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CYFARFOD: 29 ain Medi 2010
Eitem: 2

PLANNING COMMITTEE
MEETING – 29th September 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

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
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ITEM NO: 1

WARD NO: Denbigh Central

APPLICATION NO: 01/2010/1055/ PF

PROPOSAL: Siting of lifesize bronze statue of Henry Morton Stanley (Explorer)

LOCATION: Forecourt in front of Denbigh Library Museum & Gallery Hall Square
Denbigh

APPLICANT: Denbigh Town Council

CONSTRAINTS: Town Heritage Area
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL
Comments awaited

DENBIGH CIVIC SOCIETY

Considered the forecourt of the library is an inappropriate location, being cluttered already with highways paraphernalia, and is a poor example of street architecture (poor quality, paving and bench). Suggest H M Stanley is not as important to the town as the War Memorial and should not be given such a prominent position, and alternative locations should be investigated. (e.g. Factory Ward Car Park – alleyways to Back Row)

DENBIGH HISTORICAL SOCIETY

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

DENBIGH TOWNSCAPE HERITAGE INITIATIVE
No objections

COMMUNITY SAFETY SECTION

No objections

HEAD OF HIGHWAYS & INFRASTRUCTURE

Comments awaited

RESPONSE TO PUBLICITY:

Representations received from:

Mr Huw Jones, 21 Bryn Hafod, Rhuddlan 'Petition' with 55 typed names (no signatures or addresses, but referring to a number of international political figures, academics/historians/lecturers/religious leaders).

- The basis of the petition is a call to the people of Denbigh not to erect a statue to honour H.M. Stanley, as this would convey "uncritical approval and celebration of all aspects of Stanley- something not possible for such a controversial figure today". It

refers to the romanticising of African adventures of Victorian era imperialists and the exploitation and suffering of Africans. The preference is for a permanent exhibition rather than a 'controversial statue'.

E S Jones, 46 Trewen, Denbigh

Objections based on :-

Impact on library building

Inappropriate feature spoiling the architecture of the area

Health and Safety

Statue seems likely to be an obvious attraction to youths

Preferred location

Inside a museum, on a roundabout or by the stocks

Dr J C Madoc Jones, Pentir, Ruthin Road, Denbigh, email of support:

- Concerned the application might not be determined on planning matters.

EXPIRY DATE OF APPLICATION: 12/10/2010

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Planning permission is sought for the siting of a life-size bronze statue of H.M. Stanley to the front of Denbigh Library, Hall Square, Denbigh. The statue would measure 1.8m in total height, which includes a raised base.

1.1.2 The application is submitted on behalf of Denbigh Town Council.

1.1.3 The supporting documents refer to a public consultation exercise in 2009 which demonstrated a desire to see a permanent commemoration to H.M. Stanley, and a preference for the siting of a sculpture.

1.1.4 Henry Morton Stanley (formerly John Rowlands) was born in Denbigh in 1841. He was a journalist and explorer, famous for his exploration in Africa, and in particular his search for David Livingstone in 1871.

1.2 Description of site and surroundings

1.2.1 The statue would be located to the front of the main entrance to Denbigh Library, which is on the town's central square on High Street.

1.3 Relevant planning constraints/considerations

1.3.1 The site is in the Denbigh Town Conservation Area.

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 3rd July 2002)

Policy GEN 1- Development within development boundaries

Policy GEN 6- Development control requirements

Policy CON 5- Development within development boundaries

3.2 Supplementary Planning Guidance

SPG 13- Conservation Areas

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales, edition 3 (July 2010)

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Visual Impact on the conservation area

4.1.2 Impact on pedestrian and highway safety

4.1.3 Health and Safety Concerns

4.1.4 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Visual impact on the conservation area

Policy CON 5 seeks to ensure development does not materially harm the character and appearance of the conservation area.

It is considered the construction materials proposed, the scale and siting of the statue would not harm the character and appearance of the conservation area. The conservation officers do not have any objections to the scheme with due regard to the objections on the impact on historic buildings. The proposal is considered to accord with policy CON 5.

4.2.2 Impact on pedestrian and highway safety

Policy GEN 6 parts vi) and vii) seek to ensure that development does not have an unacceptable effect on the local highway network and on pedestrians.

The statue would be in a location and of a size which would not have a harmful impact on the visibility of highway users, or impede the movement of pedestrians. Highway Officers raise no concerns on the application. The proposal is therefore considered to accord with Policy GEN 6 parts vi) and vii).

4.2.3 Health and Safety Concerns

Policy GEN 6 (xi) requires consideration to be given to personal and community safety in the design and development, and its implications for crime and disorder.

In this instance, concerns have been expressed over the possibility of the statue encouraging unruly behaviour, and being a danger to persons who may climb on it or try to knock it over.

Whilst acknowledging the point raised by the objector, it has to be accepted

there is a possibility that any item of 'public art' is a potential target for miscreants should they decide to pick on them. It is not considered that a single statue in itself would give rise to levels of crime and disorder or specific dangers to the public, sufficient to justify a refusal of planning permission.

4.2.4 Other matters

The application has raised objections which question the appropriateness of the principle of erecting a statue of H.M Stanley, on what are in essence, moral grounds. Whilst these are to be respected, in officers opinion, they should carry little if any weight in the consideration of the land use planning merits of an application, which relate primarily to the physical/amenity and land use impacts of the use or development. The petition has been forwarded to Denbigh Town Council as the applicants, as the concerns of the individuals over the principle of erecting a statue for a particular individual, and its actual location (a point also raised by the Civic Society) would be better addressed by them.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered to be acceptable in terms of land use planning considerations 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: 2

WARD NO: Ruthin

APPLICATION NO: 02/2010/0110/ PC

PROPOSAL: Continuation of use of land as car park (Retrospective)

LOCATION: Ruthin School Ruthin

APPLICANT: Ruthin School Charity Mr John Rowlands

CONSTRAINTS: PROW

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

CONSULTATION RESPONSES:
RUTHIN TOWN COUNCIL-
"No objection"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
- DCC HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection, subject to notes regarding the right of way.

RESPONSE TO PUBLICITY:

Letters of representation received from:
Mr. G. F. Roberts, Hafod, Wern Uchaf, Rhuthun (via e-mail)
Mr. H. Williams, 11, Wern Uchaf, Ruthin (via e-mail)

Summary of planning based representations:
Concerns over loss of allocated recreational land.
Precedent for further development of the site.

EXPIRY DATE OF APPLICATION: 21/07/2010

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks retrospective permission for continuation of use of a tennis court as a car park at Ruthin School. Located to the north west of the school building, immediately west of the playing fields, it is a flat site, bounded by high fencing. The area measures 33m in length by 37m in width. No physical changes are proposed to facilitate the car park use, which is accessed off a driveway to the south of the site.

1.1.2 It is understood the use of the tennis court as a car park commenced approximately 1 year ago. The applicant has indicated the decision to use the tennis courts as a car park was taken for two reasons, firstly to facilitate staff

parking away from student areas, secondly as the surface had deteriorated, the area was used less by students for tennis. It is stated that students interested in playing tennis can utilise the courts and facilities at the tennis centre in Lon Fawr.

1.2 Description of site and surroundings

1.2.1 The car park is located to the north of the school buildings. The tennis court comprises an open area of hard standing bounded by wire mesh fencing. There is some landscaping along the western boundary of the site in the form of established poplar trees.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Ruthin, in an area allocated in the Unitary Development Plan as REC 1 land. Policy REC 1 relates to the Protection of Existing Open Space.

1.4 Relevant planning history

1.4.1 There is no planning history for any development on the tennis court area.

1.5 Developments/changes since the original submission

1.5.1 The application has been amended since its original submission, as a touring caravan and storage containers were removed on the advice of Officers.

1.5.2 Justification put forward to support the case to use the tennis court as a parking area is based on traffic problems and pedestrian safety. The Applicant claims pick up and drop off time at the school is hectic, with teachers, students and parents coming and going, this combined with the pedestrian movements on the site could be hazardous. Using the tennis court as a parking area enables teachers to come straight down Bryn Goodman and into the tennis court/ parking area.

1.5.3 Also, as the surface had deteriorated the area has been used less by students for tennis and Students interested in tennis can utilise the courts and facilities in at the towns tennis centre.

1.6 Other relevant background information

1.6.1 The application is being considered by Planning Committee owing to the recommendation to refuse and the necessity for authorisation for enforcement action.

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 3rd July 2002)

Policy GEN 1 Development within Development Boundaries

Policy REC 1 Protection of Existing Open Space

Policy GEN 6 Development Control Requirements

3.2 Supplementary Planning Guidance

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 3rd Edition 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

4.2 In relation to the main planning considerations:

4.2.1 Principle

The use has taken place on land designated as protected open space within the Unitary Development Plan. Policy REC 1 states that developments which result in a loss of open space will only be permitted where, i) the open space can be retained and enhanced through development of a small part of the site, ii) alternative provision is being made, iii) there would be an overall community gain and the proposal would not result in a significant loss of open space provision or the amenity or character of the area. Policy REC 1 seeks to control development in protected areas of open space owing to its special significance for recreational and amenity value. The explanatory text of the policy specifically says that although some areas of open space may have become degraded or underused, this will not affect their status as protected areas as they could make a positive contribution in the future.

In this case, the justification put forward for the retention of the use relates to the necessity for parking (safety and congestion) and the quality of the surfacing of the tennis court, which has led to decreasing use. The tennis court has been used for staff parking, allowing the remaining parking areas at the front of the school and side of the leisure centre to be used for the public and pupil 'pick up'. Respectfully, it appears that alternative arrangements for the management of parking and pick ups at peak periods have not been explored, prior to the commencement of the use of the tennis court as a parking area. Whilst the school may have an informal agreement with the Tennis Centre at Lon Fawn to allow students to play tennis there, this is located some 1.5km away and is unlikely to encourage use by pupils in the same way a tennis facility within the school campus would. The loss of the tennis courts simply to allow additional staff parking and to avoid maintenance of the surfacing seem limited justification in terms of the tests of REC 1.

4.2.2 Impact on visual amenity

The main policy that refers to visual impact is GEN 6. Whilst the proposal involves a different use of land, this has limited impact on the character of the area, which is an established education establishment.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is not considered acceptable under the terms of the relevant policy and insufficient justification has been given to warrant a departure from the development plan policy.

RECOMMENDATION : REFUSE for the reasons given:

1. It is the opinion of the Local Planning Authority that the change of use of tennis court to a car parking area in connection with Ruthin School is not acceptable and would result in the loss of a recreational facility within what is a protected open space, under policy REC 1 of the Denbighshire Unitary Development Plan. In the absence of a proven need for the parking area, an investigation of alternative provision or the possibility of a wider community gain, the proposal fails to meet tests set out in criteria i), ii) and iii) of Policy REC 1 Protection of Existing Open Spaces.

NOTES TO APPLICANT: None

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2010/00079
C02/2009/00691

LOCATION: Ruthin School Tennis Court, Mold Road, Ruthin

INFRINGEMENT: Unauthorised Use of School Tennis Courts for Car Parking

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN1 – Development within Development Boundaries
Policy GEN6 – Development Control Requirements
Policy REC1 – Protection of Existing Open Space

Government Guidance

Planning Policy Wales (2002)

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

HUMAN RIGHTS CONSIDERATIONS

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

In this particular instance, matters relate to the rights of an owner, without authorisation from the Local Planning Authority, to change the use of the above land for the unauthorised parking of cars and other vehicles.

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

1. BACKGROUND INFORMATION

- 1.1 The Tennis Courts at Ruthin School are located to the north of the school buildings and comprise an open area of hard-standing bounded by wire fencing.
- 1.2 Alleged breaches of planning control relating to use of the tennis courts was brought to the attention of an Enforcement Officer in November 2009. An investigation followed and negotiations were entered into between the Local Planning Authority and the school, with a view to regularising identified breaches.
- 1.3 A retrospective application was submitted on 3 February 2010 and numbered 02/2010/0110/PC. It was validated on 10 March 2010. The original application was subsequently amended, when unauthorised storage containers and an unauthorised touring caravan were removed from the site, following advice from Officers.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The Planning Officer has recommended **REFUSAL** of the retrospective application number 02/2010/0110/PC and a report has been submitted for the consideration of this authorities Planning Committee on 29 September 2010.
- 2.2 The unauthorised change of use of the tennis courts for car parking is contrary to the policies contained within the adopted Denbighshire Unitary Development Plan 1996 and advice contained within Planning Policy Wales (2002). In this particular case, the main planning policy considerations relate to the principle of development and to the visual and landscape impact (for further details please see the Planning Officer's report relating to planning application number 02/2010/0110/PC, at item 4.2).
- 2.3 Should the Planning Committee resolve to follow Officers recommendation of refusal of retrospective planning application number 02/2010/0110/PC, service of an Enforcement Notice will be required in order to address the unauthorised use which represents a serious breach of planning control.

3. RECOMMENDATION

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice under S.172 of the Town and Country Planning Act 1990, with a one month compliance period, requiring the cessation of use of the tennis courts as a car park.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served fails or refuses to comply with the provisions of the Notice.

ITEM NO: 3

WARD NO: Ruthin

APPLICATION NO: 02/2010/0914/ PR

PROPOSAL: Details of appearance, scale, layout and landscaping submitted in accordance with Condition No. 1 on Outline planning permission Code No. 02/2009/738/PO (Reserved Matters)

LOCATION: Land between Pentre Newydd and Bryn Eglur Galltegfa Ruthin

APPLICANT: Mr Patrick Carroll

CONSTRAINTS: Public Right Of Way

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

CONSULTATION RESPONSES:
RUTHIN TOWN COUNCIL-
"No objection"

RESPONSE TO PUBLICITY:

Letters of representation received from:
Clement Hughes & Co. on behalf of Mrs. P.M.Hughes (on behalf Pentre Newydd)
Mr. N. A. Jones, Pentre Newydd, Galltegfa
Mr. N. Jones, 15, Maes-y-Dre, Llanfair Road, Ruthin (e-mail)
F. Zocek, 15, Maes-y-Dre, Llanfair Road, Ruthin (e-mail)
Ms. F. L. Zocek, 9, Maes-y-Dre, Wrexham Road, Ruthin
K. & T. Barham, Llwyn Onn, Galltegfa, Ruthin (e-mail)
Mrs. M. Roberts, Tanrallt, Llangian, Pwllheli (on behalf of Bryn Clwyd)

Summary of planning based representations:
Concerns over impact of development on right of way and site access.
Impact on amenity.
Visual impact of proposed development.
Highway safety.
Concerns over drainage implications of proposed development.

EXPIRY DATE OF APPLICATION: 14/09/2010

REASONS FOR DELAY IN DECISION: N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposal

1.1.1 The application seeks approval of reserved matters including details of appearance, scale, layout and landscaping following the grant of outline planning permission ref. 02/2009/0738/PO. This application relates to the development of 0.08ha of land between Pentre Newydd and Bryn Eglur,

Galltegfa, Ruthin.

- 1.1.2 A two storey dwelling with integral garage is proposed to be sited towards the south of the site with amenity space to the front and rear.
- 1.1.3 The frontage of the proposed dwelling would be orientated to face the north, with two heavily glazed gables facing the front. The proposed dwelling would have an overall height of 8m, width of 11.6m and depth of 14.2m. Windows are proposed on all elevations. Materials proposed are smooth render and slate roof.
- 1.1.4 The dwelling would comprise four bedrooms, with all living accommodation and a garage on the ground floor.

1.2 Description of site and surroundings

- 1.2.1 The site comprises a paddock area, formally attached to the dwelling Pentre Newydd. It is located in a small group of housing approximately 800m to the west of Llanfwrog, Ruthin. The adjacent dwellings are all located on the southern side of the road. There is a mix of dwelling types in the group, ranging from the small traditional terraced cottage of Pentre Newydd to the east, to the larger two storey detached dwelling Bryn Eglur to the west.
- 1.2.2 The adjacent site received full planning permission for the development of a dwelling in July 2009. This would be sited in a similar position within its plot to the dwelling now proposed and is also of a similar scale. To the south of the site is an agricultural complex and to the north on the opposite side of the road is open agricultural land.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside any defined development boundary. There are no other site constraints.

1.4 Relevant planning history

- 1.4.1 The application seeks an approval of details submitted in connection with code ref. 02/2009/0738, which was granted outline planning permission on the 16 July 2009.

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 02/2009/0738 Outline permission for development of 0.08ha of land including access and sewerage treatment plant. Granted 16/07/2009.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 3 Development outside development boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy HSG 5 Groups of houses in the open countryside

3.2 Supplementary Planning Guidance
SPG No. 10 Infill Housing in the Open Countryside

3.3 GOVERNMENT GUIDANCE
Planning Policy Wales Third Edition August 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

Policy GEN 3 relates to development outside development boundaries and states that development will not be permitted apart from some exceptions, namely agricultural or forestry workers dwellings and infill development. Policy HSG 5 allows for infill development in the open countryside and specifies that this infilling must occur within a continuously developed frontage and does not result in ribbon development. SPG No. 10 expands on this policy and gives examples of cases of infill development. The development of this site is considered to constitute infill development and it was on this basis that the principle of the development of the site was granted in the outline permission in July 2009.

This application relates solely to the details of the reserved matters of appearance, scale, layout and landscaping. Policy GEN 6 must be applied to assess these reserved matters and the main issues are considered under this policy are set out below.

4.2.2 Impact on visual amenity

Policy GEN 6 contains general considerations to be given to the impacts of new development.

In terms of the visual impact of the development, it is noted that a relatively modern design approach is proposed which would be similar to that on the recently approved dwelling on the adjoining site (albeit this is slightly smaller). The visual appearance is considered acceptable as there is a distinct mix of dwelling styles and types immediately surrounding the application site and the siting/patterns of development of adjacent dwellings is also varied.

4.2.3 Impact on residential amenity

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

Owing to the siting and orientation of the dwelling, it can be accommodated on the site with adequate amenity space for proposed occupiers and spacing between it and adjacent dwellings. If members are minded to approve the reserved matters, a condition can be attached to seek further approval of the first floor window on the eastern elevation in order to protect the amenity of the adjacent occupiers.

4.3 Other matters raised

Material planning objections have been addressed in the considerations above. The application is for approval of reserved matters following grant of outline planning permission. With respect, issues relating to land ownership and private rights of way are not material planning considerations therefore cannot be allowed weight in

determining an application.

5. SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT- subject to the following conditions:-

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

2. 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 detailing of the first floor bedroom window on the east elevation of the dwelling hereby approved shall not be as shown, but shall be in accordance with such detail as is approved in writing by the Local Planning Authority prior to the commencement of development.

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

1. To ensure a satisfactory standard of development, in the interests of visual amenity.
2. In the interests of visual amenity.
3. In the interest of residential amenity.

NOTES TO APPLICANT: None

ITEM NO: 4

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 23/2010/0884/ PF

PROPOSAL: Use of detached outbuilding as holiday accommodation

LOCATION: Bryn Llwyn Y Godwys Llanrhaeadr Denbigh

APPLICANT: Mr M Jones

CONSTRAINTS: Tree Preservation Order

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

CONSULTATION RESPONSES:

LLANRHAEDR COMMUNITY COUNCIL
"No objection"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
DCC HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objection subject to conditions.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 05/09/2010

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

1.1.1 The application proposes the change of use of a recently built detached outbuilding to the west of Bryn Llwyn Y Godwys, to a holiday accommodation unit. The single storey limestone faced and slate roofed unit comprises, one bedroom, with en suite bathroom, kitchen and living/diner and lobby. The submitted plan shows a separate curtilage and parking area and an access as existing to the north west of the site.

1.2 Description of site and surroundings

1.2.1 The application site is located in the open countryside at Hen-efail, where there are a group of buildings on a cross roads approximately 1 mile to the west of the village of Llanrhaeadr. Bryn Llwyn Y Godwys is located on the eastern side of the group. The site comprises a two storey detached dwelling (Bryn Llwyn Y Godwys) which is controlled by the applicant and the outbuilding the subject of this application to the west. Access to the site is off the road to the north, and a secondary access serves the outbuilding on the western side.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 The outbuilding was the subject of a planning permission for a building to be used incidental to the dwelling in 2007, and replaced an older barn which the applicant demolished. The 2007 planning application was partly retrospective and was described as 'retention of single storey dwelling as ancillary granny annex and continuation of use of land as residential curtilage'.

- 1.4.2 In December 2009, the drainage facilities of the outbuilding were inspected by Building Control Officers. In the same month a planning application was submitted to change the use of the 'granny annex' to a holiday cottage. Considering the application forms stated that the outbuilding had not been used for its intended use as a granny annex, Officers sought clarification of the description. It was then amended to read 'change of use of recently constructed vacant outbuilding to holiday cottage'. This application was refused in February 2010 as it was considered that as the building was only recently constructed and not used for its original intended purpose, this was contrary to the intention and thrust of development plan policies. No appeal was lodged against the refusal of permission.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The application is accompanied by a detailed Planning Statement which aims to justify the proposal following the original refusal, to make 'full and efficient re-use of the building, which is of traditional appearance and character, as holiday accommodation'.
- 1.6.2 The Application is being considered by Planning Committee at the request of the Local Member to explore the issues arising.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 23/2007/361 Retention of single storey dwelling as ancillary granny annex and continuation of use of land as extension to residential curtilage (retrospective application). Granted 09/05/07 with planning conditions limiting use and permitted development rights.
- 2.2 23/2009/1533 Change of use of recently constructed vacant building to holiday cottage. Refused 24/02/10. Refused for the following reason;
"It is the opinion of the Local Planning Authority that the proposal to convert the building to holiday cottage is not acceptable in principle as, policy TSM 15 permits conversion to self-serviced accommodation through reuse and adoption of existing buildings rather than new build. Considering the building has only recently been completed and has not been used for its original intended purpose, to allow its conversion would be contrary to thrust of policy TSM 15 and the rural restraint policies of the Unitary Development Plan referred to in Policy GEN 3 Development Outside Development Boundaries."

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 Development Outside Development Boundaries

3.2 Supplementary Planning Guidance

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Third Edition 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 Highways safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 refers to new development in the open countryside and sets out the exceptions to the general policy of restraint, including types of tourism. Policy TSM 15 permits the development of self-serviced holiday accommodation outside development boundaries through the reuse of existing redundant buildings, primarily in instances where there are buildings to convert and the conversion would not be tantamount to a new building.

The building which is the subject of the application has only recently been completed, and to date it has not been used for its original purpose as a 'granny annex'. The planning statement refers to the fact that there is no longer a need at the site for a 'granny annex'.

The previous application was refused in February 2010 as Officers felt the proposal represented an attempt to circumvent rural restraints policy, which restricts new development in the open countryside. The circumstances of this current application are not significantly different to those applying to that proposal, other than the description has changed, and a planning statement has been attached to justify the case. It is not considered that the amended description or planning statement in any way substantiate a case to grant planning permission to use a wholly new build outbuilding constructed as a recently as 2009, as a holiday unit. There is a significant issue of precedent to be addressed from the grant of permission in these circumstances.

Policy GEN 3 and TSM 15 both restrict new development in the open countryside, and officers are of the opinion that the proposal is clearly contrary to rural restraints policy which policies have not changed since the refusal of the 2009 application.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is GEN 6. As the application proposes conversion of an existing outbuilding there would be no detrimental visual impact resulting from the proposal.

4.2.3 Impact on highways safety

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9.

TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory.

Highways Officers have been consulted on the application and raised no objection.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposal is contrary to the thrust of rural restraint policies and that the grant of permission would set a significant precedent in relation to recently constructed buildings, and hence is recommended for refusal.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority that the proposal to convert the outbuilding to holiday accommodation is not acceptable in principle as policy TSM 15 permits conversion to self-serviced accommodation through reuse and adoption of existing buildings rather than through new build schemes. Considering the building has only been completed in late 2009 / early 2010 and has not been used for its original intended purpose, to allow its conversion would be contrary to thrust of Policy TSM 15 and the rural restraint policies of the Unitary Development Plan referred to in Policy GEN 3 Development Outside Development Boundaries.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Prestatyn South West

APPLICATION NO: 43/2010/0437/ PF

PROPOSAL: Erection of pitched roof extension and replacement porch and demolition and replacement of existing domestic garage at rear of dwelling

LOCATION: 37 Harlech Crescent Prestatyn

APPLICANT: Mrs June Williams

CONSTRAINTS: C1 Flood Zone

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"No objections"

DWR CYMRU WELSH WATER

A representative has previously advised there are no Welsh Water facilities crossing the site and therefore there are no objections to the proposal.

ENVIRONMENT AGENCY

Confirm the site is at flood risk. However, raises no objection as the proposal is for roof water to go to soakaway, and state this is preferable to connection to Prestatyn Gutter, since this would attenuate the flow slightly, and soakaways would mimic the present drainage regime where water already drains through the ground to this watercourse. The detailed design of the extension should incorporate standard flood proofing measures.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection

RESPONSE TO

In relation to the latest revised proposals, representation received from Mrs. Holden, 22, Harlech Crescent, Prestatyn
J G Moore, 20 Harlech Crescent, Prestatyn

Impact on visual amenity

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

Impact on residential amenity

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

Potential impact on pathway adjacent

Concern over side extension blocking footpath adjacent to Prestatyn Gutter.

Principle

Concerns over the use of the proposed double garage and potential noise and disturbance.

Flooding

Concerns over the incidence of flooding in this area and over any proposals which may worsen it / site acts as a significant soakaway / potential threat to structure of the embankment containing Prestatyn Gutter.

EXPIRY DATE OF APPLICATION: 30/08/2010

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

1. THE PROPOSAL:

1.1 Summary of the proposals

1.1.1 The application relates to extensions and a replacement garage at a private dwelling. The proposals now before the Committee have been revised since original submission and from those which were reported to the June meeting, where consideration was deferred to allow further investigation / clarification of matters of detail, in particular the issues of flooding.

1.1.2 For the record, the original application proposed the following :

- A small replacement porch extension on the front (approx. 1.6m x 3.5m)
- An extension along the eastern side of the bungalow to house a bedroom and kitchen (approx 3.4 m wide x 10.3 m deep). This would involve removal of a shed currently in the side garden.
- A wider vehicular access off the head of the cul de sac
- A vehicle turning and parking area in the front garden. The forms indicated the surfacing material would be concrete.
- A new attached double garage (approx. 6.1 m x 6.1 m) located in the front garden area, close to the boundary with No. 22 Harlech Crescent.

To assist understanding of the evolution of the proposals, the original site plan is included at the front of the report.

1.1.3 Following deferral at the June meeting, the applicant's agent was made aware of the basis of local concerns. He has since sought advice from the Environment Agency and has submitted revised proposals in July and August which seek to address issues raised on the original plans.

1.1.4 The revised submission in front of the Authority now proposes :

- The same porch and side extensions to the bungalow as outlined in 1.1.2, with soakaways for roofwater.
- The deletion of the proposed new vehicular access, turning area, and double garage at the front of the property, close to No. 22.
- The demolition of the existing garage at the rear of the bungalow and the erection of a replacement garage in the same location, with

rendered walls and a floor area measuring 4.2m X 6.2m. The roofwater from the garage would drain to a soakaway at the bottom of the garden furthest away from the bungalow.

Again, the revised site plan is included at the front of the report to show the respective locations of each element of the scheme.

1.2 Description of site and surroundings

- 1.2.1 The property is a single storey dwelling located within a crescent of single storey dwellings of similar design. To the rear is a detached garage with a floor area of 2.9m x 6.2m. The property is set in a roughly triangular plot with a narrow vehicular access to the front of the property.
- 1.2.2 Immediately to the east of the site is The Prestatyn Gutter (Cut) which continues to run north east through 'Y Morfa', which is a local landscape area, protected as open space and community woodland. To the west and south of the property are neighbouring dwellings, 35 and 22 Harlech Crescent.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 Members are referred to the detailed description of the proposals and how the submission has been revised, in section 1.1 of the report.

1.6 Other relevant background information

- 1.6.1 Consultation has been undertaken with the Environment Agency in relation to the flooding issues, which have been of particular concern to neighbours and members. These are referred to further in the main Planning Considerations section of the report.
- 1.6.2 The cul de sac at Harlech Crescent is located in between two significant surface water channels which serve south / south west Prestatyn. These merge immediately to the north of Nos. 35 and 37 Harlech Crescent. There is inevitably a high water table locally and the area is recognised by the Environment Agency as being at flood risk, within a C1 flood zone as identified in the Development Advice Maps accompanying TAN15. There have been incidences of flooding at the lower (cul de sac) end of Harlech Crescent in recent years, which officers understand have occurred following periods of intense rainfall, and at least in part as a result of the highway drainage system being unable to cope with a high volume of water falling in a short space of time.

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 3rd July 2002)

Policy GEN 1 Development within development boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 12 Extensions to Dwellings

Policy ENP 6 Flooding

3.2 Supplementary Planning Guidance

SPG 1 – Extensions to Dwellings

SPG 24 – Householder Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 3rd Revision 2010

TAN 15: Development & Flood Risk (2004)

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Detailed design and impacts

4.1.3 Flooding

4.1.4 Highway Issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extending existing dwellings is acceptable in relation to the policies of the Unitary Development Plan and Supplementary Planning Guidance Note No.24- Householder Development Design Guide. The main UDP policies are HSG 12 and GEN 6. HSG 12 permits extensions to dwellings subject to 4 tests- requiring assessment of the acceptability of scale and form; design and materials; the impact on the character, appearance and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. GEN 6 contains a wide range of general development control amenity considerations geared at ensuring a high standard of development with minimal impacts. SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of separate impacts is set out in the following sections.

4.2.2 Detailed design and impacts of extensions and replacement garage

As noted above, policy HSG 12 sets the basic tests to be applied to applications for extensions to dwellings. In relation to each test:

- Scale and form

The scale and form of the proposed extensions to the bungalow appear subordinate to the original dwelling. The scale and form of the detached double garage at the rear, to replace the existing garage, is considered acceptable, as it is small in scale and subservient to the dwelling.

- Design and materials-

The design of the extensions is considered in keeping with the appearance of the existing dwelling. Materials proposed include a facing brickwork plinth with painted rendered walls and a tiled roof, all to match the existing dwelling. The design of the detached double garage is considered acceptable in the location proposed, and again all materials would match those on the original dwelling. The proposal is therefore considered to comply with part ii) of HSG 12.

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

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

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

It is not considered that the proposals would give rise to opportunities for overlooking of any nearby property or any material loss of residential amenity. The larger side extension would be added to the elevation between the bungalow and the Prestatyn Gutter, where it would not impact upon any neighbouring properties, and no objections have been received to the design of the proposal.

The garage would replace the existing rear garage in the same location, and would not seem likely to have any additional adverse physical impact on No. 35, as its side wall would remain blank.

- Overdevelopment.

It is not considered the proposals would result in an overdevelopment of the site having regard to the size of the extensions and the remaining 'undeveloped' area at the front and rear.

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

4.2.3 Flooding

Policy ENP 6 states that development which would result in an unacceptable risk from flooding, either on or off site, or which would adversely affect flood management or maintenance schemes will not be permitted. TAN 15 sets out the Assembly's basic policies on Development and Flood Risk, and in relation to applications for minor extensions or alterations, suggest these should not raise significant issues unless they are likely to have a direct and adverse effect on a watercourse or its flood defences, would impede access to flood defence and management facilities or where the cumulative impact of such developments could have a significant effect on flood storage capacity or flood flows. (Section 11.19)

Local responses to the original application expressed considerable concerns over the implications of development at the front of the dwelling, having regard to occurrences of flooding on Harlech Crescent in recent years. There was strong opposition to development which could exacerbate the situation, and in particular to the original proposal for the erection of a double garage and associated access/ turning area, which neighbours believed could only add to the potential for flooding, as they believe this garden area has acted as a form of 'soakaway' when surface water has collected at the head of the cul de sac following intense rainfall. The deletion of the vehicle access, turning space and garage at the front from the application has significantly reduced the objections to the scheme.

In looking in detail at the revised proposals and their potential for adverse impact;

Impact on a watercourse / flood defences

The individual elements of the application would not appear to pose any direct adverse threat to the Prestatyn Gutter, which acts as an important surface water drain for the town. The rear corner of the main extension to the dwelling on the east side would be located close to the garden boundary, which runs at the base of the embankment which contains this surface water channel. The Environment Agency raises no objections on this aspect of the development. It would be normal in such circumstances to draw an applicant's attention to the proximity of the Prestatyn Gutter, and to direct them to the Agency for advice on construction methodology and any consent procedure which may be necessary prior to the commencement of any building works/excavation, which would address any concerns over development affecting the stability of the embankment.

Impact on flood storage / soakaway capacity

The existing property at No 37 includes 'built' development in the form of the dwelling, a detached garage and shed; a garden area at the front and rear, and a narrow concrete driveway. The garden area acts as a limited soakaway for surface water (rainfall) which percolates through the ground to the watercourse of the adjacent Prestatyn Gutter. The additional 'built' development would consist of a larger garage at the rear (roofwater to be drained to a soakaway at the bottom of the garden), a slightly larger porch, and the main extension on the east side of the dwelling roofwater to be drained to a soakaway in the front garden. The Environment Agency raises no objections to this arrangement since it mimics the current situation where rainwater falling onto the plot drains by soakaway into the ground and indirectly to the Prestatyn Gutter. The Agency's sole concern is to ensure minor domestic development such as that proposed is constructed to incorporate standard flood proofing measures (e.g. concrete floors, raised service entry points, and non return valves).

As noted, the revisions to the proposals have helped to reduce the concerns of local residents over flooding potential, and in officers' opinion there are now no drainage related grounds to oppose the application.

4.2.4 Highway issues

Unitary Development Plan Policies TRA 9 and GEN 6 require due consideration of the highway impact of development.

The deletion of the new access from the proposals mean there are no real highway implications arising from the development, which involves a larger garage in the rear garden and a modest extension adding a bedroom and larger kitchen. The Highway officers raise no objection.

One local resident has outlined concerns over the possible blockage of a footpath adjacent to the Prestatyn Cut, but the plans show the extension on the east side would be wholly within the plot and therefore should not interfere with use of this path.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Previously expressed concerns of local residents over any potential for exacerbating flood risk are fully appreciated. The plans are for a minor householder development and have been revised from the original submission, and now exclude the proposed access, double garage and hard surfaced parking / turning area at the front which led to particular concerns from neighbours. The Environment Agency as the key consultee with an interest in flooding potential do not raise any objections to the revised scheme.

Officers recommendation is therefore that permission should be granted.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. No work shall be permitted to commence on either of the proposed roofwater soakaways until the written approval of the local planning authority has been obtained to the construction details (size, depth, materials to be used etc).
4. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development details of the refuge area to be provided within the roof space shall be submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with such details.
5. The use of the garage hereby permitted shall be for the domestic needs and personal enjoyment of the occupiers of the dwelling and for no other purpose.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure the satisfactory detailing of the soakaways.
4. To provide a satisfactory refuge in the event of flooding.
5. To ensure the use of the access is appropriate to a residential area in the interests of the amenities of residents.

NOTES TO APPLICANT:

You are advised to install Flood Proofing measures as part of the development. Further details are available within the ODPM Publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'.

You are advised to contact the Environment Agency Wales prior to the start of any development for advice on the need for separate consents which may be necessary in connection with building or drainage works close to the Prestatyn Gutter.

ITEM NO: 6

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2010/0560/ PF

PROPOSAL: Erection of hipped-roof double garage and alterations to existing vehicular access

LOCATION: 1 Brynllys West Prestatyn

APPLICANT: Mr A Worrall

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL
"No objections"

HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objections subject to conditions

RESPONSE TO PUBLICITY:

Letters of representation received from:
P. & C. McDonald, 5, Brynllys West, Prestatyn (via e-mail)
Mr. & Mrs. K. Millard, 2, Brynllys West, Meliden (e-mail)

To original plans:

Mr. & Mrs. E. Ellis, 3, Bryn Llys West, Meliden
Mrs. L. Foxley, 8, Manod Road, Meliden
P. & C. McDonald, 5, Brynllys West, Prestatyn (via e-mail)
Mr. & Mrs. K. Millard, 2, Brynllys West, Meliden (e-mail)

Summary of planning based representations:

- Concerns that the garage would be used for commercial purposes
- Concerns regarding parking in the locality
- The proposal would harm residential amenity
- The present state of site with rubbish left is unsightly
- Concerns that the building is visually not in keeping with the area

EXPIRY DATE OF APPLICATION: 26/08/2010

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 Planning permission is sought for the erection of a pitched roof double garage and alterations to an existing vehicular access. The garage would be located to the south of the main dwelling house and would measure 4.6m to the ridgeline (2.4m to the eaves), with a footprint of 7.2m by 6.5m. The garage would have a gable end on the front and rear elevation, with two garage doors to the front, a side door on the north side elevation, and two skylight windows. Materials proposed include 'double plain orange tiles', and cream rendered walls.

1.2 Description of site and surroundings

1.2.1 1 Brynlllys West is a two storey semi detached dwelling, with cream render walls, and a slate roof. The proposed area that the garage would be located on is part of the property's curtilage, and is visually separated from the remaining garden area by a wooden panel fence. The site is surrounded by slate roofed semi detached bungalows to the immediate south, and two storey semi detached dwellings further south at No's 7 and 9, all with gable ends facing onto Brynlllys West.

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 A revised plan has reduced the footprint and height of the garage and hipped the front gable end to minimise the visual impact of the garage.

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 3rd July 2002)

Policy HSG 12- Extensions to dwellings

Policy GEN 6 Development Control Requirements

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 21 Parking

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales, Edition 3, July 2010

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle of development

4.1.2 Detailed design and impacts

4.1.3 Highway Safety

4.2 In relation to the main planning considerations:

4.2.1 Principle of development

Whilst the proposal is not an extension to the dwelling itself, it is a householder development, to which the general thrust of HSG 12 is considered applicable. The principle of householder development is acceptable in relation to the policies of the Unitary Development Plan and Supplementary Planning Guidance Note No.24- Householder Development Design Guide. HSG 12 permits extensions to dwellings subject to 4 tests- requiring assessment of the acceptability of scale and form; design and materials; the impact on the character, appearance and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. GEN 6 contains a wide range of general development control amenity considerations geared at ensuring a high standard of development with minimal impacts. SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following sections.

4.2.2 Detailed design and impacts

Scale and form

The scale and form of the proposed garage in the context of No.1 Brynlllys West is considered subordinate and therefore acceptable.

Design and materials

The design proposed is considered acceptable in context of the existing house. Materials proposed do however include use of double plain orange roof tile which would not match the existing dwelling's slate roof. In the event of an approval, a condition could be attached to ensure materials proposed match the existing dwelling.

Impact on character, appearance and amenity standards of existing dwelling

Owing to the above and appropriate siting, it is not considered the proposal would materially harm the visual or residential amenity of the existing property subject to the use of the above mentioned condition.

Impact on character, appearance and amenity standards of the locality

To the immediate south of the site is No's 3 and 5 Brynlllys West which are a semi detached bungalow unit with gable ends facing the road. Following the submission of a revised drawing, it is considered the proposal has overcome previous officer concerns about the visual impact of the scheme as the scheme has been revised, with a reduction in height, footprint and by using a hipped roof to the front elevation. (see plans at the front of the report)

The comments from objectors relating to fears of future commercial use of the property and the untidiness of the land are acknowledged. However, the application has been submitted as a householder development with no indication of intent to carry out a commercial use. A planning condition could address concerns and ensure the garage is used for domestic purposes incidental to the use of the existing dwelling. A site visit has revealed that previous rubbish heaps have now been tidied up.

The side of the garage would be located approximately 3.3m away from two kitchen windows at No.3 Brynlllys West. It is considered that the reduction in height of the garage would reduce the impact the proposal would have on the amenities of No.3 to a level which would not warrant refusal. No windows are proposed to the sides or front. A condition could be attached to ensure no windows are inserted to the side elevation facing no.3.

Overdevelopment of the site

The site is considered to be of a large enough size to ensure that the proposal does not constitute over development.

4.2.3 Highway Safety

Policy GEN 6 part vii) looks to ensure development does not lead to an unacceptable effect on the local highway network.

Whilst local residents have raised concerns regarding parking, it is considered that the provision of three parking spaces, and two spaces available in the proposed garage, would be adequate to serve one dwelling house. Furthermore, with the access being already extant no problems are foreseen to it being widened. For new developments, SPG 21 indicates a standard of three car spaces for a 3-4 Bedroom house. It is therefore considered the proposal accords with policy GEN 6 part vii).

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal, is considered to meet policy requirements and is therefore recommended for approval.

RECOMMENDATION: GRANT – subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of 1 Brynlllys West.
3. The garage hereby permitted, shall be used only for purposes incidental to the existing dwelling house.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows shall be inserted at any time in the south elevation of the garage hereby permitted.

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 order to ensure the garage does not become an unacceptable use.
4. In the interests of residential amenity.

NOTES TO APPLICANT: None

ITEM NO: 7

WARD NO: Tremeirchion

APPLICATION NO: 47/2009/1381/ PF

PROPOSAL: Change of use of land to form a 85 pitch touring caravan site with associated reception and toilet buildings, landscaping and installation of package treatment plant

LOCATION: Land to rear of Fifth Wheel Company Holywell Road Rhualt St. Asaph

APPLICANT: The Fifth Wheel Company

CONSTRAINTS: B Flood Zone
Wildlife Site

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

CONSULTATION RESPONSES:**TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL**

The Community Council forwarded objections in response to the original consultation in late 2009 (planning policy, scale, drainage).

On reconconsultation in May 2010 (additional details of pond and ecological information) the Community Council response stated "No objection".

The Case Officer subsequently sought clarification of the situation to ensure there was no misunderstanding over what the "no objection" comments referred to (i.e. the whole submission or the additional detailing). The Community Council Clerk then confirmed the Council's observations were "No objection to the whole proposal"

COUNTRYSIDE COUNCIL FOR WALES

No objection subject to conditions requiring planting to minimise landscape impacts and submission and implementation of proposals to ensure long term safeguarding of Great Crested Newts.

ENVIRONMENT AGENCY WALES

Note proposals for a private treatment plant and need for separate Agency consent for any discharge of effluent into controlled waters. Comment that as discharge is proposed to Afon Bach, there may not be sufficient dilution, hence suggest contact with the Agency and imposition of a condition in the event of permission being granted, requiring approval of foul drainage arrangements before commencement of development. Also suggest opportunity be taken for enhancing biodiversity (tree and hedge retention and planting, ideas for bat boxes etc).

WELSH WATER/DWR CYMRU

No comment, as proposals are for a private drainage system.

AONB JOINT ADVISORY COMMITTEE

"Notwithstanding the revised proposals relating to additional landscaping and enhancing the biodiversity value of the site, the JAC maintains its objection to the

proposals on the grounds that the development would involve the loss of an attractive area of open countryside and have a harmful impact on views from the AONB. The development would also detrimentally affect the enjoyment of users of the nearby Offa's Dyke National Trail."

CPRW CLWYD BRANCH

Object. Deplore use of farmland for other purposes as population grows and food security is in doubt. Already too many caravans in Denbighshire ruining coast and beautiful locations; impossible to satisfy commercial demand for touring sites; another site is allocated in Rhuddlan and no more should be approved without exceptional circumstances. In planning policy terms, the site could accommodate 300 – 400 holiday makers and taken alongside the White House and its permanent caravan site, would form a large tourism complex dominating and changing the life of the village. The site would be visible from the hills and St Bueno's even when landscaped, and caravans would intrude on the scenery and atmosphere in the village.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to conditions requiring approval of loading/ parking and turning arrangements, and construction method statement.

PUBLIC PROTECTION MANAGER

No response received.

SENIOR DRAINAGE ENGINEER

Would require soakaway tests to determine suitability of ground for soakaways; there will need to be adequate capacity in the sewage plant and arrangements for disposal of contents of chemical toilets.

ECOLOGIST

No objection, subject to conditions requiring submission and implementation of Great Crested Newt mitigation and conservation scheme, reptile reasonable avoidance measures and scrub removal outside bird nesting season. Any tree felling would need to be subject to bat roost survey.

RESPONSE TO PUBLICITY:

Letters of representation received from:

John Hansford - Min Y Nant, Holyhead Road, Rhualt
Emyr George - resident of Rhualt
P E & S J Davies - Trem Y Ddol, Rhualt LL170TP
Hugh Marston - Rhyd Y Gwtter, Waen, St Asaph, LL170DU
S. Williams, Derwen House, Plas yn Cwm, Rhualt
Mrs P S Gormley, Brynlithrig Stables, Rhualt, St Asaph
Ms Williams, Derwen House, Plan Yn Cwm, Rhualt
Ms K Jones, Maes Gwyn, Rhualt, St Asaph
D. Sales, Bridgemere, Holywell Road, Rhualt
R. Sales, Hillside, Holywell Road, Rhualt
M. Jones, The Barn, Holywell Road, Rhualt (e-mail
Mrs. M. A. Jelley, Fron, Rhualt Road, Cwm, Dyserth
Mr E George, Gorwel, Cwm Road, Rhualt
Dr. B. Owen, Bwthyn, Cwm Road, Rhualt
M. E. Black, Arfryn, Rhualt, St. Asaph
Mr. D. J. Gormley, Brynlithrig Stables, Rhualt, St Asaph
Dr. J.C. Madoc-Jones, CPRW., Pentir, Ruthin Road, Denbigh

Main points in objection

Conflict with Unitary Plan policy

No exceptional case made.

Landscape impact

AONB adjacent / development can't be unobtrusively sited / would spoil enjoyment of AONB and Offa's Dyke Path / landscaping would take a generation to establish.

Amenity impact

Light and noise pollution

Highway impact

60mph speed limit / slow vehicles emerging from site / approach roads to Rhuallt inadequate / bend and other accesses nearby would lead to dangers

Ecological impact

Limited assessment of effect on newts.

No demand for more caravans

Already adequate provision on the coast / small site at the White House, Penisa'r Mynydd, Aelwyd Ucha / enough is enough

Questionable economic benefits

Local benefits likely to be negligible / figure of £216,000 spin off questionable

Loss of agricultural land

Good quality land / no overriding need.

No change in circumstances or policy since 2005 refusal

No facilities or infrastructure

No shops or post office in the village, limited bus service

Concerns over Community Council's handling of application

Original objection on a range of issues, revisions to proposals minor, but led to withdrawal of objection without reasons / against wishes of community.

EXPIRY DATE OF APPLICATION: 23/06/2010

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- 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 seeks full planning permission for the change of use of agricultural land to form an 85 pitch touring caravan site, on land to the north / north east of the property Llwyn Derw and the business premises of the Fifth Wheel Company in Rhuallt.

1.1.2 The application forms state the area of the site is 2.42 hectares (5.97 acres). The main elements of the proposals are:

- Alterations to an existing access off the B5429
- Construction of a new roadway between the existing Fifth Wheel Company building complex and a stream running along the western boundary of the site; and then a network of tracks in the field to service the 85 touring caravan pitches.
- Construction of a reception building at the entrance to the field, with toilet facilities and a nearby recycling facility; and a separate WC building in the eastern section of the field
- Creation of an open space in the centre of the site, with link footpaths
- Additional tree planting / landscaping.

The plan at the front of the report shows the basic layout.

1.1.3 The submission includes a range of supporting documents, including a Planning, Design and Access Statement; a Transport Statement; a Landscape Appraisal and Masterplan; and an Ecological and Great Crested Newt Survey.

1.1.4 The agent's planning statement notes the following:

- the application is for a high quality touring caravan site conveniently located on the edge of Rhualt, in a low density development offset by internal and boundary landscape areas.
- the development is 'intrinsically linked' to the Fifth Wheel company who operate from the adjoining premises. The Company specialise in the production of touring caravan units, ... "and this will help to compliment and support the touring caravan park itself."
- the landscape appraisal concludes the site in its present form is unobtrusive in the wider landscape setting, and additional planting will help further assimilate the development into the immediate area
- the development would be phased
- the use will be seasonal (1 March – 31 October)
- the Transport Assessment confirms the site has a safe and convenient access and the development would not place undue pressure on the highway network
- the development would create much needed economic stimulus to the surrounding area. The statement quotes an additional £216,000 per annum into the local economy, which would also help to economically sustain the Fifth Wheel Company as a business and support the current full and part time employment roles
- the proposals comply with Welsh Assembly Government and Unitary plan policies which seek to promote sustainable forms of tourism in close proximity to existing settlements.

1.2 Description of site and surroundings

1.2.1 The main part of the application site is immediately to the north of the building complex of the Fifth Wheel Company, and the dwelling Llwyn Derw (all in the applicant's ownership), within open countryside west of Rhualt village.

1.2.2 The site is close to the White House Hotel and it's existing static and touring caravan sites (immediately to the west and east of the hotel buildings), and is across the road from the collection of dwellings and buildings at Pant Ifan

Goch / Newydd.

1.2.3 The site is served by the B5429 road, which was formerly the A55. The current dual carriageway A55 runs east – west some 150 metres south of the access point onto the B road. The nearest junction of the A55 onto the B5429 is 0.5km to the west at The Waun.

1.2.4 Land north of the buildings alongside the B5429 is primarily in agricultural use, sloping gently up from west to east and then more steeply in the Clwydian Range / Rhualt Hill. There is an area of woodland and two substantial fish ponds to the north west of the application site. Field boundaries are marked by hedgerows and occasional trees.

1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside. The settlement boundary of Rhualt village is 250 metres to the east, at it's nearest point to the site.

1.3.2 The site does not lie within any specific designations in the Unitary Development Plan. The western boundary of the Clwydian Range Area of Outstanding Natural Beauty is some 600 metres to the east, defined in this area by the unclassified road which runs between Rhualt and Dyserth.

1.3.3 The land is shown as Grade 2 quality on MAFF's old Agricultural Land Classification maps.

1.4 Relevant planning history

1.4.1 The only application of direct relevance to the site is a refusal of permission in August 2005 for the Change of use of 2.46 hectares of agricultural land to mixed use, for the display of motor homes and use as touring caravan site. The application was refused at planning committee in July 2005. The reason was impact on visual amenity and the character and appearance of the landscape, in particular when viewed from the AONB. (See Section 2 of the report)

1.4.2 The 2005 application involved the same field parcel and access as proposed in the current application. The use of the field was intended for the display of 20 motor homes manufactured at the Fifth Wheel premises, and use by an undefined number of touring caravans.

1.4.3 The Fifth Wheel Company was established in 2002 and manufactures bespoke touring caravans. At the time of preparing this report, construction works are in progression on a new building relating to that business close to the B road.

1.4.4 Separate planning consents have been granted for small caravan sites on land immediately adjacent to the White House. These are shown on the plan at the front of the report. There is permission for 10 touring caravans on land to the west of the White House, and for 26 static caravans on land to the east.

1.5 Developments/changes since the original submission

1.5.1 The application was originally received in October 2009. Further details have been received including the addition of a pond and an addendum to the ecological survey. A reconsultation was carried out in early May 2010.

- 1.5.2 The agents have confirmed that the ground conditions are not suitable for soakaways, so any discharge from the proposed treatment plant would need to go to a watercourse (hence requiring licensing from the Environment Agency). They also indicate chemical toilets or the site would need to go to a cesspool/holding tank which would need regular pumping out.

1.6 Other relevant background information

1.6.1 In response to officers' requests, further information has been provided by the agent in relation to elements of the scheme:

- It has been confirmed that the links to the Fifth Wheel Company, as a business is one of purely landownership and the relationship of a touring caravan manufacturing company to a proposed touring caravan park.
- There are no proposals for the display of touring caravans from the Fifth Wheel Company on the application site.
- The type of sewage treatment plan (BioDisc 10) is designed to accommodate the anticipated daily load of 85 caravans, estimated at 8,500 litres. Condition(s) can be imposed to control the final details as suggested by the Environment Agency.
- The proposals are considered compatible with Unitary Plan policies relating to tourism development, in respect of the principle, scale and sustainability. A previous application in 2003 for the touring caravan site adjoining The White House was assessed against the same criteria and found to be acceptable.
- There are considered to be few, if any parallels with the 2005 planning application. The current application is 'landscape led', with a high quality design and layout recognising the surrounding countryside and AONB designation.
- In relation to the Agricultural Quality of the land, it is suggested that the old surveys and gradings can only be regarded as provisional, and carry no weight in terms of land classification. In any event, the use is regarded as 'reversible development' with the land reverting back to open countryside in the closed period.

2. **DETAILS OF PLANNING HISTORY:**

2.1 47/2005/0629/PF

Change of use from agricultural land to mixed use, for display of motor homes and use as touring caravan site. REFUSED 01/08/2005 for following reason:

"It is the Local Planning Authority's view that the change of use of land to a mixed use for display of motor homes and use as a touring caravan site would have an unacceptable impact on the visual amenities of the area, which lies adjoining an Area of Outstanding Natural Beauty, insofar as development and activity on the site associated with the use, including domestic paraphernalia, lighting and the permanent display of mobile units would materially harm the character and appearance of the landscape in particular when viewed from the AONB. The proposals are considered to conflict with the Policy ENV 2, TSM 12 Criteria i), iii), iv) STRAT 9, GEN 6 Criteria ii), iii), iv) of the Denbighshire County Council Unitary Development Plan and guidance contained in Planning Policy Wales March 2002 and TAN 13 on Tourism October 1997."

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
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 2	-	Development affecting the AONB/AOB
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape / Townscape features
Policy ENV 11	-	Safeguarding of high quality agricultural land
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

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 Edition 2010

Technical Advice Notes

TAN 13 - Tourism (1997)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Scale of development
- 4.1.3 Landscape / Impact on visual amenity
- 4.1.4 Highway / access impact
- 4.1.5 Residential amenity
- 4.1.6 Drainage
- 4.1.7 Ecology
- 4.1.8 Sustainability
- 4.1.9 High quality agricultural land

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

Denbighshire's Unitary Development Plan policies are in accordance with the thrust of these national objectives. Within the UDP, there are a number of strategic policies seeking to ensure that development should be sustainable including maximum re-use of buildings and land in preference to 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 settlements where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity, heritage or environmental interests.

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 one which can be readily assimilated into the landscape, and in no way appears conspicuous or alien; the site is close to and can be easily accessed to the main highway network without significant or inappropriate highway alterations; the overall quality of the development is of a high standard by virtue of its design, layout and appearance as seen from inside and outside the site; there is no unacceptable impact on the surrounding area by virtue of noise, disturbance, fumes/smell or other nuisance and landscape, agricultural and nature conservation considerations; and finally that the site is used for touring purposes only and touring vans are removed from the site for periods when not in use.

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

4.2.2 Scale of development

Policy STRAT 9 of the Unitary Plan permits "small scale" built or natural environment based tourism projects in the countryside and rural settlements where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity or environmental interests. STRAT 7 sets a specific requirement to safeguard the countryside and environment.

In terms of assessing the issue of scale it is to be noted that the application site is located on the western outskirts of Rhualt village, a relatively small rural settlement centred on the junction of the B5429 and the Dyserth – Tremeirchion road. There are already two caravan sites either side of the White House hotel, one a 10 touring van site, the other a 26 unit static site. In officers' opinion, it is questionable whether a 2.4 hectare, 85 unit touring caravan site could be described as 'small scale' relative to the scale, extent

and nature of development in the locality, which is characterised by isolated small farmsteads and woodlands. This is considered a negative factor to weigh in the balance on the application.

4.2.3 Landscape / impact on visual amenity

The proposed caravan site would be located in open countryside at a lower level, some 600 metres to the west of the boundary of the Clwydian Range AONB. Policy ENV 1 seeks to protect the landscape and requires development to maintain or enhance the landscape character of the County. ENV 2 relates to development affecting the AONB and states that development affecting it will be assessed against the primary planning objective to conserve and enhance that natural beauty of the area; and that small scale development will only be permitted where it would not detract from the character and appearance of the AONB. The text to the policy states that it does not just apply to development within the AONB, but to development outside it which could have a detrimental impact on the AONB, including views into and out of the area. As outlined earlier, TSM 12 only permits new touring sites where they are unobtrusive, well screened by natural landscape features, and readily assimilated into the landscape; and in no way appears conspicuous or alien, especially in the AONB.

There are strong landscape objections to the application, including from the AONB Joint Advisory Committee, the CPRW, and local residents. The 2005 refusal for a touring caravan use on the same site remains a relevant consideration as it was based primarily on the impact of the use on the character and appearance of the landscape, in particular when viewed from the AONB. The planning officer's notes on the previous application referred to the effect of general activity and paraphernalia associated with the touring caravan site, turning a rural, scenic area into a busy place with general activities, likely to alter and fail to preserve or enhance the character and appearance of the rural landscape and the AONB; and when viewed from the AONB it would appear conspicuous and out of place, and detract from the sensitive setting.

In officers' opinion, the landscape impact remains one of the key issues. The submission argues the site is unobtrusive in the wider landscape setting and shows proposals for mitigation planting within and around the boundaries of the site which have to be taken into consideration in weighing the merits of the application. From inspection, the site is clearly visible from views from higher ground in the AONB, including from Offa's Dyke long distance footpath, and is difficult to see how a site of the size proposed in such a location could meet the basic tests of Policy ENV 2 in relation to development affecting the AONB, which has the primary objective to conserve and enhance the natural beauty of that area, and permits only "small scale development" where it would not detract from the character and appearance of the AONB. Officers respectfully question how an 85 van site spread over 2 ha can be described as 'small scale' in this location. It is therefore concluded that the landscape impact remains a significant negative factor in the consideration of this application.

4.2.4 Highway / access impact

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development

does not have an unacceptable effect on the local highway network. TSM 12 test ii requires close and safe access to the main highway network.

Access is proposed from a track to be constructed along the western boundary of the site, leading from an existing entrance onto the B5429 opposite The Barn at Pant Ifan Goch. The highway officers raise no objections subject to control over internal access arrangements and construction stage operations.

Visibility at the point of access onto the B road is considered acceptable for the type of development, giving adequate sight lines along the road. The road was previously a major trunk road and it is considered that it is well capable of accommodating the levels of traffic likely to be generated by the development.

On the issue of accessibility by other modes of transport, bus services in this area are infrequent and would not offer a realistic alternative to the use of the motor car as the prime means of accessing the site. There are no direct links from the site to the public footpath network and designated cycle ways are some distance from the site. Inevitably there are questions over the sustainability credentials of a development of this nature as it would be heavily reliant on the motor car for access.

4.2.5 Residential amenity

Policy GEN 6 sets the requirement to assess the impact of development on the amenities of occupiers of nearby property.

The nearest residential property is some 70 metres from the main part of the site, and 80 metres from the nearest caravan pitch, on the opposite side of the B road. At such distances, with additional screen planting, it is not considered the activity within the main part of the site would have unacceptable impacts sufficient to oppose the application. The access to the site is immediately opposite residential units at The Barn and Bridgemere, where there would be more obvious implications from the stopping and turning of traffic entering and existing the site, which are more direct negative impacts from the development.

4.2.6 Drainage

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 package treatment plant arrangement for the development. The Environment Agency raise no objections and suggest inclusion of a condition requiring agreement to the detailing of any system before commencement of use. On this basis it is not considered there are any reasonable grounds to oppose the drainage element of the development.

4.2.7 Ecology

Unitary Plan policies, Assembly guidance and current 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.

There are no objections to the proposals from the Countryside Council for Wales or the County Ecologist on grounds of impact on ecological interests, subject to imposition of conditions. On this basis it is not considered there are

any conflicts with policy or guidance.

4.2.8 Sustainability

The Unitary Development Plan' 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.

In relation to the specific tests in TSM 12, as noted in paragraph 4.2.4., the site is accessed off a B road which was formerly the A55, and highway officers raise no concerns over the physical adequacy of the highway to accommodate the scale of development. The site is close to a junction with the A55 allowing relative ease of access from a main arterial road. There are already two smaller static and touring caravan sites close to the White House. On the negative side, the location of the site on the edge of a rural village with very limited facilities, an infrequent bus service and no direct link to the footpath or cycle network, suggest reliance on the motor car for trips which is contrary to general sustainability principles.

4.2.9 High quality agricultural land

Strategic and detailed policies of the Unitary Plan (STRAT 1, 7; ENV 11), Government policy and guidance seek to protect high quality agricultural land from 'permanent' forms of development unless there is an overriding need. ENV 11 looks to resist unacceptable permanent loss of agricultural land of grades 1, 2, and 3a, except where overriding need exists, and land of lower quality is not available, or lower grade land has other specific statutory protection.

In this instance, the land lies within what was shown as Grade 2 quality land in the ADAS Agricultural Land Classification map of England and Wales, prepared on the basis of a 1966 soil survey. Officers are not aware of any updated surveys of land quality in recent years. The land is still likely to be of high quality and therefore a relevant consideration on any application.

As development of this touring caravan site would involve the construction of access tracks, footways, and additional areas of tree planting, there are elements of the scheme which could have some longer term impact on the agricultural quality of land, if it were to be returned to agricultural use at a future date. In terms of Policy ENV 11 however, officers' view would be that it would be difficult to argue a touring van use would necessarily result in the permanent loss of high quality agricultural land. On this interpretation, there is no onus on the applicants to establish of overriding need for the development or to demonstrate land of lower quality is available, as would be required by ENV 11.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application proposes the use of 2.4 ha of land as a touring caravan site, with plans showing 85 pitches. The site is the same as one which the Committee resolved to refuse permission for a touring caravan site in 2005. The 2005 refusal was based on unacceptable impact on the visual amenities of the area, adjoining the AONB, and the material harm to the character and appearance of the landscape when viewed from the AONB. Perusal of the respective layout plans suggests there is relatively limited difference between the current scheme and the one before the Council in 2005. There have been no changes to relevant Unitary Plan policies since 2005.
- 5.2 The applicant's agents case is that the proposals are compliant with policy and guidance, and are supportable as they offer a quality touring caravan site with extensive landscaping, and an economic stimulus to the area, in particular supporting a local business. Reference is made to existing touring and static caravan sites adjacent to the White House which have been granted by Denbighshire under current policies.
- 5.3 Officers' opinion is that the key planning issues remain the same as those applying in 2005, and that the scale of development and visual / landscape impact are the main considerations. Whilst respecting the agent's reference to the two caravan sites next to the White House (originally granted in 2003), these are for 10 tourers and 26 statics respectively, which would appear 'small scale' and relatively inconspicuous when viewed from higher land to the east. The application site extends to 2.4 hectares and involves a considerably greater scale of development which would be on more open land, visible from the AONB.

RECOMMENDATION: REFUSE- for the following reason:-

1. It is the Local Planning Authority's view that the proposals would have an unacceptable impact on the landscape and visual amenities of the area, in particular as the scale of development and its location within 600 metres of the boundary of the Clwydian Range Area of Outstanding Natural Beauty would impact on the character and appearance of the landscape when viewed from higher ground in the AONB, including Offa's Dyke Long Distance Footpath. The proposals are considered to conflict with Policy ENV 2, STRAT 9, TSM 12 Criteria i), iii), iv), GEN 6 Criteria ii), iii), iv) of the Denbighshire County Council Unitary Development Plan, guidance contained in Planning Policy Wales, Edition 3 2010 and TAN 13 Tourism (October 1997)

NOTES TO APPLICANT: None

ITEM NO: 8

WARD NO: Tremeirchion

APPLICATION NO: 47/2010/0650/ PO

PROPOSAL: Development of 0.04 ha of land by the erection of 1 no. dwelling (outline application - all matters reserved)

LOCATION: Land at (Part garden of) Bryn Mawr Rhualt Road Cwm Dyserth

APPLICANT: Mr & Mrs Alexander Litherland

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

TREMEIRCHION COMMUNITY COUNCIL

“(a) Councillors quote Denbighshire UDP Policy HSG 5- Groups of Houses in the open countryside- stating that this application does not comply with this guidance. (b) Councillors quote Denbighshire UDP Policy HSG 6- New dwellings in the open countryside. (c) The site is outside the Development Area. (d) The site is within an A.O.N.B”

AONB JAC

“ The JAC does not consider this to be an infill site and, in the absence of any established special agricultural or other rural business need for a new dwelling in this location which would justify an exception to strict policies controlling non-essential development in the open countryside, the JAC objects to the proposed development. The site is in an attractive rural setting and its development would harm the character and appearance of the AONB. The JAC is also concerned about the loss of existing tree cover that would result from the proposed development”

ENVIRONMENT AGENCY

No response

WELSH WATER/DWR CYMRU

No objections as the applicant intends to utilize private drainage facilities

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

HEAD OF HIGHWAYS & INFRASTRUCTURE

No objections subject to conditions

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mrs. M. Halley, Fron, Rhualt Road, Cwm, Dyserth

Mrs. J. Jones, Bryncoed, Cwm, Rhyl

D.H. & J.E. Jones, Ael-y-Bryn, Rhualt Road, Cwm, Rhyl

Dr. J.C. Madoc-Jones, Pentir, Ruthin Road, Denbigh (e-mail)

Summary of planning based representations:

- Impact on AONB
- New build in the open countryside
- Concerns regarding vehicular access
- Concerns that approval would set a precedent
- Impact on residential amenity

EXPIRY DATE OF APPLICATION: 18/08/2010

REASONS FOR DELAY IN DECISION (where applicable):

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Outline planning permission, with all detailed matters being reserved for future approval, is sought for the erection of one dwelling in the garden of Bryn Mawr, Cwm. The site is 0.04ha in size, bounded by trees and is a narrow strip of land with highways along the sides.

1.2 Description of site and surroundings

- 1.2.1 The site is located in the open countryside and located in the Clwydian Range Area of Outstanding Natural Beauty. Houses nearby include; Bryn Mawr itself to the north, Bryn Coed to the east, Tan-y-Bryn approximately 120m to the north-west, The Marl 76m to the south-east, Ael-y-Bryn 160m to the south-east, and Ty-Celyn 150m to the south.
- 1.2.2 The nearest settlement in the Unitary Plan is Dyserth which is approximately 1600m to the north.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside any recognised settlement, and is located within an Area of Outstanding Natural Beauty.

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 Councillor Barbara Smith has requested the application be referred to Committee to discuss the principle of infill development.

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 3rd July 2002)
- Policy HSG 5- Groups of houses in the open countryside
 - Policy GEN 3- Development outside development boundaries
 - Policy GEN 6- Development control requirements
 - Policy ENV 2- Development affecting the AONB

3.2 Supplementary Planning Guidance
SPG no.10- Infill housing in the open countryside

3.3 GOVERNMENT GUIDANCE
Planning Policy Wales, Edition 3, (July 2010)

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 highway safety
- 4.1.3 Impact on residential amenity
- 4.1.4 Impact on the AONB/Visual impact on surrounding area

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located outside any defined settlement boundary. Policy GEN 3 seeks to prevent development in the open countryside, with exceptions. In this instance, with no case put forward by the applicants for the proposal to be for affordable housing, a farm/forestry worker dwelling, or in connection with any enterprise to further the rural economy/tourism, the application falls to be considered against policy relating to infill housing (exception criteria ii).

Policy HSG 5, is the detailed policy applicable to 'infill' housing development and lists three criteria for development in the open countryside. The tests are that the plot must be a small gap between buildings with a continuous built up frontage, must not perpetuate/create ribbon development, and must be of a comparable size to plots in the locality. The amplification of the policy states that the continuous frontage must be of residential dwellings, that a group must have more than 6 dwellings, and not be interspersed by individual field parcels. This policy is expanded upon further in SPG 10, Infill Housing in the countryside.

It is considered that although there are a number of dwellings in the surrounding area, these cannot be considered as a 'group' as they are interspersed by a number of field parcels and are located a long distance away from the site, resulting in big gaps between the buildings. Four of the dwellings are over 100m away from the site, and it is visually separated by wooded areas. Therefore, it is officers opinion that the site in question does not form an infill plot in a continuous line of built up residential frontage, and can not fall within the scope of the infill development policy and SPG.

4.2.2 Impact on highway safety

Policy GEN 6 parts vi and vii) require development to provide parking and manoeuvring space and to ensure no unacceptable impact occurs on the surrounding highway network.

Although the application reserves all matters for further approval, Highway Officers raise no objections to the scheme, with the illustrative plans showing an existing gate to the front of the site as a possible means of access, and a parking area within the site.

4.2.3 Impact on residential amenity

Policy GEN 6 part v) seeks to ensure development does not harm the amenity of surrounding residents.

No concerns are raised regarding impact upon residential amenity. If the development were acceptable in principle, it is considered possible to develop the site without detrimentally impacting upon the amenity of the neighbours.

4.2.4 Impact on the AONB/ Visual impact on surrounding area

Policy ENV 2 seeks to ensure that development does not unacceptably harm the character and appearance of the AONB, whilst test ii) seeks to ensure that proposals do not result in unacceptable harm to the form and character of the surrounding landscape.

The AONB Joint Advisory Committee object to the principle of the scheme and the loss of existing tree cover that would occur should the proposal be given the go ahead. None of the trees are known to be formally protected. However, the introduction of a new dwelling would have a visual impact, particularly from the immediate south, and would therefore be harmful to the typical open character and appearance of the open countryside and AONB. The proposal therefore conflicts with policy ENV 2 and GEN 6 part ii).

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal fails the basic tests of policy HSG 5 and SPG 10 and is not considered to be an acceptable development in the open countryside.

RECOMMENDATION : REFUSE - for the following reasons:-

1. The site lies in open countryside outside any defined settlement in the Council's Unitary Development Plan, and it is the opinion of the Local Planning Authority that the proposal would be contrary to Policy GEN 3, HSG 5, HSG 6 and SPG 10 of the adopted Denbighshire Unitary Development Plan and Welsh Assembly Guidance contained within Ministerial Interim Planning Policy Statement (MIPPS) 01/2006 - Housing as it represents a form of development which would perpetuate ribbon development in the open countryside and is not justified as an essential farm or forestry worker's dwelling.
2. It is the opinion of the Local Planning Authority that the proposal would be detrimental to the character and appearance of the open countryside, the natural environment and surrounding landscape, and the Area of Outstanding Natural Beauty, and therefore be contrary to criterion ii) of Policy GEN 6, ENV 1 and ENV 2 in the adopted Denbighshire Unitary Development Plan.

NOTES TO APPLICANT: None

ITEM NO: 9

WARD NO: Tremeirchion

APPLICATION NO: 47/2010/0726/ PF

PROPOSAL: Erection of two-storey pitched-roof extension and balcony to side of dwelling and alterations to existing vehicular access

LOCATION: Bryn Siriol Rhuallt St. Asaph

APPLICANT: Mr Kevin Penwright

CONSTRAINTS:

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

CONSULTATION RESPONSES:

TREMIERCHION, CWM & WAEN COMMUNITY COUNCIL:
"No objections"

DCC CONSULTEES
HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objections subject to conditions

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 03/08/2010

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

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

- 1.1.1 Permission is sought for a two storey pitched roof extension with a balcony to the (northern) side elevation of the dwelling, Bryn Siriol. A new wall to the highway boundary is also proposed, along with alterations to the vehicular access to the site.
- 1.1.2 The proposed extension would replace an existing single storey addition to the dwelling, and an existing detached single garage. The extension would measure approximately 6 metres wide, 8 metres deep with a ridge height of 6.5 metres. To the rear, the first floor 'corner area' of the extension would be left open as a balcony, with obscure glazing screens on the northern side.
- 1.1.3 The extension would be constructed of materials to match the existing dwelling; rendered walls, blue grey mineral slate roof, with dark grey ridge

tiles. Rainwater goods would be white upvc as would fascias and bargeboards

- 1.1.4 To the front boundary of the site, it is proposed to construct a new cock and hen style wall adjacent to the highway. This would not exceed one metre in height and would be constructed of natural stone. A parking and turning area for two vehicles would be provided within the plot.
- 1.1.5 The plan at the front of the report shows the proposed changes to the front elevation.

1.2 Description of site and surroundings

- 1.2.1 The site is in open countryside and is on the C class road which links Rhualt and Cwm. The dwelling is some 400 metres north of the Smithy Arms Public House.
- 1.2.2 The dwelling is set at a lower elevation than the road, and accordingly the site slopes away from the road. The majority of the amenity space is to the front (roadside) of the dwelling, with only a shallow patio area to the rear (2.5 metres by 17 metres). To the south of the dwelling is further garden area.
- 1.2.3 Within the site, there is a single detached garage, measuring approximately 2.7 metres by 6 metres, with a ridge height of 3.7 metres.
- 1.2.4 To the south and west of the site are fields whilst to the north is the garden area of the neighbouring dwelling, Hendre Sian. This dwelling is approximately 65 metres from the boundary with Bryn Siriol.

1.3 Relevant planning constraints/considerations

None

1.4 Relevant planning history

- 1.4.1 In August 2009, permission was sought for an identical extension to what is now proposed. On consideration, officers felt that the proposal was not subordinate in scale to the existing dwelling and was in conflict with current planning policy. Consequently, officers requested that the extension be reduced in size. The applicants accepted this and reduced the extension, which was then approved (47/2009/0472). It is clear from the latest submission that the applicants are now looking to pursue their original scheme.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The application is presented to Planning Committee at the request of Councillor Barbara Smith to allow debate on the issue of size/scale and interpretation of subordination in the context of planning policy.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Alterations and construction of a two storey pitched roof extension and balcony at side of dwelling and alterations to existing vehicular access – Granted 21st July 2009 under code 47/2009/0472/PF

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy GEN 6 – Development Control Requirements
Policy HSG 12 – Extensions to dwellings

3.2 Supplementary Planning Guidance

SPG 1 – Extensions to Dwellings

SPG 24 – Householder Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 3(July 2010)

TAN 12 – Design (2009)

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 impact upon neighbours

4.1.3 Access/Highway safety

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 UDP and SPG note 1 and 24. HSG 12, the main UDP policy, permits extensions subject to 4 tests, requiring the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. GEN 6 contains a wide range of general development control amenity considerations geared at ensuring a high standard of development with minimal impacts. SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following section.

4.2.2 Detailed design and impact upon neighbours

Scale and form – Test i) of Policy HSG 12 requires extensions to dwellings to be subordinate in scale and form to the original dwelling. Supplementary Planning Guidance Note 1 offers interpretation on the key considerations and refers specifically to the size, height and proportion of any new extension which should take into account the size, form and style of the original. It adds that any new extension should be subsidiary or subordinate in terms of overall floor area, size, height, and proportion to that of the original dwelling.

To assist interpretation of the issues, members are referred to the plans at the front of the report which show the front elevation of the existing dwelling, the previously approved extension, and the current proposals.

The main mass of the existing dwelling is the central two storey section which projects towards the road and is approximately 5.5 metres wide. When viewed from the road (as opposed to in plan form), the single storey section to the northern elevation, the detached garage and the set back two storey section to the south elevation appear clearly subordinate to the main part of the dwelling. The original dwelling has a floor area of approximately 126m² (excluding the detached garage).

The proposal would extend the front elevation of the two storey element by 6 metres to the north side and would be 8 metres wide. The proposed

extension would have a floor area of approximately 95m², resulting in a total floor area of approximately 221m².

It is considered that the extension would result in a form of development which by virtue of the width of the extension's front elevation, in relation to the existing front elevation, and the resultant roof mass/extent of ridge line, would not appear subordinate to the size of the original dwelling. The extension would appear to be the dominant part of the dwelling upon completion and the resultant building would give the impression of being two dwellings. The proposal is therefore considered not to comply with test i) of policy HSG 12.

Design and Materials – Test ii) of Policy HSG 12 requires extensions to dwellings to be sympathetic to the original dwelling and character of the area in terms of design and materials. The materials proposed would not impact negatively upon the character or appearance of the dwelling. The design is not considered likely to harm the character of the area which is of mixed, well dispersed dwellings. However, the design features such as the proposed porch and small gable peak serve to emphasise the dominant impact of the extension. It is considered the proposal would harm the appearance of the original dwelling by appearing unbalanced, and would therefore not meet the aims of Policy HSG 12.

Amenity of area and dwelling – Test iii) of Policy HSG 12 seeks to ensure that proposals to extend dwellings do not harm the amenity of the area by way of loss of privacy or light to neighbouring dwellings. The proposal is not likely to impact adversely upon the character/amenity of the locality. Neighbours are unlikely to be affected by this proposal as a result of the location of windows, height of extension, separation distances and boundary treatments.

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

4.2.3 Access/Highways

Policy GEN 6 seeks to ensure that proposals affecting the highway network do not result in a loss of safety to users of the highway.

The proposal involves alterations to the existing vehicular access. A new wall is proposed to separate the site from the highway. This would not exceed one metre in height, and so in itself does not require planning permission. The alterations to the vehicular access have been examined by the Highway Authority, who did not raise any objection to the proposal, subject to conditions being imposed. It is not considered that highway safety would be harmed in this instance and the proposal complies with Policy GEN 6.

5. SUMMARY AND CONCLUSIONS:

5.1 Whilst in respects the proposal meets the main policy tests, it is officers' opinion that, with respect to the stance of the Community Council, the scale and design of the proposed extension is not acceptable and does not comply with Policy HSG 12 and guidance as contained in Supplementary Planning Guidance Note 1, Extensions to Dwellings.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority that the proposed extension by virtue of its scale, form and design would not appear subordinate to the original dwelling and would therefore be harmful to the character and appearance of the original dwelling, contrary to Policy GEN 6, and HSG 12 of the adopted Denbighshire Unitary Development Plan and advice as contained in Supplementary Planning Guidance Note 1.

NOTES TO APPLICANT: None

**PLANNING COMMITTEE
29TH SEPTEMBER 2010
ITEM NO. 3a**

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**MYNYDD MYNYLLOD WINDFARM
DRAFT STATEMENT OF COMMUNITY
CONSULTATION**

1. PURPOSE OF REPORT

1.1 The report seeks :

A. To inform members of the contents of the 'Statement of Community Consultation' from agents acting on behalf of the promoters of the Mynydd Mynyllod windfarm, Scottish Power Renewables

B. A formal resolution on the contents of the Statement for consideration by the promoters.

1.2 The Statement has been lodged with the County Council in accordance with legislation relating to large scale energy schemes which are to be submitted for determination by the Infrastructure Planning Commission (IPC).

2. BACKGROUND

2.1 Members may be aware that Scottish Power Renewables (SPR) have made public their proposals to submit an application to develop a windfarm at Mynydd Mynyllod, on the Denbighshire – Gwynedd border, west of Llandrillo. The site is immediately adjacent to three existing turbines at Braich Du, which is on the Gwynedd side of the County boundary.

2.2 The number and size of turbines is not yet known, but SPR have indicated it has the potential to generate up to approximately 75MW of electricity from approximately 25 turbines.

2.3 As the installed capacity of the proposed windfarm would exceed 50MW, the formal submission has to be made to the IPC in the form of a Development Order application in accordance with the Planning Act 2008. As noted above, the site encompasses land in both Denbighshire and Gwynedd. Both authorities will be a consultee on the application, and will not be responsible for its determination.

2.4 Section 47 of the 2008 Act imposes a duty on the promoters to communicate and consult with statutory bodies and the local community about their proposals. It requires them to undertake a formal process of consultation with the County Council on how they propose to carry out this part of the exercise. This is in the form of a draft Statement of Community Consultation (SoCC).

2.5 The purpose of this particular consultation process is to provide the County Council with an opportunity to comment on the promoters proposals for consulting people in the area of the proposed windfarm. The promoters have to have regard to the County Council's response in presenting their formal SoCC to the IPC in due course. The process is not an opportunity for the Council to pass comment on the merits of the proposals, which can only follow formal consultation by the IPC once the application has been submitted. The objective should therefore be seen as encouraging early engagement between the scheme promoters and the Council, with a view to agreeing on the local consultation process.

2.6 Arup have submitted a consultation document outlining the process through which the SoCC has developed, and a draft SoCC, to Denbighshire and Gwynedd on the 6th September, 2010. A copy of the document is appended to this report. The legislation gives local authorities 28 days to forward comment on the contents. Local members have been notified of the SoCC.

3. DRAFT STATEMENT OF COMMUNITY CONSULTATION

3.1 The consultation document containing the draft SoCC is split into the following two sections:

1. An introduction to the project, the consenting process, the proposed scope of consultation and the outcome of that process.
2. The Draft Statement of Community Consultation.

3.2 The draft SoCC is a 4 page document. The main sections are:

- Introduction

Introducing the applicant company and the scope of the proposals

- Consenting process

Outlining the intention to apply to the Infrastructure Planning Commission, with the application accompanied by an Environmental Statement.

-Statement of Community Consultation

Explaining the duty under the 2008 Planning Act to consult the local community, in accordance with a SoCC. The SoCC itself to be subject to consultation with the local authorities in which the Mynydd Mynyllod site would be located.

- What will be consulted on

Information relating to the proposed development, including the process, timescales for submissions, the role of the IPC, the EIA process, site layout, constraints, and access routes.

- Who will be consulted

A range of consultations including - Persons significantly affected by the proposals; those who will not be directly affected but may live in the proximity of the development, be affected by the wider impacts, or are users of or visitors to the area; residents (people who live in, and businesses operating from a buffer zone within 10km of the site, and within 1km of the access route along the A5 to Chirk; interest groups, including ones not living within the buffer zone; and

the relevant statutory consultees.

- How consultation will be carried out

A project website, newsletters, public information days, a Community Liaison Group, clear contact points for queries.

- When consultation will be carried out

Following consideration of comments on the SoCC, the finalised version will be published in at least one local newspaper, and on the project website. Consultation activities will continue as the project develops, culminating in the application for the Development Consent Order to the IPC in Autumn 2011. A draft copy of the full Environmental Statement will be made available for review by the whole community, and a 28 day period for responses will be advertised in advance.

- Outcome of consultation

All responses to the consultation exercise will be recorded and considered. SPR will publish a Consultation report prior to the formal submission to the IPC, indicating how consultees views have been considered and fed into the development process. This will form part of the application to the IPC.

4. COMMENTS ON THE SoCC

4.1 Having regard to the limited time period for responding formally to the consultation on the SoCC, Officers have consulted with the local County Council Members who represent the Community Council areas most directly affected by the proposals. The following comments have been forwarded to NRL for consideration before reporting to the IPC.

1. The general contents of the SoCC are considered acceptable, as they outline proposals for a wide basis of consultation on the proposals, and encouragement for participation by local residents and organisations, community representatives, and leisure users.

2. The geographical extent of direct consultation by newsletter appears reasonable, considering the location of the site and likely impacts (but see point 5 following). Taken in conjunction with the proposed use of the local media and availability of information on the project website, there should be no issues over local awareness of the factual basis of the project, or means of communication for comment on its contents.

3. The consultation methods suggest local residents and organisations will have opportunity to engage with NRL through a variety of communication channels, which should be clearly identified in the formal SoCC (email addresses, telephone numbers, addresses for correspondence, open meetings/exhibitions, Community Liaison Group meetings). Local feedback suggests that the initial consultation was not thorough enough with many residents not involved in debate, and concerns over vagueness of information over the dimensions of turbines.

4. It would however assist public understanding of the 'new' system if the SoCC contained a

simple summary of the process relating to applications submitted to the IPC, and the respective responsibilities/roles of the IPC, applicants, local County and Community Councils at different stages in the process. It is not clear, for example, how the SoCC relates to the formal process of notification/publicity on submission of the planning application. It would help if the document could note what consultation process is followed on submission of the application, as there are likely to be particular local concerns over noise, hydrology, ecology and visual impacts and a desire for assurance that private properties in the immediate vicinity of the development will be notified directly of the submission. It is not clear to who formal comment on the planning application should be directed, who may 'negotiate' amendments to the proposals, how revisions to the application may be publicised, etc..

5. There is limited reference to the actual detailing of the project in the SoCC, and no map information showing the proposed site (and haul routes, etc) relative to the Community Council areas where newsletters are to be distributed and locations where information may be available for inspection. It may be useful to include this material as part of the SoCC, as a basic cross reference to support the conclusions on the adequacy of the extent of consultation.

6. It would assist if the role/function and constitution of the Community Liaison Group was clarified. It is not clear in the SoCC what the purpose of the Group is, whether it can take the role of advocate or challenge the scheme, how it is run, how often it is proposed to stage meetings, who its comments are to be fed to, etc..

7. It is suggested that local Community Councils are a vital link in the process, and may be the best source of information in identifying interest groups who may wish to engage in the process. T

8. The SoCC needs to be more explicit in identifying means of communication with interested parties, and explaining how any comments will be handled in the application process. It may benefit by offering a degree of flexibility in offering individuals opportunity to explore issues in a direct 1:1 discussion outside meetings and exhibitions, and allowing longer than the statutory minimum period for making representations.

9. The 'local venues' where information on the proposals, and copies of the application documents will be available for inspection should be specified. We would suggest the planning office in Denbigh, County Hall in Ruthin, and Corwen Library as suitable locations.

10. Presumably the application details would be accessible on the Planning Portal if it is the subject of formal consultation with Denbighshire and Conwy?

11. There is no reference to how Community Benefit issues may be covered as part of the process.

5. RECOMMENDATION

5.1 The report is for members information only, to advise on the substance of the draft Statement of Community Consultation, and comments forwarded to RWE Npower renewables for consideration prior to referral to the Infrastructure Planning Commission.

5.1 Members are therefore requested to accept the report.

GRAHAM H. BOASE
HEAD OF PLANNING AND PUBLIC PROTECTION

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
INFORMATION ITEM FOR PLANNING COMMITTEE
LLANGOLLEN AND CORWEN RAILWAY ORDER 2010

1. PURPOSE OF REPORT

- 1.1. The report provides a factual update on the outcome of the application made by Llangollen Railway Trust to the Minister for Environment, Sustainability and Housing for a 'Railway Order' seeking powers to construct and operate a new section of railway between Carrog and Corwen. The Order was confirmed in late August 2010 and is effective from 27th August.
- 1.2. The report contains a brief outline of the background to the Railway Order application, key elements of the process, and a summary of the decision by Welsh Ministers to confirm the Order.
- 1.3. Appended to the back of the report is a map showing the extent of the proposed line extension, and an extract from Annex A of the Decision letter which are the planning conditions attached to the 'deemed planning permission' granted on the making of the Order.

2. BACKGROUND

Llangollen Railway

- 2.1. 'Llangollen Railway' runs along a section of the former Great Western Railway's Ruabon – Bala – Barmouth route. The original through passenger line was closed in 1964, and the track was lifted in 1968.
- 2.2. It is understood that the impetus to preserve a section of the line originated from the Flint and Deeside Railway Preservation Society, and began with the local authority leasing the old Llangollen Station building and 3 miles of track to the Society. The station reopened in 1975 with a small section of track adjacent.
- 2.3. In subsequent years, through a mixture of volunteer labour, donations of track and funds by private companies, the line was extended out to Pentrefelin, over the Dee bridge to Berwyn (1986), to Deeside Halt (1990), to Glyndyfrdwy (1993), and to Carrog in 1996. The current track runs for some 7.5 miles (12

km).

- 2.4. It has been a long term ambition of the Llangollen Railway Company to extend the line from Carrog into Corwen. This has been supported by local authorities at County / District / Community council level, and in various guises by the Welsh Development Agency, local groups and business forums and statutory bodies, who have been working in partnership to move the project forward.
- 2.5. There were determined efforts in the 1990's to progress the line extension to Corwen. Ambitious proposals were submitted for planning consent in 1995 for the line extension, a significant new station building, and associated parking, drainage, highway and environmental improvement works. The proposals were approved by the former Glyndwr District Council subject to conditions and a legal agreement.
- 2.6. For a number of reasons, the 1995 scheme was never implemented. Uncertainties arose over Welsh Office plans for a by pass road (dropped in 1999), and there were funding and viability issues, including over linking the project to the redevelopment of the Corwen Common area.
- 2.7. The Llangollen Railway Company's commitment to the Corwen link did not however waver, and in recent years, following detailed feasibility studies and the arrival of EU Objective 1 funding, alternative plans for a 'reduced' scheme have been developed in liaison with local authorities, local groups and Welsh Assembly Government. These have culminated in the lodging of a formal application to construct and operate the line, through procedures governed by the Transport and Works Act 1992.

The Transport and Works Act procedures

- 2.8. The process through which the Llangollen Railway Company have made their application for permission to extend the line differs in key respects from the 'normal' planning process governing most types of development projects.
- 2.9. The application to re-open and operate the line between Carrog and Corwen has been made through processes set out in the aforementioned Transport and Works Act, 1992. The Act is a Statutory Instrument geared at providing a comprehensive consideration of schemes relating to 'guided' transport routes such as railways, inland waterways, and harbours. Such applications are made to the Department of Transport, and in Wales are then passed on to the Welsh Assembly Government as the decision making body.
- 2.10. Orders made under the Transport and Works Act effectively override other legislation that normally apply to uses of land. Such an Order normally includes:
 - Power to construct a railway over a defined route, usually within limits set in relation to its vertical alignment and within limits of deviation defined on the

Order plans;

- Supplemental powers relating to highways, level crossings, public footpaths and bridleways together with the discharge of water and the acquisition and temporary use of land necessary to execute the works;
- Power to make protective provisions to safeguard the interests of statutory undertakers, owners of adjacent land and highway authorities;
- Power to make amendments to, or exclusion of, other legislation such as licence controls for tipping, culverts or pipes or licences required to carry out works in protected areas such as Sites of Special Scientific Interest (SSSIs) or in relation to protected species;
- Power to operate and maintain the railway once constructed including such matters as the removal of obstructions, traffic control, lopping or felling of trees, accommodation works and occupation crossings: and
- Power to make by-laws

2.11. Welsh Assembly Government also have powers in dealing with applications for Transport and Works Act Orders, to make a 'Direction' under Section 90 (2A) of the 1990 Planning Act granting deemed planning permission for a development. Permissions granted under this procedure can contain conditions requiring the subsequent submission to, and approval of, details by the County Council as local planning authority, where these are not included in the application for the Order. Such matters can include environmental safeguards normally contained in planning consents for development.

3. THE LLANGOLLEN AND CORWEN RAILWAY ORDER 2010

- 3.1. The application for the Order was made to Welsh Ministers in September 2009 by the Llangollen Railway Trust, who are the operators of the existing railway. It was accompanied by a detailed Environmental Statement.
- 3.2. The application sought statutory authority for the Trust to construct and operate a new section of railway along the track bed of the former railway, over some 2.5 miles (4 km) between Carrog and Corwen. The documents specified a number of elements, including the laying of the track, ancillary works, construction of a new Station and facilities at Corwen, and powers to apply existing railway by-laws to the extended railway. It also included a request for a direction that planning permission be deemed to be granted for the proposals under Section 90 (2A) of the 1990 Planning Act.
- 3.3. The submission of the Order triggered a process of consultation with statutory bodies, local organisations and private individuals. Denbighshire County Council were one of the consultees, and forwarded representations in support of the application prior to the October 2009 deadline. It is understood that 6 objections were made, but these were withdrawn following modifications to the

draft Order, to take account of concerns raised.

- 3.4. Welsh Ministers appointed an Inspector, Stuart Wild, to undertake an appraisal of the effects of the provisions of the Order. The Inspector reported to Welsh Ministers in June 2010, and recommended that the Order be made, subject to minor amendments to the drafting of the documents relating to the deemed planning permission.
- 3.5. The formal decision letter from the Minister for Environment, Sustainability, and Housing was issued on the 19th August 2010. The letter extends to 4 pages and refers in detail to the Inspector's summary on the application, agreeing with his main analysis and conclusions on the proposals in respect of compliance with planning policy, and in relation to suggested conditions on the deemed planning permission, subject to further amendments.
- 3.6. The Minister's decision letter therefore confirmed the Llangollen and Corwen Railway Order would be made on 25th August 2010, and would come into force on 27th August. On making the Order, the Minister also directed that planning permission be deemed to be granted for the development specified in the application, subject to conditions set out in an annex to the decision. This Annex is appended to the back of the report for Members Information.

4. IMPLICATIONS OF THE ORDER

- 4.1. The making of the Order is a significant event in the history of the Llangollen Railway. It is a reward for many years of effort by the Railway's officials, in collaboration with a number of local organisations and groups referred to earlier in the report. It now provides the legal / planning consents to proceed with the line extension to Corwen, along with associated developments.
- 4.2. The 'deemed planning permission' for the development is in effect an outline planning consent with specific conditions requiring the submission of details to the County Council as local planning authority, and their approval prior to the carrying out of particular elements of the project. These would include details of the Corwen station buildings, a range of accommodation works along the line, landscaping and archaeological works.
- 4.3. A meeting was held on the 9th September 2010 with representatives of Llangollen Railway, Welsh Assembly Government, members and officers of the County Council, Corwen Town Council, and local business groups to discuss and explore the next steps. It is likely that a press release will be issued to announce the Railway's proposals to take the scheme forwards.

5. RECOMMENDATION

That the report be noted.

REPORT BY THE HEAD OF PLANNING & PUBLIC PROTECTION

INFORMATION ITEM FOR PLANNING COMMITTEE

CALL IN APPLICATIONS AT CLWYD STREET

- 1. PROPOSED DEMOLITION OF PART OF EXISTING BUILDING AND ERECTION OF 2 DWELLINGS AT LAND TO REAR OF 47/49 CLWYD STREET, RUTHIN (PLANNING APPLICATION NO. 02/2008/1153/PF)**
- 2. PROPOSED DEMOLITION OF EXISTING GARAGES AND ERECTION OF 3 DWELLINGS AT LAND TO REAR OF ROYAL OAK, 51 CLWYD STREET, RUTHIN (PLANNING APPLICTAION NO. 02/2008/0592/PF)**
- 3. PROPOSED DEMOLITION OF PART OF EXISTING BUILDING AND ERECTION OF 2 DWELLINGS AT LAND TO REAR OF 47/49 CLWYD STREET, RUTHIN (LISTED BUILDING APPLICATION NO. 02/2009/0477/LB)**
- 4. PROPOSED DEMOLITION OF EXISTING GARAGES AND ERECTION OF 3 DWELLINGS AT LAND TO REAR OF ROYAL OAK, 52 CLWYD STREET, RUTHIN (LISTED BUILDING APPLICATION NO. 02/2009/0446/LB)**

1. PURPOSE OF REPORT

- 1.1 The report seeks to provide an information update to Committee in relation to the above mentioned applications, following receipt of the formal letter of decision by Welsh Ministers, on 8th September 2010. A previous update report was presented to the February 2010 Planning Committee.
- 1.2 Members may recall that all four applications above were originally presented to the 29 July 2009 Planning Committee. The applications relate to developments at two sites in Ruthin, which require separate planning permission and Listed Building Consents.

2. BACKGROUND

- 2.1 The planning officer's report to the July 2009 Committee recommended approval for all four applications. Following a detailed discussion on the applications, members resolved to support the recommendations on all four applications.
- 2.2 Immediately after Planning Committee, Officers received notification from the Welsh Assembly under the provisions of Article 13 of the Town & Country

Planning Act which 'directed' that the Council should not issue planning permission on the two planning applications, namely planning application code 02/2008/1153/PF and planning application code 02/2008/0592/PF.

- 2.3 Eventually, WAG confirmed in October 2009 that the 'call in' was in relation to the determination of all four applications, on the basis that "..... the development raises issues of more than local importance, in particular.... issues which may conflict with national policy on listed buildings and conservation areas".
- 2.4 The process culminated in a Hearing in Ruthin on the 8th June 2010, run by an Inspector appointed by Welsh Ministers. The County Council was represented by the Development Control section Case Officer, the Conservation Architect, and the Archeologist. Councillor Bobby Feeley was in attendance and addressed the Hearing, and there were representations from the applicant, Ruthin Town Council, the Welsh Historic Gardens Trust, and local residents. CADW were not represented at the Hearing.

3. FORMAL DECISION ON THE APPLICATIONS

- 3.1 For members information, a copy of the WAG letter of decision, and the report of the 'call in' Inspector Mr Poulter, are attached at the end of this item.
- 3.2 In brief WAG have agreed with the conclusions of the Inspector, and have GRANTED planning permission and listed building consent in respect of both schemes, subject to conditions.
- 3.3 With regard to the issues relevant to the determination of the proposals, the Inspector's report :
- Indicates in paragraph 29 that the main consideration was whether the proposed developments would preserve or enhance the character or appearance of the Ruthin Conservation Area, having particular regard to its historic spatial structure. He refers also to impacts on the listed buildings and their settings, the setting of Ruthin Castle and the effect on the living conditions of local residents.
 - Notes CADW accepted that the Council had carried out a satisfactory appraisal of the full extent of impacts on the historic environment, including the spatial structure and layout of the medieval town. (para. 30)
 - Concludes in relation to the other issues:
 - The scheme would be in keeping with the area's current character
 - External materials and building forms would be appropriate to the locality
 - The developments would preserve and enhance the character and appearance of the Conservation Area; and the setting of the nearby scheduled ancient monument.
 - There would be no harm to any features of special architectural or historic interest.

- Separation distances between existing and proposed dwellings would be sufficient to ensure an adequate degree of mutual privacy, and there would be no overbearing relationships
- Subject to conditions, access arrangements would be acceptable.
- The development would make a small but valuable contribution to the need for market and affordable housing in a highly sustainable location (paras. 31 – 35).

3.4 The Inspector's report appended a list of conditions to be attached to the respective planning and listed building consents. These are referred to as Annex A, B, C, and D.

4. RECOMMENDATION

4.1 That Members note the report.