POLICY & GUIDANCE

- Planning Policy Wales 2010
- TAN 12 - Design
- TAN 15 - Development and Flood Risk
- TAN 18 - Transport

#### OTHER

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

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Office use in town centre location
- 4.1.3 Part demolition of listed buildings/impact on setting of listed building
- 4.1.4 Local impact of development
- 4.1.5 Highways
- 4.1.6 Flooding
- 4.1.7 Accessibility issues
- 4.1.8 Ecological issues
- 4.1.9 Archaeological issues

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

#### 4.2.1 Principle

The main Unitary Plan Policies relevant to the principle of the development are STRAT 1, 8, 10, and 11, GEN 6 and RET 1. The strategic policies set the general theme of securing sustainable development maximising the use of derelict/underused land and buildings, locating development in existing centres, to minimise travel by private car (STRAT 1), securing regeneration (STRAT 8), maintaining and enhancing the attractiveness, viability and vitality



of town centres (STRAT 10, RET 1). All proposals are subject to tests of general impact in GEN 6.

Members will also be aware of ongoing initiatives in Rhyl geared at securing the regeneration of the town, building on Rhyl Going Forward and West Rhyl Regeneration Area strategies, and WAG's designation of the Strategic Regeneration Area.

The proposals to introduce a new employment use into a vacant town centre pub/hotel appear to be consistent with the general principles of the Unitary Plan policies and the theme of the regeneration initiatives. Specific impacts are reviewed in the following sections of the report.

#### 4.2.2 Office use in town centre locations

The main Unitary Plan policy relevant to retail and commercial development in town centres is RET 1. This policy states town centres will be the main location for such development, subject to the main proviso that it is of a scale and type appropriate to the size, character and function of the centre, and maintains or enhances its vitality and viability. The explanatory text to RET 1 details the approach to steering retail and commercial uses to town centres, and the desire to ensure they retain a broad cross section of facilities – listing a range of uses including A1 retail, A2 offices, banks, A3 food and drink, and community uses such as Clinics and Cinemas/Theatres (D1 and D2 uses).

This section of Bodfor Street lies within the town centre, some distance from the main principal shopping frontages where retail shop uses are protected by Policy RET 5. The principle of a mixed office and 'professional services' use (Use Classes B1 and A2) would be consistent with the tests of RET 1. The scale of use is minimal in relation to the size of the town centre and it is difficult to conclude that the impact of the proposals would be anything other than positive in this location.

#### 4.2.3 Part demolition of listed buildings and effect on setting of listed building

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

The Conservation Architect has been involved in dialogue with the agents over the course of developing the scheme, and considers the demolition and reconstruction proposals can be supported.

Having due regard to the poor quality of the existing rear extensions, it is not considered the demolition element of the scheme is in any way contentious. The design of the 'replacement' extension is modern in concept but not inappropriate in relation to the original listed building or its setting, given the detailing and relationship between the buildings.

#### 4.2.4 Local impact of development

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

CON 5 and CON 7 relate to development and demolition in Conservation areas and set basic tests to ensure the character and appearance of the Conservation Area is preserved or enhanced, and that any demolition is fully justified, with acceptable redevelopment/aftercare proposals.

Leaving aside the matters specific to the impact on the listed building, the Townscape Heritage Initiative Officer raises no objections to the detailed design of the extensions. There are no objections from other consultees or private individuals in relation to the impacts of the new development or uses.

Officers' view is that the proposals would have no adverse impact on the locality, being of an acceptable scale, intensity and detailing, maintaining acceptable relationships with adjoining property. The development would bring about a significant improvement to the visual quality of the environment in the Conservation Area, subject to suitable controls over use of materials and landscaping.

#### 4.2.5 Highways

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

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

Whilst a development such as this in a town centre location would not normally be able to provide off road parking, the proposal to provide a limited rear parking area to serve the property, with a new access off the narrow South Kinmel Street may be viewed as a further gain from the development, and would assist ease of access for persons with disability. In relation to the issue raised by the Town Council over construction stage activity, a condition can be attached requiring details of a construction method statement in connection with the development.

#### 4.2.6 Flooding/Drainage

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

Whilst the application site is within a C1 flood zone in the Development Advice Maps accompanying TAN 15 – Development and Flood Risk, the Environment Agency have no objections to the proposals, given the existing and proposed uses. They recommend installation of suitable flood proofing measures as part of the development, and the use of sustainable drainage systems to deal with any additional run off.

The matters raised in the Environment Agency and Welsh Water response can be dealt with satisfactorily by way of conditions and advisory notes if a permission is granted.

#### 4.2.7 Accessibility issues

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

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

#### 4.2.8 Ecological issues

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

The submission includes a tree and bat report which concludes the elm tree is in poor condition with a limited life expectancy of five years and it shows no evidence of bats or bat activity. It also confirms that no bats were discovered in the building, and there was no evidence of recent bat activity (the presence of pigeons in the upper rooms and loft being likely to dissuade bats from roosting there).

Officers' view is that the elm tree is of limited amenity value, given its condition, and that the proposal to remove it is wholly reasonable. Whilst surveys note an absence of bats, it would still be good practice if development proceeds to ensure a licensed bat worker is present to supervise tree works, and to ensure the inclusion of bat friendly measures into the construction of the new extension (bat bricks, unpointed ridge slates, gaps in fascia/soffit boards, etc).

#### 4.2.9 Archaeology

The requirement to consider the archaeological implications of development are set out in Unitary Plan policies STRAT 7, CON 11 and GEN 6.

The Clwyd Powys Archaeological Trust confirm there would be limited archaeological implications in this instance, but recommend a photographic record be made of the buildings.

### **5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is to renovate a vacant and decaying Grade 2 listed building in the centre of Rhyl, with associated redevelopment at the rear with a new extension in place of unsympathetic modern additions, and a small car park area. The intention is to create 6 small office type units.

5.2 The principle and the detailing of the development appears comfortably in accord with Unitary Plan Policy, and the scheme is accordingly recommended for grant subject to conditions.

The recommendation is to authorise the County Council to carry out the development in accordance with relevant legislation.

### **6. RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No demolition shall take place before the contract for carrying out the works of redevelopment on the site has been made and evidence of the contract has been submitted to the local planning authority.

3. PRE-COMMENCEMENT CONDITION

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

- (a) the proposed methodology for removal of the elm tree, and measures to be taken to identify any potential for bat habitat; and where bats are found, steps to deal with them before any further works are allowed to proceed.
- (b) proposed new landscaping/planting within the site (including species, numbers, and location, and the timing of planting);
- (c) proposed materials to be used on the main parking area, paths and other hard surfaced areas;
- (d) any 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, gates, walls, fences, etc.

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

5. PRE-COMMENCEMENT CONDITION

No works shall be permitted to commence on the proposed extensions until the written approval of the local planning authority has been obtained to the external materials to be used on the walls and roofs, including the detailing of the photo voltaic/solar panels, extract fans, rainwater goods, and door/window frame materials.

6. No works other than direct like for like replacement of features on the retained listed building shall be permitted other than with the prior written approval of the local planning authority.

7. PRE-COMMENCEMENT CONDITION

No works shall be permitted to commence until the written permission of the local planning authority has been obtained to the inclusion of specific bat friendly construction features within the proposed extensions and the retained listed building.

8. None of the proposed units shall be brought into use until the completion of:-

- (a) The access and car parking area;
- (b) The external amenity area;
- (c) The disabled persons ramp(s) and other features within and around the building which are designed to assist persons with disability.

9. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the local planning authority has been obtained to the detailing of the surface water drainage system to deal with run off from the car park and hard surfaced areas of the site; and the development shall be completed strictly in accordance with the approved details.

10. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the local planning authority has been obtained to specific flood proofing measures to be incorporated into the scheme; and arrangements for flood warnings for occupiers. The development shall be completed strictly in accordance with the approved details.

11. No development shall be permitted to commence until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved by, the local planning authority. The resulting digital photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 7a Church St., Welshpool, Powys, SY21 7DL. Tel. No. 01938 553670.

12. PRE-COMMENCEMENT CONDITION

No works of construction shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed construction method statement, to include proposals for the routing of construction vehicles within the site, the location of any site compound, and storage area, and the timing of construction works.

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

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the comprehensive development of the site in the interests of visual amenity.
3. In the interests of visual amenity, and to protect any bats which may be present.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of visual amenity and to ensure the development respects the character of the listed building.
6. In the interests of visual amenity and to ensure the development respects the character of the listed building.
7. To facilitate the presence of bats.
8. To ensure the building is properly serviced for all users.
9. To ensure a proper means of surface water drainage.
10. To ensure suitable flood proofing techniques are implemented to minimise the impact of any extreme flood event.
11. To ensure a proper historic record is made of the buildings.
12. In the interests of users of the highway, and residential amenity.
13. In the interests of users of the highway, and residential amenity.

**NOTES TO APPLICANT:**

In connection with the conditions of this permission, you are advised as follows -

- Condition 3: to ensure the presence of a licensed bat worker to supervise tree works. In the event of any protected species (bats) being found, no further work should be permitted to take place unless advice has been sought from the Countryside Council for Wales and where necessary the relevant licensing consent(s) have been obtained from Welsh Assembly Government.

All tree work should be carried out by a suitably qualified and experienced arborist, and should conform to B.S. 3398 'Recommendations for Tree Work' (1989), and any subsequent revisions.

- Condition 6

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

In the event that listed building consent is granted, you should contact the County Conservation Architect to discuss the approach to detailed treatment of the listed building.

- Condition 7

Although the bat 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 trees and 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 the bat report are incorporated, including the installation of bat friendly features into the scheme as a positive conservation measure.

- Condition 8

Your attention is drawn to the following advisory notes from the Head of Transportation and Infrastructure:-

- (i) Highways Supplementary Notes 1, 3, 4, 5 & 10
- (ii) New Roads & Street Works Act 1991 - Part N Form.
- (iii) Highways Act 1980 Section 184 Consent to alter a vehicular crossing over a footway.

- Condition 9

You would be advised to contact the Environment Agency Wales to discuss the use of SuDS drainage options, e.g. infiltration/soakaways, or why such a system is not practical. You are advised that Welsh Water/Dwr Cymru have asked that attention be drawn to the following conditions and advisory notes:

**SEWERAGE**  
Conditions

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

Reason: To protect the integrity of the public sewerage system.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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

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

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

- Condition 10

The Environment Agency suggest the installation of flood-proofing measures as part of the development, such as raised service entry points and concrete floors. For further information you should view the ODPM publication 'Preparing for Floods: Interim Guidance ofr Improving the Flood Resistance of Domestic and Small Business Properties'. This may be viewed on the Planning Portal website:

[http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf)

The developer should ensure the future occupiers of the buildings sign up to receive flood warnings from the Environment Agency. He should call 0845 988 1188 to arrange this.

If the re-development creates any increase in the amount of hardstanding on the site the surface water run-off in the area may be increased. The form indicates surface water is to be dealt with by SuDS therefore the Agency wish to see SuDS methods utilised if at all practicable - e.g. infiltration/soakaways are not to be used, the developer will need to demonstrate why it is not practical in this location.

Any culverting or works affecting the flow of a watercourse (including temporary work) requires the prior written Consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its Consent for such works will not normally be granted except as a means of access.

**ITEM NO:** 9

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2010/0472/ PF

**PROPOSAL:** Change of use from Class A1 ground-floor shop and first-floor stockroom to Class A3 coffee shop

**LOCATION:** 3a Wellington Road Rhyl

**APPLICANT:** Mr Christopher Ball

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

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

"No objection"

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

- DCC CONSERVATION ARCHITECT  
No objections to the change of use, but points out that Advertisement Consent would be required for the proposed signage.
- PUBLIC PROTECTION MANAGER  
No response.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

J. J. Frost, Woodlands, Forden, Welshpool (via e-mail)

- Object on the grounds that the town is becoming over run by café/restaurants, and has concerns that the application would have an impact on property on High Street. MP, Chris Ruane, has asked that the objector's concerns be considered.

**EXPIRY DATE OF APPLICATION: 16/06/2010****REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of similar applications

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

- 1.1.1 Planning permission is sought for a change in use from use a ground floor retail shop and a first floor stock room at 3a Wellington Road, Rhyl, to a use class A3 Coffee Shop. The current shop use falls within Use Class A1.
- 1.1.2 The application raises issues common to two other applications on the agenda (45/2010/0411/PF and 45/2010/0501/PF which relate to A3 uses at properties at 85 High Street and 3/5 Wellington Road. The other two



applications seek permission for a Creperie Shop at 3/5 Wellington Road, and for the retention of a Coffee Shop with Photo Art Studio at 85 High Street.

**1.2 Description of site and surroundings**

- 1.2.1 The site is located on Wellington Road, to the immediate west of Rhyl High Street. No.3a is surrounded predominantly by Use Class A1 retail shop uses. In the immediate Wellington Road block there are; 15 A1 Uses, 4 A2 Uses, and 1 A3 Use (Snax). A2 uses are financial and professional services and A3 uses are restaurants and cafes.
- 1.2.2 The nearby sections of the High Street and Russell Road contain; 17 A1 Uses, 2 A2 Uses, 1 Webbers Amusement and 4 A3 Uses (Ambers Coffee, The National Milk bar, The New Inn and Tiffany's Café).

**1.3 Relevant planning constraints/considerations**

- 1.3.1 As noted above, this proposal has been submitted at the same time as two other applications seeking permission for Class A3 Uses. Each of these applications is submitted by different applicants.
- 1.3.2 The site lies within the development boundary of Rhyl and is within a Designated Town and District Centre in the Unitary Development Plan, where policy RET 1 applies. RET 1 identifies such centres as the main location for retail and commercial development appropriate to the centre, which maintains its vitality and viability. The text to the policy refers to a range of retail uses including those in Use Classes A1, A2 and A3.

**1.4 Relevant planning history**

- 1.4.1 None

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

- 1.5.1 None

**1.6 Other relevant background information**

- 1.6.1 The application is referred to Committee at the request of Councillor J. Butterfield and I. Armstrong to enable full assessment of potential impact on the vitality and viability of the town centre.

**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 CON 5- Development within conservation areas
- Policy RET 1- Town & District Centres
- Policy RET 6- Town and District Centres (non A1 uses)
- Policy RET 16- Food and drink- hot food takeaways.

**3.2 GOVERNMENT GUIDANCE**

Ministerial Interim Planning Policy Statement 02/2005, Planning for Retailing and Town Centres

**4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Impact on the vitality and viability of the Town centre

- 4.1.3 Impact on visual amenity/conservation area
- 4.1.4 Impact on residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RET 1 states that Town Centres should be the main location for retail and commercial development providing a proposal is of an appropriate scale and type and that it serves to maintain or enhance the vitality of the Town Centre itself. Policy RET 6 allows for the change of use to Non A1 uses within town centres provided that it maintains, enhances and improves the viability and vitality of a centre and that it is of a scale and type which is in keeping and does not have an unacceptable impact upon the surrounding area. The visual and amenity impacts are discussed below; as is the impact the proposal would have on the vitality and viability of the Town Centre. The principle of introducing an A3 use is not therefore considered contrary to Unitary Plan Policy, but the impacts of such a change of use have to be carefully assessed to determine potential effects on the town centre.

4.2.2 Impact on the vitality and viability of the Town centre

As stated, Policies RET 1 and RET 6 require due consideration of the impact of proposals on a town centre, and oblige assessment of impact on viability and vitality. The policies do not however preclude change of use to A3 uses, and refer to circumstances where a flexible approach may be necessary, for example, where there are vacant premises unlikely to function again as shops; where there are only a limited number of existing A3 uses, and the A3 uses are small in scale- i.e. the overall impact on the vitality and viability of a town would be negligible. RET 16 is a policy of specific relevance to A3 uses permitting such uses in town and district centres, subject to not resulting in clustering out of keeping with the character of such areas, and no adverse effect on residential amenity or highways.

In this case, the introduction of an A3 shop in this location seems unlikely to adversely affect the balance of A1 and A3 shops, either in the vicinity or in the town itself. Even taken together with the other two A3 shop proposed, officers would feel it difficult to point to specific adverse impact sufficient to justify refusal of permission. However, in recognising local concerns over the issue of groupings of A3 uses, it is considered reasonable to restrict the use to a coffee shop and to no other use within Use Class A3.

A basic survey of uses in the locality points to a preponderance of A1 shops. The nearest A3 uses in the area are Snax, The National Milk bar, The New Inn, and Tiffany's Café. It is not considered, in this context, with respect to the objection raised, that the proposal would materially harm the vitality or viability of Rhyl Town Centre, in particular as the proposal actually offers a service (coffee shop) which is not currently in oversupply in the vicinity.

4.2.3 Impact on visual amenity/conservation area

Policy CON 5 permits proposals which would not harm the appearance or character of the conservation area. No external alterations have been outlined in the proposal. It is considered the proposal would have little impact on the conservation area, meeting the requirements of policy CON 5.

4.2.4 Impact on residential amenity

Policy GEN 6 part v) seeks to ensure that development does not harm the amenity of local residents or other property users in the surrounding area. The site is in a Town Centre location. It is intended opening hours would be 08 00-18 00 Monday to Saturday and 10 00-16 00 on a Sunday. No known

residential flats are above the premises or units nearby. Therefore, the proposal would not appear to pose any problems in relation to residents of properties in the immediate locality.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is not considered to conflict with basic policy requirements, and is therefore recommended for approval subject to the conditions noted below.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) the property shall only be used as a Coffee Shop and for no other use within Use Class A3 as defined in the aforementioned Order, without the further permission of the Local Planning Authority.
3. The premises shall not be open for customers outside the following hours:-  
0800 - 1800 Monday to Saturday  
1000 - 1600 Sundays

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 enable the Local Planning Authority to retain control over the use in the interests of maintaining the vitality and viability of the town centre, and the amenities of occupiers of residential property in the location.
3. In the interests of the amenities of occupiers of residential property in the locality.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 10

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2010/0510/ PF

**PROPOSAL:** Change of use from Class A1 to A3 Crêperie shop

**LOCATION:** 3-5 Wellington Road Rhyl

**APPLICANT:** Mr & Mrs John Mival Crepecymru

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

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

"No objection"

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

- DCC CONSERVATION ARCHTECT  
No objection to the change of use, put points out that should signage be proposed in the future, then advertisement consent would be required
- PUBLIC PROTECTION MANAGER  
No response

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

In support

G. Lloyd-Davies, Gwasg Helygain Ltd., 68/70 Kinmel Street (e-mail)

- The town lacks quality café/food outlets and that the current unit sits vacant

In objection

1. Mr. P.W.G. Ball, Apex Business Centre, 14, Brighton Rd, Rhyl

2. Mrs J Atkins and Miss D Ryder, Snax, 16 Wellington Road, Rhyl,

- Impact on town centre viability/over concentration of A3 uses/viability of existing businesses.

**EXPIRY DATE OF APPLICATION: 21/06/2010**

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

- timing of receipt of similar applications

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 Planning permission is sought for a change in use from use a ground floor A1 retail shop at 3-5 Wellington Road, Rhyl, to a use class A3 Creperie Shop. The shop is currently vacant.
- 1.1.2 The application raises issues common to two other applications on the agenda (45/2010/0411/PF and 45/2010/0472/PF) which involve A3 uses at properties at 85 High Street and 3-5 Wellington Road. The other two applications seek permission for a Coffee Shop at 3a Wellington Road, and for the retention of a Coffee Shop with Photo Art Studio at 85 High Street.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located on Wellington Road, to the immediate west of Rhyl High Street whilst no's.3-5 is surrounded predominantly by Use Class A1 retail shop uses. In the immediate Wellington Road block there are; 15 A1 Uses, 4 A2 Uses, and 1 A3 Use (Snax). A2 uses are financial and professional services and A3 uses are restaurants and cafes.
- 1.2.2 The nearby sections of the High Street and Russell Road contain; 17 A1 Uses, 2 A2 Uses, 1 Sui Generis (Webbers Amusement) and 4 A3 Uses (Ambers Coffee, The National Milk bar, The New Inn and Tiffany's Café).

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Rhyl and is within a Designated Town and District Centre in the Unitary Development Plan, where policy RET 1 applies. RET 1 identifies such centres as the main location for retail and commercial development appropriate to the centre, which maintains its vitality and viability. The text to the policy refers to a range of retail uses including those in Use Classes A1, A2 and A3.

#### 1.4 Relevant planning history

- 1.4.1 None

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

- 1.5.1 None

#### 1.6 Other relevant background information

- 1.6.1 The application is referred to Committee at the request of Councillors J. Butterfield and I. Armstrong to enable full assessment of potential impact on the vitality and viability of the town centre.

### **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 CON 5- Development within conservation areas
  - Policy RET 1- Town & District Centres
  - Policy RET 6- Town and District Centres (non A1 uses)
  - Policy RET 16- Food and drink- hot food takeaways.

### 3.2 GOVERNMENT GUIDANCE

Ministerial Interim Planning Policy Statement 02/2005, Planning for Retailing and Town Centres

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on the vitality and viability of the Town centre
- 4.1.3 Impact on visual amenity/conservation area
- 4.1.4 Impact on residential amenity

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy RET 1 states that Town Centres should be the main location for retail and commercial development providing a proposal is of an appropriate scale and type and that it serves to maintain or enhance the vitality of the Town Centre itself. Policy RET 6 allows for the change of use to Non A1 uses within town centres provided that it maintains, enhances and improves the viability and vitality of a centre and that it is of a scale and type which is in keeping and does not have an unacceptable impact upon the surrounding area. The visual and amenity impacts are discussed below; as is the impact the proposal would have on the vitality and viability of the Town Centre. The principle of introducing an A3 use is not therefore considered contrary to Unitary Plan Policy, but the impacts of such a change of use have to be carefully assessed to determine potential effects on the town centre.

#### 4.2.2 Impact on the vitality and viability of the Town centre

As stated, Policies RET 1 and RET 6 require due consideration of the impact of proposals on a town centre, and oblige assessment of impact on viability and vitality. The policies do not however preclude change of use to A3 uses, and refer to circumstances where a flexible approach may be necessary, for example, where there are vacant premises unlikely to function again as shops; where there are only a limited number of existing A3 uses, and the A3 uses are small in scale- i.e. the overall impact on the vitality and viability of a town would be negligible. RET 16 is a policy of specific relevance to A3 uses permitting such uses in town and district centres, subject to not resulting in clustering out of keeping with the character of such areas, and no adverse effect on residential amenity or highways.

In this case, the introduction of an A3 shop in this location seems unlikely to adversely affect the balance of A1 and A3 shops, either in the vicinity or in the town itself. Even taken together with the other two A3 shops proposed, officers would feel it difficult to point to specific adverse impact sufficient to justify refusal of permission. However, in recognising local concerns over the issue of groupings of A3 uses, it is considered reasonable to restrict the use to a Creperie and no other use within Class A3.

The basic survey of uses in the locality points to a preponderance of A1 shops. The nearest A3 uses in the area are Snax, The National Milk bar, The New Inn, and Tiffany's Café. It is not considered, with respect to the objection raised, that the proposal would materially harm the vitality or viability of Rhyl Town Centre. The proposal actually offers a service (Creperie) which is not currently in oversupply in the vicinity.

#### 4.2.3 Impact on visual amenity/conservation area

Policy CON 5 permits proposals which would not harm the appearance or character of the conservation area. The comments of the Conservation

Architect are acknowledged, and should the application be approved then a note to the applicant could be inserted to remind them to apply for advertisement consent. No external alterations have been outlined in the proposal. It is considered the proposal would have little impact on the conservation area, meeting the requirements of policy CON 5.

4.2.4 Impact on residential amenity

Policy GEN 6 part v) seeks to ensure that development does not harm the amenity of local residents or other property users in the surrounding area. The site is in a Town Centre location. It is intended opening hours would be 0900-1700 Monday to Saturday and no opening on a Sunday. No known residential flats are above the premises or units nearby. The proposal would not appear to pose any problems in relation to residents of properties in the immediate locality.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is not considered to conflict with basic policy requirements, and is therefore recommended for approval subject to the conditions noted below.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) the property shall only be used as a Creperie Shop and for no other use within Use Class A3 as defined in the aforementioned Order, without the further permission of the Local Planning Authority.
3. the premises shall not be open for customers outside the following hours:-  
0900 - 1700 Monday to Saturday  
No opening on Sundays

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 enable the Local Planning Authority to retain control over the use in the interests of maintaining the vitality and viability of the town centre, and the amenities of occupiers of residential property in the location.
3. In the interests of the amenities of occupiers of residential property in the locality.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 11

**WARD NO:** Rhyl South East

**APPLICATION NO:** 45/2010/0522/ PF

**PROPOSAL:** Erection of extension to and conversion of garage to living accommodation and erection of first-floor pitched-roof extension above, at side of dwelling

**LOCATION:** 73 Maes Y Gog Rhyl

**APPLICANT:** Mr S C Evans

**CONSTRAINTS:** C1 Flood Zone  
**PUBLICITY** Site Notice - No  
**UNDERTAKEN:** Press Notice - No  
 Neighbour letters - Yes

**CONSULTATION RESPONSES:**  
 RHYL TOWN COUNCIL  
 "Object due to the impact on the neighbouring property"

**RESPONSE TO PUBLICITY:**  
 None

**EXPIRY DATE OF APPLICATION: 20/06/2010**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of a first floor pitched roof side extension on top of an existing garage at 73 Maes y Gog, Rhyl. As part of the scheme, the garage would be converted into a living room with a utility room to the rear.
- 1.1.2 The extension would raise the ridge height to 7 metres, with a footprint of 7.3m by 2.6m. No windows are proposed on the side elevation, with windows to the front and rear elevation only. External materials proposed include facing brick, roof tiles and windows to match the style on the existing dwelling.

1.2 Description of site and surroundings

- 1.2.1 The site is surrounded by residential units of similar composition to the north and south. No.71, the house which the side extension would face, has one small frosted window facing the site. The rear garden is bounded by wooden panel fencing on all sides which measure to an approximate height of 1.8m.
- 1.2.2 Similar extensions have been added to dwellings in close proximity.

1.3 Relevant planning constraints/considerations

- 1.3.1 None

1.4 Relevant planning history

- 1.4.1 Applications for two storey extensions at adjacent properties, no.75 and 77 Maes y Gog, have been granted planning permission in the past. Details of these applications are contained below.



1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

2.1.1 45/2009/0526, Erection of two storey pitched roof extension to side and single storey extension to rear of dwelling, 75 Maes y Gog, granted under delegated powers, 18.06.09

2.1.2 45/2005/0897, Erection of two storey extension at side and single-storey extension for garage & construction of additional vehicular access, 77 Maes y Gog, granted under delegated powers, 15.09.05

**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 No.1 Extensions to dwellings

SPG No.24 Householder development design guide

**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

4.2 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 dwelling 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 section.

4.2.2 Detailed design and impacts

- *Scale and form*

The scale and form of the extension is subordinate to the existing dwelling. The ridge height of the extension would be below that of the existing main ridge and therefore follows best practice outlined in SPG no.1.

- *Design and materials*

The design of the extension is in keeping with the existing house, and materials proposed are to match the existing dwelling.

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

The extension is considered to be of an acceptable scale, and appropriate design, with matching materials and hence is not considered likely to materially harm the visual appearance of the existing house.

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

The comments from Rhyl Town Council are acknowledged. However, it is not considered the extension would materially harm the residential amenity of adjacent occupiers to the extent which would warrant a refusal. Visually, it is not considered the proposal would materially harm the visual appearance of the surrounding area. A 2m gap between no's 71 and 73 would still remain. Identical first floor extensions at no's 75 and 77 have been approved and built, with no visual harm to the surrounding area occurring as a result.

*- Overdevelopment of the site*

The extension is at first floor level and the proposal is not considered to constitute overdevelopment.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 It is considered the proposal meets the relevant policy requirements, and is therefore recommended for approval.

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

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

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.

## **NOTES TO APPLICANT:**

None

**ITEM NO:** 12

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2010/0348/ PF

**PROPOSAL:** Erection of bay window at front of dwelling

**LOCATION:** 21 Dyffryn Teg Rhualt St. Asaph

**APPLICANT:** Mr Weston Holmes

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

TREMEIRCHION COMMUNITY COUNCIL

Object. "With reference to SPG Note No 1 section 9 Councillors feel that this extension is not in keeping with the surrounding properties"

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 21/07/2010**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application is for the addition of a square bay window to the front of an existing dwelling at 21 Dyffryn Teg. The bay window would have a footprint of 2.8m by 0.8m, and measure 2.5m in height, and would be constructed with a red brick plinth with a small paned window detailing, which would match the style of the existing dwelling.

1.2 Description of site and surroundings

1.2.1 The site is at the end of a three dwelling terrace, located at the top of the Dyffryn Teg cul-de-sac. These are constructed from red brick, with tiled roofs and white UPVC windows and doors. A mature hedgerow to the front of the site provides a level of screening.

1.3 Relevant planning constraints/considerations

1.3.1 None

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 None

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 HSG 12- Extensions to dwellings

Policy GEN 6 Development Control Requirements

3.2 Supplementary Planning Guidance

SPG No.1 Extensions to dwellings

**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

4.2 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 dwelling 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.

4.2.1.1. Detailed design and impacts

- *Scale and form*

The scale and form of the bay window is clearly subordinate to the existing dwelling.

- *Design and materials*

The design of the bay window is considered acceptable in the context of the dwelling, using sympathetic window detailing, and matching brickwork below.

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

Owing to the small size of the bay window, and the use of a sympathetic design and construction materials, it is not considered that the proposal would visually harm the existing dwelling.

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

The objection from the Community Council is acknowledged. However, owing to the small size of the bay window, the sympathetic design and use of matching construction materials, it is not considered the proposal would materially harm the visual amenity of the surrounding area. The hedgerow to the front of the property also provides a level of screening. With the projection of the bay window being only 0.8m, it is

not considered the proposal would give rise to any loss of residential amenity for surrounding occupiers.

- *Overdevelopment of the site*

With garden space to the front, side and rear, it is not considered the proposal would result in an overdevelopment of the site.

**5. SUMMARY AND CONCLUSIONS:**

5.1 It is considered the proposal meets the basic policy requirements, and is therefore recommended for approval.

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

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

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.

**NOTES TO APPLICANT:**

None



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PLANNING COMMITTEE  
MEETING: 28th July 2010  
Agenda Item:

## **ENFORCEMENT MATTERS**

**REFERENCE:** ENF/2010/00041

**LOCATION:** Dolafon, St Asaph Road, St Asaph

**INFRINGEMENT:**

**Site A**

- (1) Unauthorised change of use from 'agricultural' to use for commercial vehicular storage in connection with off-site business.
- (2) Unauthorised change of use from 'agricultural' to use for storage of caravans and metal containers.

**Site B**

- (3) Unauthorised change of use from 'residential' to mixed use of residential and storage of caravans.

## PLANNING ENFORCEMENT REPORT

**REFERENCE:** ENF/2010/00041

**LOCATION:** Dolafon, St Asaph Road, St Asaph

**INFRINGEMENT:**

**Site A**

- (1) Unauthorised change of use from 'agricultural' to use for commercial vehicular storage in connection with off-site business.
- (2) Unauthorised change of use from 'agricultural' to use for storage of caravans and metal containers.

**Site B**

- (3) Unauthorised change of use from 'residential' to mixed use of residential and storage of caravans.

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

#### DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6	-	Development Control Requirements
Policy ENV 1	-	Protection of the Natural Environment
Policy EMP 9	-	Working from Home
Policy TSM 9	-	Static Caravan and Chalet Development
Policy TSM 13	-	Winter Storage of Caravans

#### GOVERNMENT GUIDANCE

Planning Policy (Wales) 2002

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

#### HUMAN RIGHTS CONSIDERATIONS

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

## **1. BACKGROUND INFORMATION**

- 1.1 The land in question lies adjacent to the south bound carriageway of the A525, St Asaph Road between Rhuddlan and St Asaph. It comprises a residential dwelling with associated curtilage (Site A) and a range of outbuildings on an attached parcel of agricultural land (Site B). It is surrounded by agricultural land and is located between the River Elwy and the A525.
- 1.2 On the 2 April 2009, a member of Denbighshire CC Revenues staff raised concerns regarding an apparent business use at Dolafon. This was subsequently confirmed during a site visit on the 24 April 2009, when a Planning Compliance Officer found that a number of commercial vehicles marked 'Prestige Removals' were parked/stored on the attached parcel of agricultural land at Dolafon outside the residential curtilage (Site A).



- 1.3 On the 27 April 2009, a letter was forwarded to the owners of the property as listed with the Land Registry, outlining the concern regarding an apparent breach of planning control. It transpired that the property had recently been sold and a letter was then forwarded to the new owner.
- 1.4 The new owner made contact with Planning Services and subsequently attended a planning surgery to seek advice as to how she could regularise the breach of planning control. The owner subsequently resolved to engage a planning consultant to prepare an appropriate application for planning permission.
- 1.5 Further complaints were then received by Planning Services in relation to five caravans, which had been moved onto the site; four of which were static caravans. This was again confirmed through a site visit by a Planning Compliance Officer on the 28 August 2009. Three static caravans were located within the residential curtilage (Site B) and one static and the tourer style caravan adjacent to the outbuildings on agricultural land (Site A). The additional potential breach of planning control was drawn to the attention of the owner by letter dated the 1 September 2009.
- 1.6 A planning consultant representing the owner responded by letter dated the 9 September 2009; it was confirmed that an application for planning permission was being prepared. It was stated that the four static caravans in question were being used in connection with internal refurbishments at Dolafon and would be removed when the works were completed.
- 1.7 On the 29 December 2009, an application for planning permission was submitted for the '*continuation of use of part of agricultural land as commercial vehicle storage in connection with off-site business and part of land as winter storage of caravans. Retention of front boundary fence*'; code 40/2009/1622/PF refers. The application was not validated until the 1 February 2010.
- 1.8 Due to the changing nature of the site it was routinely monitored, which revealed that by the 15 April 2010, five tourer style caravans had also been moved onto the site, in addition to the four static caravans still in situ. The tourer style caravans were located on the attached parcel of agricultural land at Dolafon outside the residential curtilage (Site A); some appeared to be occupied. Accordingly, a letter was forwarded to the owner on the 16 April 2010, expressing concern at the unauthorised increase in the number of caravans on the land and the apparent residential use being put to them.
- 1.9 No response was received from the owner and a further site visit was undertaken on the 22 June 2010. This revealed that one tourer style caravan had been removed, reducing the number to four. The original four static caravans remained in place.
- 1.10 A further site visit was undertaken on the 15 July 2010, which revealed that one static caravan and four tourer style caravans remained in situ on the attached parcel of agricultural land at Dolafon (Site A); there were four 'Prestige Removals' commercial vehicles parked/stored adjacent to the tourer caravans (Site A) and a further static caravan was being stored within an agricultural outbuilding (Site A); there were two metal containers formerly commercial vehicle load carriers sited adjacent to the tourer style caravans (Site A) and of the three original static caravans stored on the residential curtilage (Site B), two remained in place.
- 1.11 The application for planning permission in its current form is not supported.

## **2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

- 2.1 The unauthorised use of the land for the storage of caravans and commercial vehicles has commenced within the last 10 years.
- 2.2 The land owner retains two static caravans stored within the residential curtilage of Dolafon (Site B). One static caravan is stored within an agricultural outbuilding on the agricultural land attached to Dolafon (Site A), outside which the following are also stored: a further static caravan, four tourer style caravans, two commercial metal containers and a varying number of commercial vehicles. This represents an unauthorised storage use and does not maintain or enhance the landscape character of the countryside. Although the site is fairly well screened to the front roadside elevation, it is clearly visible from a footpath running along the west bank of the River Elwy. The unauthorised storage use is considered to be obtrusive and unacceptably affects the form and character of the surrounding landscape and is therefore contrary to Policies TSM 9 (ii) and (iii), TSM 13 (i) and (iii), Policy ENV 1, EMP 9 (ii) and Policy GEN 6 (i) and (ii).
- 2.3 Despite intervention by the Local Planning Authority the unauthorised storage use has continued with a continual accumulation of items on the land in question.
- 2.4 The imposition of planning conditions as part of any grant of planning permission would not overcome the highlighted concerns.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
- (i) Serve an Enforcement Notice to secure the cessation of the unauthorised caravan storage use within the residential curtilage of Dolafon and the removal of two static caravans (Site B); to secure the cessation of the unauthorised caravan storage use within the agricultural parcel of land attached to Dolafon and the removal of two static caravans and four tourer style caravans (Site A); to secure the cessation of the unauthorised container storage use within the agricultural parcel of land attached to Dolafon and the removal of two commercial metal containers (Site A); to secure the cessation of the unauthorised commercial vehicle storage use within the agricultural parcel of land attached to Dolafon and the removal of all commercial vehicles (Site A).
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
  - (iii) Period for compliance 4 months.

## NON DETERMINATION APPEAL

**DEVELOPMENT OF 1.35ha OF LAND BY THE ERECTION OF 34 No. DWELLINGS – 9 No AFFORDABLE (Class C3) AND 6 No. INDEPENDENT LIVING APARTMENTS (units for the provision of residential accommodation and care to people in need of care – Class C2 residential institution), TOGETHER WITH ASSOCIATED OPEN SPACE, A 900 Sq.m INDUSTRIAL UNIT AND THE CONSTRUCTION OF A NEW VEHICULAR AND PEDESTRIAN ACCESS OFF FFORDD DERWEN, ON LAND AT CEFNDY TRADING ESTATE, FFORDD DERWEN AND CEFNDY ROAD, RHYL**

Application Code No. 45/2009/1595/PF

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### REQUEST FOR CONFIRMATION OF STANCE ON APPEAL

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#### 1. PURPOSE OF THIS REPORT

- 1.1 The report seeks the formal confirmation of the Planning Committee in terms of its stance on the determination of the above planning application which is now the subject of a non-determination appeal. Members will recall that a similar report was presented to them back in March 2010 which was prior to the formal commencement of the above appeal. The formal Public Inquiry into the non-determination appeal began on 20<sup>th</sup> April 2010 at the Town Hall, Rhyl. The Inspector raised concerns about the clarity of the description of the appeal application and adjourned the appeal in order that a further consultation exercise could be undertaken with the public on a clearer description (**as above**).
- 1.2 The report will set out the background to the case and will ultimately seek Members' ratification of the recommendation at the end of the report. This recommendation sets out the reasons for refusal which Officers feel would have been recommended had they determined the application.
- 1.3 The planning officer's report relating to the up to date non-determined application is attached to this special report. **APPENDIX 1**

#### 2. BACKGROUND

- 2.1 The Council originally refused to grant planning permission for the development of the site in question at its Planning Committee on 17<sup>th</sup> June 2009. That original scheme proposed the following:-

DEVELOPMENT OF 1.35HA OF LAND BY THE ERECTION OF 41 AFFORDABLE DWELLINGS (INCLUDING BLOCK OF 6 APARTMENTS FOR INDEPENDENT LIVING), CHILDREN'S PLAY AREA AND 1NO. BUSINESS UNIT AND CONSTRUCTION OF NEW VEHICULAR AND PEDESTRIAN ACCESS, CEFNDY TRADING ESTATE, FFORDD DERWEN AND CEFNDY ROAD, RHYL

- 2.2 This original scheme, which differed from the non-determined scheme in some specific ways, was refused on 17<sup>th</sup> June 2009 for the following reasons:-
- “1. It is considered that the proposed level of housing indicated on this allocated employment site is unacceptable and is contrary to Policy EMP 10 of the Denbighshire Unitary Development Plan along with guidance contained within Planning Policy Wales which seek to prevent the loss of employment sites to other uses. The Council consider that this long established employment site will contribute towards the future employment needs of Rhyl and that to allow such a loss to housing would set an unwanted precedent for the further encroachment of housing onto designated employment sites.
2. It is considered that the layout of the housing element of the scheme, the proximity of dwellings to existing and proposed industrial uses and the lack of community recreational open space results in a cramped form of development which would create an inadequate level of residential amenity for the future occupants of the site. This is in direct conflict with criteria i, and v, of Policy GEN 6, Policy REC 2 and SPG 4 of the Denbighshire Unitary Development Plan along with guidance contained within Chapters 9 and 11 of Planning Policy Wales.
3. It is considered that the provision of this amount of affordable dwellings in one block is contrary to the site layout principles contained within the Council's adopted Supplementary Planning Guidance on Affordable Housing in New Developments (SPG 22) along with guidance contained within Chapter 9 of Planning Policy Wales. The provision of 41 no. dwellings in one block is contrary to the aim of facilitating a greater social mix with affordable dwellings dispersed about a site preferably in clusters.”
- 2.3 An appeal was lodged against this refusal on 30<sup>th</sup> November 2009. The Inspectorate timetable required a Statement of Case to be submitted on this appeal by 14<sup>th</sup> January 2010. This Statement was duly submitted and set out the relevant issues which the Council hoped to refer to at the Inquiry.
- 2.4 A revised planning application (Ref: **45/2009/1595/PF**) was submitted to the Local Planning Authority on 9<sup>th</sup> December 2009. This application was due to be determined by 2<sup>nd</sup> February 2010.(the statutory 8 week period). Due to the fact an appeal had been lodged on the original scheme Officers did not determine the application within the statutory time period. An appeal against our non-determination of this application was duly lodged by the applicant on 12<sup>th</sup> February 2010. As mentioned above the appeal into this non-determined scheme was adjourned on its first day due to the Inspector feeling the proposed description did not accurately reflect the proposal.
- 2.5 The main issue of concern was around the proposed use of the 6 apartments for independent living. In the scheme which was originally before the Inspector the 6 apartments were classified as residential for the purposes of the description. They formed part of the 40no dwellings proposed. The Planning Inspector, however, felt that

there was a discrepancy in this description as the units appeared to be providing an element of care to the residents commensurate with a Class C2 residential institution use. As such, he advised that a new description should be submitted to the Council which accurately described the proposal. This should make clear the intended use of the block of 6 apartments.

- 2.6 The Local Planning Authority has duly changed the description to that now presented at the top of this report. They undertook a full consultation exercise on this revised description which included sending a tailored re-consultation letter out along with a site and press notice.
- 2.7 The purpose of Officers now bringing this report and the attached planning assessment back to Members is to seek a further stance from them on the up to date description and further information submitted by the appellants. This further information cannot formally be regarded as forming part of the application for assessment purposes as the decision making process on such plans now lies with the Inspector at the appeal. However, whilst changing the description to accurately reflect the uses proposed comments on some minor changes to the parking arrangements and landscaping have been invited as part of the re-consultation process.
- 2.8 As such, Members should note the following differences between the originally refused scheme and the up to date revised scheme which has not yet been determined, but, which has now been re-consulted on.
- **The revised scheme now proposes 34 residential dwellings and a block of 6 Class C2 residential institution apartments. Previously the 6 apartments were included as part of the 40no. dwellings proposed.**
  - **The revised scheme proposes 9 affordable dwellings out of the 34 proposed. The last report, prior to the appeal being adjourned, was for 15 affordable dwellings out of the 40 proposed. The originally refused scheme was for 41 affordable dwellings.**
  - **The applicants have submitted indicative revised plans showing a revised car parking proposal within the scheme and some supplementary landscape planting.**
- 2.9 The attached report contains a revised assessment having regard to the new description, the consultation carried out with the public and the indicative parking, layout and landscaping plans submitted by the appellant.

### 3. RECOMMENDATION

- 3.1 That Members ratify the recommendation in the Planning Officer's report on application 45/2009/1595/PF, that if the Committee had been in a position to determine the application, it would have REFUSED planning permission for the reasons therein.

## **APPENDIX 1**

### **CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL – (Further response received on re-consultation identical to previous response)

“The Town Council object on the following grounds:-

1. Only limited information has been provided in respect of the proposal of the 6 person independent living facility. The Council does not believe it has sufficient information so as to enable it to make a judgement on the suitability of such a facility in the proposed development without knowledge of its proposed end user.
2. The Council would wish to see the Affordable Housing allocated so as to be intermixed (“pepper potted”) with private sale properties (i.e. the Council wishes to see affordable houses to be alternatively located with private sale properties to avoid formation of blocks of private sale or affordable houses.
3. The Council notes the location of the play area and would request that consideration be given to installing CCTV to monitor the area by the developer. The Council has concern that this area could attract anti-social behaviour due to its location being sheltered from view”.

WELSH WATER –

No objection subject to conditions on foul and surface water being drained separately from the site.

HEAD OF TRANSPORT AND INFRASTRUCTURE –

No objection subject to conditions

### **RESPONSE TO PUBLICITY:**

Letters of representation received from:

R.J. Beckinsale, 1, Llys Eirlys, Park View, Rhyl (via e-mail on original consultation)

Mr and Mrs Martell, 84 Meredith Crescent, Rhyl, (through portal on revised consultation)

Summary of planning based representations:

- i) Object to loss of employment land
- ii) Concerns over close proximity of the nearest houses due to over looking.

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

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

- Due to assessment and preparation of Planning Appeal at the same site.

### **PLANNING ASSESSMENT:**

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

##### 1.1 Summary of proposals

- 1.1.1 The application site consists of 1.35ha of land within the development boundary of Rhyl. The previously developed land is situated to the north-west end of Ffordd Derwen and did contain factory buildings authorised for Class B1 light industrial use. The site has historically been used for commercial purposes and this is reflected in its Unitary Development Plan designation for employment use (Policy EMP 2).
- 1.1.2 Full planning permission is sought the redevelopment of the 1.35ha site with a 900sq.m. business unit, 34 no. dwellings to include a block of 6 apartments for persons for independent living with ancillary common room and staff accommodation (Class C2 use) and a 1092 sq.m. Children’s Play Area. The business unit is proposed to be located to the north of the site and accessed off Cefndy Road. At a height of 6m to eaves the unit would provide 8 no. car parking spaces with an area retained for future expansion. Plan A at the front of this report highlights the business unit proposal.
- 1.1.3 The residential element of the scheme would be accessed via a new access point off Ffordd Derwen and would consist of 34 no. dwellings set out as below:-

Affordable Units

6 no. 2 storey, 2 bed, 4 person semi-detached dwellings

2 no. 2 storey, 3 bed, 5 person semi-detached dwellings

1 no. 2 storey, 4 bed, 7 person detached dwelling

Private Housing

21 no. 2 storey, 3 bed, 5 person semi-detached dwellings

2 no. 2 storey, 2 bed, 4 person semi-detached dwellings

2 no. 2 storey, 4 bed, 7 person detached dwellings

- 1.1.4 The 6 no. apartment block would be located to the north of the site abutting the adjacent Thorpe Bros. site. The commercial unit along with a 1092sq.m. Children's Play Area is also shown on the northern part of the site. Plan B at the front of this report shows the proposed layout of the scheme.

1.2 Description of site and surroundings

- 1.2.1 The site is situated amongst industrial and commercial premises to the north and west with the residential areas of Golden Grove and Meredith Crescent to the south and east respectively. Further to the west beyond the commercial starter units of the Pinfold Workshops and the recently developed Travis Perkins builder's merchants is the Brickfield Pond.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl and is allocated as an Employment site within the adopted Unitary Development Plan (Policy EMP 2). The land in question lies within a flood zone (C1).

1.4 Relevant planning history

- 1.4.1 Members will note that a planning application was refused for a similar scheme to this at the Planning Committee on 17<sup>th</sup> June 2009. That application was refused for three reasons relating to i) loss of an employment site, ii) cramped layout and lack of on-site Community Recreational Open Space and iii) the fact that a 100% affordable housing scheme would not comply with the intentions of policy and guidance.

- 1.4.2 That application is the subject of a planning appeal. This was adjourned on 20<sup>th</sup> April to allow further re-consultation. The appeal is due to re-open on 17<sup>th</sup> August 2010.

1.5 Developments/changes since the original submission

- 1.5.1 This particular scheme has not been formally revised since its submission. Members should note the key changes which have been made to the originally refused scheme which proposed 41no. affordable dwellings. These changes are outlined in full below.

1.6 Other relevant background information

- 1.6.1 Members should note that this application represents a revised, re-submission of application ref: 45/2007/1043/PF. This application was refused by the Planning Committee for the following reasons:-

" 1. It is considered that the proposed level of housing indicated on this allocated employment site is unacceptable and is contrary to Policy EMP 10 of the Denbighshire Unitary Development Plan along with guidance contained within Planning Policy Wales which seek to prevent the loss of employment sites to other uses. The Council consider that this long established employment site will contribute towards the future employment needs of Rhyl and that to allow such a loss to housing would set an unwanted precedent for the further encroachment of housing onto designated employment sites.

2. It is considered that the layout of the housing element of the scheme, the proximity of dwellings to existing and proposed industrial uses and the lack of community recreational open space results in a cramped form of development which would create an inadequate level of residential amenity for the future occupants of the site. This is in direct conflict with criteria i, and v, of Policy GEN 6, Policy REC 2 and SPG 4 of the Denbighshire Unitary Development Plan along with guidance contained within Chapters 9 and 11 of Planning Policy Wales.

3. It is considered that the provision of this amount of affordable dwellings in one block is contrary to the site layout principles contained within the Council's adopted Supplementary Planning Guidance on Affordable Housing in New Developments (SPG 22) along with guidance contained within Chapter 9 of Planning Policy Wales. The provision of 41 no. dwellings in one block is

contrary to the aim of facilitating a greater social mix with affordable dwellings dispersed about a site preferably in clusters”.

- 1.6.2 The current application has been revised in an attempt to overcome some elements of the above refusal reasons. This is also, in part, to focus the pending planning appeal on the original refusal to the key points.
- 1.6.3 The scheme now proposes 34 dwellings (9 of which would be affordable). This represents 26% of the total number of dwellings proposed. Secondly, the scheme is now for 34 no. dwellings as opposed to the original 41 no. The layout has been slightly amended to push residential units proposed to the north of the plot away from the existing and proposed commercial buildings on that boundary. The 6 person independent living unit has now been excluded from the residential schedule as it is being described as a separate Class C2 residential institution use.
- 1.6.4 The revised planning application has been submitted with the following supplementary information:-
- Design and Access Statement to include Code for Sustainable Homes Information
  - Supporting Planning Statement to include information trying to justify the loss of employment land, the revised affordable housing provision and attempting to address issues of layout and open space
  - Affordable Housing Questionnaire
  - Flood Consequence Assessment Information

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

2.1 The site has been used for industrial purposes since the 1950's with a pickle factory shown on records dating back to 1950. Since then there have been a number of related factory/industrial extensions which have been granted planning permission.

## **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 STRAT 1 - General
- Policy STRAT 5 - Design
- Policy STRAT 6 - Location
- Policy STRAT 8 - Employment
- Policy STRAT 15 - Housing
- Policy GEN 1 - Development within Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy HSG 10 - Affordable housing within development boundaries
- Policy EMP 2 - Main Employment Areas
- Policy EMP 10 - Protection of employment land/buildings
- Policy REC 2 - Open Space requirements in new developments

### Government Guidance

Planning Policy Wales, March 2002

## **4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Impact on residential amenity of existing dwellings in the area
- 4.1.3 Impact on residential amenity of proposed dwellings
- 4.1.4 Open space provision
- 4.1.5 Affordable Housing
- 4.1.6 Impact on visual amenity



- 4.1.7 Impact on highway safety
- 4.1.8 Drainage Issues
- 4.1.9 Contamination Issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

It is considered that the provision of a commercial unit on an allocated Employment site (Policy EMP 2) meets the intentions of the Unitary Development Plan. The main area of concern in respect to this proposal is the proposed extent of residential development on the site.

4.2.2 The site has been used for commercial/industrial purposes since the 1950's and its site designation within the adopted Unitary Development Plan is reflective of its historical employment purpose. It is acknowledged that in more recent years the variety of warehouses, workshops, office buildings and stores have not been used to full capacity. The applicants contend that due to the poor physical state of these buildings on site and their continued under use it has been necessary to demolish the existing commercial buildings on the site and replace them with one purpose built business unit. There was no structural justification report submitted with the original application outlining exactly what state the previous commercial buildings were in.

4.2.3 The site is allocated for employment purposes in the Unitary Development Plan (Policy EMP 2) and as such the principle of replacing existing industrial buildings with a new industrial/business unit is acceptable. The applicants contend, however, that to deliver this new business unit the remainder of the site (some 75%) would need to be developed for residential purposes. The key assessment in this application is, therefore, whether this allocated employment site should allow some 75% of it to be lost for residential purposes in order to replace existing business buildings with 1 no. new one. Officers do not consider that the provision of housing, at the level proposed, along with a residential care (Class C2 ) facility on an allocated employment site meets with the intentions of the strategic and employment policies of the Unitary Development Plan and for this reason the proposal should be refused. Recent work undertaken on the Local Development Plan has shown that Rhyl would have limited future sites for employment purposes. Such a 1.35ha site in this historically employment based location should be retained more robustly for such uses.

4.2.4 Officers contend that, having regard to the vacancy rates of existing commercial units in the area, which are low, there would be a market for the future development of this Employment site for this purpose. Losing the site, in the main, to residential use would impact upon the employment offer in the area both now and in the future and having regard to the availability of housing land and the shortage of employment land this is not considered acceptable and contrary to the intentions of Policy EMP 10.

4.2.5 Impact on residential amenity for existing dwellings in the area

The submitted layout plan shows the 924sq.m. business unit located to the north part of the site some 30m from the closest existing residential dwelling on Meredith Crescent. As a designated employment site which has historically operated in proximity to residential dwellings it is not considered that any new business unit in the location shown would cause any detriment to existing levels of residential amenity. A single resident on Meridith Crescent has commented that the latest revised plans show housing in close proximity to their dwelling. However, the distances shown between no.84 Meredith Crescent and the dwellings on the site is acceptable and in line with policy.

4.2.6 Impact on residential amenity for proposed dwellings

The site layout has been revised from the previously refused scheme. Concerns were raised previously in respect to the relationship between the proposed commercial unit and the proposed dwellings. Discussions with the Barrister appointed by the Council to deal with the planning appeal on the original scheme has advised that the layout as shown on the revised application, having regard to the policies and guidance the Council have, would not warrant a refusal this time. The distances between the dwellings and the commercial unit have been increased now and with one dwelling being removed from the scheme it has been possible to create better relationships between dwellings in key areas of the site.

4.2.7 Open Space provision

Some 1092sq.m of public open space is to be provided, however, this is shown to be located at the far north corner of the site used as a buffer between dwellings and the business unit. No community recreational open space (CROS) is to be provided in the scheme with many of the

private garden areas for the dwellings only just meeting the minimum standard for housing associations. It is not considered that a commuted sum for this required open space is acceptable in this instance. Given the proximity of nearby industrial premises and the density of the housing layout the scheme requires more on-site open space. The layout and provision of open space would not comply with the intentions of Policy REC 2 or guidance given in SPG 4. It is not considered that a commuted sum would benefit the future occupiers of this site or the immediate area and this is acknowledged by the Council's own Leisure Services section who feel young children would have to walk from this site along busy urban routes to get to an existing play area. There is also an issue with legal accessibility to school playing fields nearby in any case.

#### 4.2.8 Affordable Housing

The scheme has now been revised from the original 100% affordable housing scheme to now meet the intentions of trying to provide mixed communities containing affordable and open market housing. The scheme proposes 9 no. affordable dwellings which equates to 26% of the overall number of units (34). The siting of these units are considered to meet the intentions of the policy and guidance to integrate affordable dwellings into residential layouts. The type and design of the affordable units are no different to the majority of the open market units. It is considered that the proposed provision of affordable housing is acceptable and can be controlled through a suitable s.106 legal agreement. This is having regard to the fact that the applicant has stated his intention to provide the 6 person Class C2 use to meet a specific housing need.

#### 4.2.9 Impact on visual amenity

The scheme as shown including the business unit is not considered to impact significantly on the existing visual amenity levels of the site or surroundings. The scale and massing of buildings would not form an unduly prominent feature in this semi-commercial location. The height of the commercial building proposed and the residential units are comparable and should not have any significantly detrimental impact.

#### 4.2.10 Impact on Highway safety

The site is designated for employment purposes and has historically been used for that purpose. Highway Engineers have not raised any concerns in respect to the proposed highway implications of this housing/business scheme. Subject to conditions and a legal agreement to change parking restrictions on Ffordd Derwen, the scheme is acceptable in highways terms.

#### 4.2.11 Drainage Issues

Dwr Cymru/Welsh Water has not raised any concerns in relation to the land drainage for this proposed scheme. Subject to standard conditions the proposal is acceptable in this regard.

#### 4.2.12 Contamination Issues

As an historic industrial site one must have regard to the possibility of land contamination. The specialist consultee on this subject suggests that a detailed site investigation should be carried out prior to any work starting on this scheme and risk assessments should be fully adhered to. It is suggested that planning conditions could deal with this issue adequately.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The proposed development has been amended from that scheme which was refused by Planning Committee in June 2009. The revised scheme now overcomes the concerns raised previously in relation to affordable housing (reason 3). The revised layout also addresses issues of residential amenity in terms of spacing. The concerns remain, however, that the loss of this employment site to the level of housing proposed does not comply with the adopted policy which seeks to protect such sites (EMP 10). The scheme also fails to provide a required Community Recreational Open Space element on site which is considered unacceptable based on the location of alternative off-site provision. The scheme is, therefore, recommended for refusal again with revised reasons as set out below.

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

1. It is considered that the proposed level of housing indicated on this allocated employment site is unacceptable and is contrary to Policy EMP 10 of the Denbighshire Unitary Development Plan along with guidance contained within Planning Policy Wales which seek to prevent the loss of employment sites to other uses. The Council consider that this long established employment site will contribute towards the future employment needs of Rhyl and that to allow the level of loss proposed to housing would prejudice the ability of the area to meet a range of employment needs having regard to the availability of other sites for housing.

2. The proposed residential development fails to make provision for the required Community Recreational Open Space on site. Having regard to the location of the site close to existing industrial uses and the proximity of available open space elsewhere it is considered that the scheme fails to meet the intentions of Policy REC 2 and SPG 4 of the Denbighshire Unitary Development Plan along with guidance contained within TAN 16 and Planning Policy Wales, March 2002 which seek to ensure adequate open space facilities are available to serve the needs of the development proposed.