

PROTOCOL FOR PLANNING COMMITTEE

The following sets out the method by which the Chair of Planning Committee will conduct the Planning Committee in the interests of clarity, consistency, and fairness in proceedings.

In endorsing the protocol and its objectives, the Council emphasised that there must be no pre-Committee lobbying by Members of one another. The ability of non Members of the Committee to speak with the consent of the Chair provides sufficient a mechanism for all views to be expressed at the meeting.

1. The Chair will open proceedings at 9.30 a.m. and welcome all to the Planning Committee.
2. Officers will advise the Committee of any changes in substance to the agenda or its order including public speaking, deferrals and withdrawals. This will be reinforced by the Addendum Report - Late Letters and Amendments (“the blue sheet”).
3. Any requests for applications to be brought forward to the start of the meeting will be proposed by Members, and subject to a seconder, will be subject to vote.
4. Applications involving public speakers will normally be considered at the start of the agenda.
5. Applications with public speakers will normally be considered before those without speakers.
6. The following will be the order of debate on each item (planning application or enforcement report) before the agenda:
 - i) Public speakers against and for to speak in accordance with the public speaking protocol.
 - ii) The Chair to seek proposers and seconds for the recommendation or any other alternative motions.
 - iii) Officers will introduce the item setting out the main planning issues including reference to visual displays.
 - iv) If a proposal to defer for a Members Site Inspection Panel is proposed and seconded, the issue as to whether a Site Inspection Panel shall be held and the planning reasons for such a panel shall be debated first. This is in the context that the request for a Site Inspection Panel should normally be in advance of the Planning Committee as set out in the

Guidelines for Site Inspection Panels.

- v) If any application has been subject to a previous Site Inspection Panel, the Chair will invite those Members who attended including the Ward Member, to speak first, before other Members.
- vi) On other applications, the Ward Member will be invited to speak first.
- vii) Members will be limited to a maximum of five minutes speaking in accordance with standing orders.
- viii) Once a Member has spoken, the Member shall not speak again unless seeking clarification on a point arising from the debate and only once all other Members have had the opportunity to speak and with the agreement of the Chair.
- ix) Following the debate the Chair will ask Officers to respond to any questions and sum up any issues arising from the debate including advice on a potential resolution in conflict with Officer recommendation.
- x) The Chair will make it clear that the debate is concluded and that voting is to commence. No further debate or questions will be permitted on the item. The Officers will prepare the electronic voting system and advise the Chair when voting can commence.
- xi) The Chair will put any motions to the vote. The electronic voting system allows a 10 second period for voting to take place during which period Members must cast their vote.
- xii) The Chair will not tolerate any interruptions by Members without his agreement or audible conversations between Members or Officers which do not form part of the debate.
- xiii) Failure to abide by the above protocol will lead in the first instance to a warning from the Chair. Further failures may result in a motion under Standing Order 18.3 that the member be not heard further, leading ultimately to a motion under Standing Order 18.4 that the member leave the meeting in the event of continued improper behaviour.
- xiv) The Chair will state clearly the decision once the resolution is made.

PWYLLGOR CYNLLUNIO
CYFARFOD: 27 ain Hydref 2010
Eitem: 2

PLANNING COMMITTEE
MEETING – 27th October 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: Llangollen

APPLICATION NO: 03/2010/1172/ PF

PROPOSAL: Removal of temporary mobile classrooms and erection of a classroom extension and link entrance to Ysgol Y Gwernant and erection of a staffroom extension to Ysgol Bryn Collen

LOCATION: Ysgol Bryn Collen/Ysgol Y Gwernant Pengwern Llangollen

APPLICANT: Denbighshire County Council

CONSTRAINTS:

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

CONSULTATION RESPONSES:

TOWN/COMMUNITY COUNCIL

LLANGOLLEN TOWN/ COUNCIL – ‘Members raised no objections to this application’.

COUNTRYSIDE COUNCIL FOR WALES - No objections to the proposal, subject to conditions attached to a planning permission, regarding protective measures for wildlife.

CADW – No concerns with no known ancient monuments, historic parks and gardens or historic landscapes affected by this proposal

DCC CONSULTEES

COUNTY ARCHAEOLOGIST – No comment to make in relation to archaeology. The site lies just outside the buffer zone of the World Heritage Site, with no implications in this case.

HEAD OF HIGHWAYS Response awaited.

PLANNING POLICY SECTION - Advises that Policy GEN 3 relates to development outside of development boundaries. In general development is not permitted outside of development boundaries but one of the exceptions listed under criterion vi) relates to development in connection with educational establishments. The proviso attached to this criterion is that there is no unacceptable impact on social, natural and built environment. In this case the proposal involves the removal of portacabins and replacement with sympathetically designed permanent classrooms which will have a positive landscape benefit and provide a better learning environment for the pupils. It is considered that the proposal conforms with Policy GEN3 and that the minor encroachment outside of the development boundary is outweighed by the benefits accruing from the proposal.

SENIOR BIODIVERSITY OFFICER - No objections subject to implementation of measures in protected species report. Any works on the sycamore tree will require prior survey for a bat presence.

RESPONSE TO PUBLICITY:

Letters of representation received from:

- John Sanderson, 102 Pengwern, Llangollen

Summary of planning based representations:

Trees

Queries the responsibility in respect of a Sycamore Tree in an adjoining property, given that the Ecology report has identified it as decaying, and potentially a health and safety issue.

EXPIRY DATE OF APPLICATION: 09/11/2010

REASONS FOR DELAY IN DECISION; none:

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application relates to the removal of three existing portacabins structures and replacement with two extensions to the existing school building, both single storey, on the northern and easterly elevations. These are to include a staff room and two additional classrooms
- 1.1.2 Associated minor engineering and site works include the provision of additional car parking bays, along the northerly boundary. External materials on the extensions include red facing brick and profiled composite panel roof. Foul drainage is indicated by way of connection to the existing main sewer
- 1.1.3 The submission includes a Design and Access Statement and Ecological report, In brief the DAS covers planning policies, access ; character; community safety; environmental sustainability; movement; The Ecology report confirms that no bat activity has been identified with the proposed removal of the portacabins. The tree assessment in the report highlights the condition of site and neighbouring trees, and suggests remedial and protective measures. Bat enhancement features are also suggested.

1.2 Description of site and surroundings

- 1.2.1 The site lies to the south of Llangollen Town Centre and is approached through the residential area known as Pengwern. Residential properties abut the northerly boundary of the site, with the remaining boundaries adjoining the open countryside, with natural boundary features. Start typing here

1.3 Relevant planning constraints/considerations

The site lies within the Denbighshire Unitary Development Plan Area of Outstanding Beauty; and is in a historic landscape known as 'Vale of Llangollen.

- 1.3.1 The Pontcysyllte World Heritage Buffer Zone lies some distance north of the application site.
- 1.3.2 A minor part of the new extension would encroach outside the current defined Unitary Development Plan development boundary, involving school land currently protected as an open space area. The proposal has been advertised as a 'departure' from the current plan. The plan accompanying this report indicates the existing development boundary and the extent of the

planning application.

1.4 Relevant planning history

1.4.1 The school originally received detailed approval in the late 1970's with additional extensions granted in the late 1990's.

1.5 Other relevant background information

1.5.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 Code 03/660 – Outline application for erection of School and means of access
Granted 13/05/1975

Code 03/2895 - Erection of 240 place primary school and construction of access No
Objection 13/09/1978

Code 03/836/98/PF – Erection of two extensions
Granted 27/11/1998

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)

STRATEGIC POLICIES

1 – General; 5 –Design; 6 –Location; 7- Environment; 13-New Development; 16-
Community Facilities & Benefit

Policy GEN 3	-	Development Outside Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 10	-	Supplementary Planning Guidance
Policy ENV 1	-	Protection of the Natural Environment
Policy CON11	-	Areas of Archaeological Importance
Policy CON 12	-	Historic Landscapes, Parks & Gardens.
Policy ENV1	-	Protection of the Natural Environment
Policy ENV 2	-	Development Affecting the AONB/AOB
Policy ENV 4	-	International/National Sites of Nature Conservation Value
Policy ENV 5	-	Sites of Local Conservation Importance
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape/Townscape Features
Policy ENP 1	-	Pollution
Policy ENP 4	-	Foul and Surface Water Drainage
Policy ENP 3	-	Water resources
Policy REC 1	-	Protection of existing open space
Policy CF1	-	Community facilities – general
Policy TRA 6	-	Impact of new Development on Traffic Flows
Policy TRA 9	-	Parking and Servicing Provision
Policy TRA 10	-	Public Rights of Way
Supplementary Planning Guidance		
SPG 2	-	Landscaping
SPG 6	-	Trees and Development
SPG 18-	-	Nature Conservation and Species Protection
SPG 21-	-	Parking Requirements in New Developments

GOVERNMENT GUIDANCE
Planning Policy Wales 2010

Other Council Documents

Denbighshire Landscape Strategy 2003
Denbighshire Countryside Strategy 1998
Denbighshire Local Biodiversity Action Plan 2003
Access for All

TANs -

TAN 5 - Nature Conservation and Planning
TAN 12- Design
TAN 18 - Transport

3.2 Circulars

Circular 61/96 - Planning and the Historic Environment – Historic Buildings and Conservation Areas
Departure Regulations

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 Nature Conservation and Trees
- 4.1.4 Archaeology
- 4.1.5 Residential amenities
- 4.1.6 Highways and access
- 4.1.7 Impact on historic environment – Historic Landscape
- 4.1.8 Inclusive access

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Strategic Policies 1,6, 13,and 16,together with detailed policies GEN 3 and REC 1 seek to control development in the open countryside to exceptional cases; to maintain and enhance a range of community facilities and to restrict development on identified open space areas

The existing school building lies within the current defined boundary for Llangollen, with the majority of the associated recreational open space area positioned outside the boundary.

The principle of extensions to the school is considered acceptable, subject to detailed planning policy and site specific considerations. Having regard to the departure regulations, and the current planning policies, and the limited extent of the building works relative to the development boundary, the proposal is not considered to represent a significant departure from the adopted Unitary Development Plan and is unlikely to prejudice the main, strategic objectives.

The remainder of the report assesses the remaining , site specific issues

Impact on visual amenity

4.2.2 Landscape / Visual Impact

Development in the AOB is subject to Unitary Plan Policy ENV 2, which states proposals will be permitted where they would not unacceptably harm the character and appearance of the landscape and prejudice future designation as an AONB.

Given the scale of the extensions and use of materials, there are no unacceptable landscape impacts likely to arise in this case.

4.2.3 Nature Conservation and Trees

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impact on wildlife, in particular protected species. (Policies ENV 1, ENV 6, ENV 7, ENV 8 and GEN 6; Planning Policy Wales : Habitat Regulations 2010 ; Unitary Plan Policy and Supplementary Guidance). Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence should be established before the grant of permission.

The Countryside Council for Wales accepts the findings of the Ecology report.

Details included as part of the potential mitigation and enhancement outlined in the report can be conditioned in this case. The proposal is therefore considered to comply with the policies and guidance relating to protected species.

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

The DAS approach recognises the need for sensitive and appropriate boundary details. The ecology report highlights the sensitivity of trees, and the need to take appropriate measures, including root protection.

In respect of the points raised by a neighbour in relation to responsibilities for a tree, the County Council, as the applicant and landowner with Health and Safety duties, is attempting to resolve matters.

In the event of a planning permission being granted, suitably worded conditions, to include protective measures, would ensure compliance with the policies and guidance listed.

4.2.4 Archaeology

Policies STRAT 7, CON 11 and GEN 6, supplemented by SPG 15, requires archaeological implications to be assessed.

The County Archaeologist confirms that there are known archaeological interests in this case.

4.2.5 Residential amenities

Policy GEN 6 require considerations on the impact on residential amenity.

The nearest residential properties lie along the northerly boundary. The staff room extension would be located some 20 metres from that boundary. To ensure continued satisfactory and acceptable amenity standards, a planning condition controlling new external lighting would be appropriate in this case.

4.2.6 Highways and access

Policies GEN 6, TRA 6, TRA 9 and TRA 10, together with SPG 21, require consideration of impacts on traffic and parking, together with public rights of way, in assessing proposals.

Whilst the comments of Highway Officers are awaited, officers do not consider there are any adverse highway impacts likely to arise.

4.2.7 Impact on historic environment – Historic Landscape

Circular 61/96 highlights that in relation to Historic Landscapes, whilst no additional statutory controls are involved, Local Planning Authorities have to take into account whether development is of sufficient scale to have more than local impact on an historic landscape.

CADW'S response notes no conflict with the historic assets in this case. Conditions relating to a sample of the external walls and roofing material would ensure full compliance with the policies and guidance.

4.2.8 Inclusive access

National legislation covering Local Authority planning applications, together with WAG legislation, requires Local Authorities to design schemes with an inclusive design approach. The Design and Access Statement sets out measures to be incorporated within the scheme to comply with these requirements.

5. SUMMARY AND CONCLUSIONS:

5.1 Given the sympathetic design approach involved, with the removal of the temporary portacabins, the proposal involves a very minor loss of open space area, and there are overall community and landscape benefits. It is considered that the proposal conforms with Policy GEN3 and that the minor encroachment outside of the development boundary is outweighed by the benefits accruing from the proposal.

RECOMMENDATION: GRANT Subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to;
 - External lighting, including luminance levels.
 - Bat enhancement features
 - Cycling storage facilities
 - External wall and roof material samplesThe development shall be undertaken strictly in accordance with the details approved.
3. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
4. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such

fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

Reasons

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenities of the area.
3. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
4. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.

NOTES TO APPLICANT:

None

ITEM NO: 2
WARD NO: Llanrhaeadr Yng Nghinmeirch
APPLICATION NO: 14/2010/0826/ PF
PROPOSAL: Erection of a detached bungalow, construction of a new vehicular access and installation of a new septic tank
LOCATION: Land adjacent to St. Marys Church Cyffylliog Ruthin
APPLICANT: Mr & Mrs George Atkinson
CONSTRAINTS:
PUBLICITY Site Notice - No
UNDERTAKEN: Press Notice - No
Neighbour letters - Yes

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL

'The only observation this Council has to the above planning application and plans is that the third remaining plot on the development site should therefore be an affordable dwelling under the Section 106 Agreement'.

WELSH WATER

No objection subject to conditions.

ENVIRONMENT AGENCY WALES

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

- HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection subject to conditions.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr. P. J. Sawyer on behalf of St. Mary's Church

Summary of planning based representations:

- a) Visual Impact- bungalow would be preferable to minimise impact on historic church.

EXPIRY DATE OF APPLICATION: 29/08/2010

REASONS FOR DELAY IN DECISION (where applicable):

- Additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of a dwelling and construction of an access on land adjacent to St Mary's Church, Cyffylliog.
- 1.1.2 An 'L' shaped bungalow is proposed, set back from the road frontage with the parking and turning to the front.
- 1.1.3 The proposed dwelling would contain 3 bedrooms and associated living areas and integral garage. Materials proposed are a mix of stone and render with slate roof and painted timber doors and windows.

1.2 Description of site and surroundings

- 1.2.1 The site is located on land to the north of St Mary's Church and graveyard which is on the north-western side of the village of Cyffylliog.
- 1.2.2 The site comprises former agricultural land, which slopes slightly down to the east. Further east lies Afon Clywedog.
- 1.2.3 The site is accessed off a minor road on the west, which runs from Pentre Saron to Cyffylliog. There is a hedgerow and some trees along this boundary.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Cyffylliog.

1.4 Relevant planning history

- 1.4.1 The site was historically part of a larger parcel of land which had planning permission for three dwellings in 1998. This permission expired, and a new application was made in 2004, which was refused following the unwillingness of the landowner to meet the affordable housing policy. Subsequent applications have also been made for dwellings on adjacent plots.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The application is being put forward to Planning Committee for determination as it raises important policy issues.

2. DETAILS OF PLANNING HISTORY:

- 2.1 24/13/488/PF Erection of three bungalows and construction of vehicular access and installation of septic tanks – GRANTED – 1/7/1993.
- 2.2 14/789/98/PF Erection of three bungalows and construction of vehicular access and installation of septic tanks (renewal of planning permission previously approved under Code No. 24/13,488) – GRANTED – 13/11/1998
- 2.3 14/2004/0645/PF Erection of three bungalows and construction of vehicular access and installation of new septic tanks – REFUSED – 26/01/2005 (Planning Committee Decision) for the following reason:
'It is the Local Planning Authority's view that the proposal is contrary to key policies of the Denbighshire Unitary Development Plan in that the applicant is unwilling to offer an element of affordable housing as part of the development, in a location where the existence of such need has been demonstrated by the Authority's Housing Needs

Survey; and in the absence of any exceptional circumstances the failure to make provision for affordable housing is considered to conflict with the requirements of Policy HSG 10 and the strategic housing Policy STRAT 15'.

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 STRAT 1	-	General
Policy STRAT 5	-	Design
Policy STRAT 6	-	Location
Policy STRAT 13	-	New Development
Policy STRAT 15	-	Housing
Policy GEN 1	-	Development within Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy HSG 4	-	Housing Development in Villages
Policy HSG 10	-	Affordable housing within Development Boundaries

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note No. 22 Affordable Housing in New Developments

3.3 GOVERNMENT GUIDANCE

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Residential amenity
- 4.1.4 Highways safety
- 4.1.5 Affordable housing provision and site history

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of a proposal for residential development accords with Policy GEN 1 as the application site is within development boundary of Cyffylliog. However it the opinion of Officers that there is conflict with Policy HSG 10 of the Unitary Development Plan as regards the provision of affordable housing which raises questions over the acceptability of the proposal. Notwithstanding this issue, the detailed land use planning issues relating to this proposal are considered below to determine compliance with general development control criteria including those set out in Policy GEN 6.

4.2.2 Impact on visual amenity

Policy GEN 6 contains general considerations to be given to visual impact of new development. Most importantly proposals should appear in keeping with their surroundings and not appear out of character with the area or surrounding development.

The size, scale and design of the dwelling is considered acceptable here and with the use of appropriate external materials and landscaping it is not considered that there would be any adverse impact on visual amenity. The adjacent sites have had permission for similar development, and whilst these have not been built to date, it is considered the dwelling would not be out of keeping with the existing pattern of development in the area.

4.2.3 Impact on residential amenity

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

The plans show that the dwelling can be accommodated on the site with adequate amenity space. Although presently there are no immediate neighboring occupiers, the location, spacing and orientation of the proposed dwelling would ensure there is minimal impact on the amenities of nearby residents if the adjacent plots are developed.

4.2.4 Highway/access impacts

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network.

The application proposes adequate parking and turning for the proposed dwelling. Highways Officers have raised no objection to the additional access being created.

4.2.5 Affordable Housing

The policy relating to the provision of affordable housing is HSG 10. This policy states where there is a demonstrable need for affordable housing within development boundaries, the need will be a material planning consideration to be taken into account by the Council in assessing housing proposals. The Affordable Housing Officer has advised there is no up to date Rural Housing Enablers report for this area. However there are Applicants on the social housing list. There is a need for affordable housing in the surrounding area which includes Ruthin. The Council's policy on affordable housing set out in SPG No. 22 states the thresholds for affordable housing are developments of 3 dwellings or more or developments on 0.1ha, whichever is smaller.

On one hand, on the basis that the plot area is under 0.1ha (referred to as 0.09ha), the affordable housing policy is not applicable to the proposal. On the other, it is clear that the history of the recent developments indicates a conscious attempt to manufacture a situation where the policy is circumvented, and this is a material consideration. For the record despite earlier permissions on the site in 1993 and 1998, an application for three bungalows was made in 2004 and was refused on grounds that there was no provision for affordable housing, as required by the then new Unitary Development Plan. In 2007, the Applicant subdivided the site into three plots, land ownership details have been provided for these plots which confirm they are registered by individuals with the same surname as the Applicant, and that he has retained one plot (this application site). The Agent has advised that the Applicant is related to the owner of the plot to the north and has not commented on the relationship to the owner of the plot to the south. The adjacent plots to the north and south now have the benefit of planning permission for identical dwellings obtained in 2008 and 2010 respectively. The current application site remains in the ownership of the original Applicant. Clearly the Applicant has been aware of the policy relating to affordable housing following the refusal of the 2004 permission, and has permitted the subdivision of the larger site into three plots which all measure less than 0.1ha. Although the exact relationship of the Applicants on the three sites is unknown, the family name is common to all.

The Agent has been approached to comment on the concerns over circumventing policy. He has stated that 'the application site can not be considered piecemeal as it is not part of any adjoining land under the applicants ownership or control and will not form part of a future larger development proposal'.

In the circumstances it is clear that the Applicants are unwilling to make any affordable housing offer, so the application has to be determined on its merits. Officers view is that the absence of any affordable housing provision, the proposal is contrary to policy.

5. SUMMARY AND CONCLUSIONS:

5.1 Whilst the general principle of the development of the site for residential purposes is considered acceptable, the planning history is a material planning consideration. It appears the site has been sub-divided since the refusal of permission in 2004 with the intention of circumventing the policy and avoidance of meeting legitimate planning policy objectives.

RECOMMENDATION: REFUSE- for the following reason:-

1. It is the opinion of the Local Planning Authority that the planning history of the site is a material planning consideration in the assessment of this proposal and that as it has been subdivided from a larger parcel of land historically within the applicant's ownership, and refused planning permission in 2004 on the grounds that no affordable housing was being offered. This subdivision has occurred with the intention of circumventing the council policies relating to affordable housing provision. In the absence of any provisions for affordable housing the proposal is considered contrary to Policy HSG 10 of the adopted Denbighshire Unitary Development Plan and SPG No. No. 22 - Affordable Housing in New Developments.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2009/1471/ PF

PROPOSAL: Change of use of land by the siting of 5 no. static caravans for holiday use and installation of new septic tank

LOCATION: Pen Y Ffrith Llandegla Road Llanarmon-Yn-Ial Mold

APPLICANT: Mr David Minshull

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:**LLANARMON YN IAL COMMUNITY COUNCIL-**

"Support this application in principle only,

1. What type of caravan would be allowed, could a 'lodge' type or green in colour. What size, what length or caravan.
2. Will they be visible from the road- They must be screened from Llandegla Road as much as possible?.
3. We DO NOT wish this to be the start of a very large caravan park. They would seriously like the total numbers to be controlled'.
4. There isn't an access statement.
5. We would request 'standard occupancy'- being 6 weeks empty".

AONB JAC-

'Whilst the JAC notes the revised location for the static caravans is screened in part by existing tree cover, the committee still considers this site inappropriate for an entirely new static caravan development, particularly when viewed from nearby higher ground of Moel Y Plas, the Offa's Dyke Path and the surrounding footpath network.

However the JAC is still of the view that Pen Y Ffrith us an existing well established tourist/leisure facility in the AONB and whilst the Committee cannot support the proposed static caravan development, the committee would in principle support the provision of tourist accommodation through the conversion and/or extension of outbuildings on the site if this is possible'.

ENVIRONMENT AGENCY WALES-

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES-**HEAD OF HIGHWAYS AND INFRASTRUCTURE**

No objection.

SENIOR DRAINAGE ENGINEER

No objection.

COUNTY ECOLOGIST

No objection, recommendation water vole survey is undertaken if minded to grant.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mrs T Thomas, Bodoryn Ganol, Abergele

Summary of planning based representations:

- a) Highway safety - site would generate more traffic on surrounding minor roads.

EXPIRY DATE OF APPLICATION: 12/04/2010

REASONS FOR DELAY IN DECISION:

- Additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the siting of 5 no. static caravans for holiday purposes at Pen Y Ffrith in Llanarmon. The caravans are proposed to be sited to the north east of the existing built development Pen Y Frith.
- 1.1.2 The submitted plans show a straight line row of 5 static caravans to be sited in a north south direction. There would be 6 metres between the static caravans and they would be 5m > 8m from the fishing lake to the east.
- 1.1.3 Access is proposed via a 5.5m track immediately west of the caravans. An 8m by 10m 'disabled car-park area is proposed on the northern end of the track, however no details of parking arrangements for individual caravans, hard standings or boundary treatments have been shown. Some landscaping is shown on the block plan as 'proposed new planting'.
- 1.1.4 A septic tank is proposed to serve the development, which is located to the south east of the caravans.

1.2 Description of site and surroundings

- 1.2.1 Pen Y Ffrith bird gardens and coarse fishery is located to the south west of Llanarmon Yn Ial approximately 4 miles from the village. The site is accessed off a minor road, which runs from the B5431 to Graigfechan on the road known locally as 'the Shelf'. Offa's Dyke National Trail runs southward at the entrance to the site off the minor road.
- 1.2.2 Pen Y Frith is located some 400m to the east of the minor road off a driveway which serves it and the adjacent farmland to the west of Gelli-Gynan Farm.
- 1.2.3 The existing use of the site is a bird garden and a coarse fishing facility. On site facilities for the public include a small tea room and wc's, all other built development on site including a snooker room, swimming pool and animal shelters forms part of the residential unit Pen Y Ffrith.
- 1.2.4 The built form is clustered around the dwelling, which lies north of the access road. A small visitor carpark bounded by panel fencing is to the south east of the buildings.

1.2.5 The west of the Pen Y Frith and the application site is surrounded by conifer woodland, the access driveway is bounded by pine trees, as is the area to the south of the cluster of buildings and the land immediately west of the proposed row of caravans.

1.2.6 Fishing takes place on ponds to the east and north of the buildings and car park. These ponds are on level land with bunded sides, and there are some landing areas for fishing.

1.3 Relevant planning constraints/considerations

1.3.1 Pen Y Frith is located outside any development boundary, within the Clwydian Range AONB.

1.4 Relevant planning history

1.4.1 The site as a whole has been established as a leisure fishing enterprise with three lakes granted planning permission in 1993 and 1996. Planning permission was subsequently granted for the formation of three waterfowl pools for recreational use in 2002.

1.5 Developments/changes since the original submission

1.5.1 The application has been amended since its original submission. This amendment involved the re-siting of the caravans closer to the pine woodland to the west of the fishing lakes to address concerns over the visual impact of the development.

1.6 Other relevant background information

1.6.1 The Application is supported by a brief Access Statement, which refers to the scale of the operation, estimated visitor numbers and that the caravan development will be aimed at fishing visitors.

1.6.2 Subsequent information has been requested from the Applicant to provide justification for the development. Responses to this information reiterated the point that the accommodation was aimed at fishermen and walkers. At present the visitor numbers to the bird gardens are stated to be 3200 persons per annum, and to the fishery 1500 persons per annum. The Applicant has stated that the caravan site is required to 'bring in additional income'.

2. DETAILS OF PLANNING HISTORY:

2.1.1 25/13617 Proposed use of land for leisure fishing, provision of associated car park, toilet and office facility (Retrospective Application). Granted 13/07/1993

2.1.2 15/127/96/PF Formation of 2 Ponds And Car Parking. Granted 10/05/1996

2.1.3 15/33/99 Proposed formation of an additional lake for leisure fishing. Granted 25/03/1999

2.1.4 15/2002/1339 Use of land as recreational waterfowl park, including construction of 3 new pools, footpaths and associated landscaping/planting. Granted 26/03/2003 (COMMITTEE DECISION)

3. RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy STRAT 7 Environment
Policy STRAT 9 Tourism
Policy GEN 3 Development Outside Development Boundaries
Policy TSM 9 Static Caravan & Chalet Development

Policy ENV 2 Development Affecting the AONB
Policy ENV 6 Species Protection

3.2 Supplementary Planning Guidance
No. 20 Static Caravan and Chalet Development

3.3 GOVERNMENT GUIDANCE
Planning Policy Wales, Edition 3, 2010

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Highways Impact and Sustainability
- 4.1.3 Visual and Landscape Impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are a number of Unitary Development Plan Policies relevant to the principle of this development. The Strategic policies allow for appropriate development outside town and village boundaries, in the open countryside, in exceptional circumstances, subject to protection of the character of the county and assessment of impact. STRAT 9 deals with tourism development and allows for projects in the main tourism areas on the coast and within allocated sites in Rhuddlan and Corwen, and in the form of 'small scale built or natural environment based tourism projects in the countryside and rural settlements', subject to meeting relevant impact tests. GEN 3 contains a general restraint on new development outside development boundaries, with a number of exceptions, including tourism/leisure schemes, again subject to compliance with basic criteria and other policies in the plan. ENV 2 also applies, as the site is located in the AONB, development is only allowed in the AONB where it would not harm the character and appearance of the landscape, and it would not harm the future designation of the AONB.

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

Pen Y Ffrith is located outside of any defined development boundary, to the south east of the Clwydian Range AONB. The proposal is for 5 static caravans and the relevant environmental impacts of this development of that size are assessed in the following sections of the report. Officers are of the opinion the scale of the development is small, however the proposal has significant policy implications.

Whilst the existing use of the site as a tourism/leisure facility is acknowledged, it is not clear from the information provided by the Applicant whether the proposed caravan site is required to ensure the future viability of these uses or to compliment them. Currently the bird gardens operate on a

seasonal basis and the coarse fishery is open all year round. Visitor numbers provided are contradictory. These factors make consideration of the application difficult for Officers, hence the assessment below is based on the information available, in relation to current policy.

4.2.2 Highway Impact and Sustainability

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network.

Whilst Highways Officers have raised no objection to the proposal, this response considers the actual access arrangements to the site rather than the internal detail of the scheme. It is considered that the level of detail provided within the proposal is insufficient to assess the acceptability of provision of parking and servicing on site.

TSM 9 (i) relates to sustainability and includes a specific requirement that a site is accessible by a choice of means of transport. This policy test is in support of the accessibility and sustainability objectives in Planning Policy Wales which include the reduction in the need to travel by private car by locating development to locations where there is good access by public transport, walking, and cycling; and reducing the length of journeys.

Accessibility to Llanarmon village, public transport routes, footpaths and cycle routes is an issue on this site. The site is 4miles from the village. Although there are a number of public footpaths in the locality including Offa's Dyke National Trail, it is unlikely that long distance walkers would be using this type of accommodation.

It is likely that owing to the location of Pen Y Ffrith the static caravan development would be totally reliant on the private motorcar. Although the case for the development makes reference to end users being primarily those who are visiting Pen Y Ffrith for fishing, this is questionable and cannot be controlled.

As such it is considered the proposal fails to comply with test (i) of TSM 9 and the development would pose significant conflict with the accessibility and sustainability objectives of the Unitary Development Plan and Planning Policy Wales.

4.2.3 Landscape/visual impact

The landscape value of this area is acknowledged by its designation as an Area of Outstanding Natural Beauty. Development is only permitted in the AONB where it would not harm the character and appearance of the landscape. Other general policies of the Unitary Plan requiring due consideration of scale, landscape and visual impact are STRAT 7, GEN 6, ENV 1 and ENV 7.

Clearly the addition of a static caravan site to the existing development at Pen Y Ffrith would have some visual impact. At present the cluster of development is well contained and well screened. The proposed development would add another element to the

existing mix of uses on site and would expand the cluster of development further north on the site.

Respectfully, owing to the standard of the submission and the level of detail on the submitted plans, it is difficult to gain a full understating of the potential cumulative visual impact of the scheme. Although the area is flat and no changes in ground levels are envisaged, the plans only show a row of static caravans and no ancillary development is shown which would presumably include external and free standing lighting, fencing, screening, demarcation of boundaries, hard standings, stairs, and potentially decking or raised platforms.

Whilst the site is well screened from the approach road owing to the conifer wood to the west, owing to the elevated nature of some of the surrounding ground the site would be visible from longer range vantage points on higher ground. The views from this area are predominantly over open areas of uplands and agricultural land with sporadic development, which is mainly agricultural lower into the valleys.

These factors suggest there would be a degree of conflict with ENV 2 and TSM 9 in terms of visual and landscape impact.

4.2.4 Ecological impact

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

There are no Council records of protected species on the site however the County Ecologist notes that this type of site (fishery and woodland) may support water voles. Therefore if Officers were minded to grant a survey should be undertaken to ensure the proposal does not impact on vole habitats.

5. SUMMARY AND CONCLUSIONS:

5.1 The application proposes the development of a static caravan site in an isolated location, which is recognised for its high landscape value. The quality of the submission does little to provide reassurance that the resulting development would have limited visual and landscape impact. Although there is an established tourism/leisure use on the site, the tacking on of a static caravan development raises issues in relation to policy TSM 9 and ENV 2. Officer's recommendation is to refuse planning permission.

RECOMMENDATION: REFUSE – for the following reason:-

1. It is the opinion of the Local Planning Authority that the development of a static caravan site at Pen Y Ffrith poses conflict with the sustainability objectives of local and national policy. Accessibility to the site would be reliant on private motorcars, contrary to criterion i) of policy TSM 9 of the Denbighshire Unitary Development Plan and advice contained in Planning Policy Wales Edition 3, 2010.
2. There is insufficient information in the submission to demonstrate that the development of the site in the manner proposed for 5 no. static caravans, would have no detrimental impact on visual amenity and the landscape of the immediate surroundings or the Clwydian Range AONB, and the proposal is considered contrary to criteria ii) and iii) of policy TSM 9 and ENV

NOTES TO APPLICANT: None

ITEM NO: 4

WARD NO: Trefnant

APPLICATION NO: 31/2010/1058/ PF

PROPOSAL: Closure of existing shared vehicular access and formation of 2 No. separate vehicular accesses to serve the main dwelling and the previously-approved barn conversion and formation of 2 No. pedestrian accesses. Erection of two-storey pitched-roof extension at side of the main dwelling, Tyddyn Eos.

LOCATION: Tyddyn Eos and Outbuilding Groesffordd Marli Abergele

APPLICANT: Mr A Pierce

CONSTRAINTS:

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

CONSULTATION RESPONSES:

CEFN MEIRIADOG COMMUNITY COUNCIL

“Object to the proposal of the formation of new accesses, due to a safety point of view, and considering the narrowness of the road. They also believe this road to be a busy one, contrary to the report supporting this application”

“The Community Council have no objections to the proposed extension at the side of the main dwelling Tyddyn Eos”.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
DCC HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection subject to conditions relating to construction of each access.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 13/10/2010

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

- 1.1.1 The application relates to developments around an existing dwelling at Tyddyn Eos, which is currently served by a single access.
- 1.1.2 The application has three separate elements; a two storey residential extension to the original house, the creation of two new vehicular accesses and the replacement of the existing vehicular access with 2 no. pedestrian accesses. The purpose of the new access arrangements is to provide separate means of access to the main dwelling and a dwelling to be created by the conversion of an outbuilding.

1.1.3 The proposed access arrangements and extension are shown on the plans at the front of the report.

1.2 Description of site and surroundings

1.2.1 The application site is located to the east of Groesfordd Marli, in an open countryside location. The site comprises of a former farmhouse and an associated outbuilding. The farmhouse is a two storey residential dwelling named Tyddyn Eos. The outbuilding is a stone barn which has a current permission to be converted into a separate residential dwelling. As noted access to the site is currently via a long established vehicular access which is located between the two buildings.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside outside any defined development boundaries. Permitted development rights to extend the outbuilding have been removed as a condition of the 2006 permission.

1.4 Relevant planning history

1.4.1 The outbuilding was subject to a planning application for conversion to a residential dwelling in 2006. At that time it was proposed that a shared access be used to serve Tyddyn Eos and the conversion. This was granted permission under delegated powers. In 2008 Tyddyn Eos was subject to an application for a two storey extension which was refused for reasons relating to design detailing.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 The application has been accompanied by a submission detailing the reasons for and suitability of the proposed access arrangements. It is noted in this document that existing access arrangements did not offer recommended levels of visibility, and the proposed accesses provide entrances which offer much improved standards given the road conditions in the vicinity.

2. **DETAILS OF PLANNING HISTORY:**

2.1 31/2005/1468 Conversion and extension of existing agricultural building to form dwelling with associated change of use of land to form curtilage and installation of new septic tank. Granted 20/02/2006

2.2 31/2008/0115 Extension to existing curtilage, erection of domestic workshop and garage and formation of construction of new vehicular access. Refused 19/03/2008 for the following reasons;

1. *The proposed extension of residential curtilage is considered unacceptable; it would represent a visually intrusive development, harmful to the rural character of the area. As such, the proposal is contrary to criterion i) of Policy GEN 6 and criteria i) and ii) of Policy HSG 16 of the Denbighshire Unitary Development Plan.*
2. *It is the opinion of the Local Planning Authority that the introduction of the large detached building is considered out of scale with the farmhouse and outbuildings, excessive and urban in nature and would have an unacceptable impact on the character and appearance of the open countryside. The proposal is therefore contrary to Policy GEN 6, criteria i) and ii) of the Denbighshire Unitary Development Plan.*

2.3 31/2008/1161 Erection of two-storey extension at side and single-storey extension at rear. Refused 21/11/2008 refused for the following reason;

'The overall design of the two-storey extension fails to respect the character of the existing traditional dwelling, in particular the proposed windows and doors on the extension which would relate poorly in type and pattern to those on the main house. As such the resultant architectural composition of the development would not be coherent thereby causing harm to the traditional character of the existing building. The proposal is therefore contrary to criterion ii) of Policy HSG 12 of the Unitary Development Plan along with advice contained in the Council's adopted Supplementary Planning Guidance Note 1 'Extensions to Dwellings' and Note 24 'Householder Development Design Guide'.

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 12 Extensions to Dwellings

3.2 Supplementary Planning Guidance

SPG 1 Extensions to Dwellings
SPG24 Householder Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 3rd Revision 2010
Technical Advice Note 18: Transport (2007)

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 Visual and Landscape impact
- 4.1.4 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 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.

Consideration of access issues is required by the tests of GEN 6, which obliges new accesses to be safe and convenient, and not have an unacceptable impact on the local highway network.

4.2.2 Detailed Design and Impacts

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 2 storey side extension and the porch appear subordinate to the original dwelling. The extension would measure 3.8m x 6.6m in footprint, providing a kitchen/diner at ground floor level and a master bedroom above.

- Design and materials-

The design of the extension is considered in keeping with the appearance of the existing dwelling. Materials proposed have been selected to match the appearance of the existing dwelling. The design of the extension is considered acceptable as it respects the character of the original traditional dwelling with vertical emphasis on the windows and a slate roof. 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

The scale, design and location of the proposed works mean that the impact on the wider locality and nearest neighbours will be minimal. Therefore it is felt that the development is acceptable in terms of character, appearance and amenity standards of the locality

- Overdevelopment.

It is not considered the proposals would result in an overdevelopment of the site having regard to the size of the residential curtilage afforded to both dwellings.

4.2.3 Visual and Landscape Impacts

Test ii) of GEN 6 requires that new development should not unacceptably effect the form and character of surrounding landscapes.

The creation of two new accesses will require the removal of limited sections of existing hedgerow. The amount of hedgerow removed and the location mean that the landscape impact will be minimal. The localised visual impact will also be limited as the proposed accesses are well related to the existing buildings. For these reasons, subject to suitable replanting proposals, the proposals would not have an adverse impact and would comply with the requirement of part ii) of policy GEN 6.

4.2.4 Access/Highway Safety

Highway considerations relevant to this type of proposal are outlined in GEN 6 vi) and vii), which seek to ensure safe and satisfactory accesses.

The concerns of the Community Council regarding highway safety are duly noted. In the highways assessment submitted with the application it is suggested that the existing access does not provide acceptable visibility. This assessment is made against current recommended standards provided in the 'Manual for Streets' Document (a national reference for highways authorities). The current visibility splays are stated as being 2.4m x 16m to the left and

2.4m x 11m to the right. A visibility splay of 2.4m x 17m was recommended as appropriate. These findings were not objected to by Highways Officers.

The report suggested that a minimum visibility splay of 2.4m x 17m would be appropriate in this location. These visibility splays are indicated on the submitted plans for both accesses. Based on the submitted findings, referring to the appropriate standards within TAN 18, a 2.4m x 15m visibility splay is deemed appropriate. Therefore the proposed visibility exceeds recommended standards.

Given the above considerations, it is felt that the proposed scheme provides an opportunity to improve highway safety in the area. In order to ensure that the access arrangements provide this improvement a condition can be attached to require full details of the proposed accesses to be submitted and approved before the commencement of development. It is therefore considered that the proposals are acceptable in terms of access and highway safety.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered to meet the basic policy requirements and is therefore recommended for approval.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Full details of the vehicular access and parking and turning arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
3. Any entrance gates shall be set back at least 5.0m from the edge of the adjoining carriageway and shall be constructed as to be incapable of opening towards the highway.
4. Full details of the closure of the existing vehicular access shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The existing vehicular access will then be closed off in accordance with the approved plans prior to the new accesses being brought into use.

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 interest of highway safety
3. In the interest of highway safety
4. In the interest of highway safety

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Prestatyn East

APPLICATION NO: 43/2010/0949/ PF

PROPOSAL: Provision of a safety rail around the roof of the existing television gantry tower (partly retrospective).

LOCATION: Prestatyn Football Club Bastion Gardens Prestatyn

APPLICANT: Mr A Thackaray

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

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL – “Object. Development will lead to loss of privacy for neighbouring residential properties. Adverse visual impact. The applicant has failed to comply with earlier planning conditions relating to structure. Local residents have also referred to Article 8, Human Rights Act designed to protect home and life permitting the carrying out of an unpleasant development nearby your home which will severely affect your enjoyment of your property may be an interference of your rights.”

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. G. Bourne, 14, Lon Eirlys, Prestatyn
2. Mrs. S. Beattie, 39, Bastion Gardens, Prestatyn
3. M.Brimston, 34 Bastion Gardens, Prestatyn
4. Mr. O. Hughes, 37 Bastion Gardens, Prestatyn
5. Mr. I. Poole, 43, Bastion Gardens, Prestatyn
6. Mr. & Mrs. G. Roberts 41, Bastion Gardens, Prestatyn
7. P Kerfoot, 35 Bastion Gardens, Prestatyn
8. V Maguire, 45 Bastion Gardens, Prestatyn

Summary of planning based representations:

- a) Loss of privacy by way of overlooking of the dwellings to the rear.
- b) Impact upon visual amenity – unsightly design

EXPIRY DATE OF APPLICATION: 21/09/2010

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Permission is sought for the retention of a safety rail around the roof of an existing television gantry tower on the touchline of Prestatyn Town Football Club pitch. The railing projects 1 metre above the roof and increases the height of the structure to 5 meters. It features several vertical scaffolding pipes attached to a central horizontal rail and a top rail. The rails would be 50mm diameter steel tubes.
- 1.1.2 Access to the roof area is by a fixed galvanised steel ladder.
- 1.1.3 The proposal has in part been constructed.

1.2 Description of site and surroundings

- 1.2.1 Prestatyn Football Club is located on land to the east of Bastion Road; south of the Cricket Ground. The pitch is currently accessed off Bastion Gardens, which is a residential cul-de-sac. The site comprises of a parking area on the east side, a clubhouse and changing rooms, the football pitch and a smaller training pitch.
- 1.2.2 Immediately to the south of the site are the rear gardens of dwellings on Bastion Gardens. The distance to the rear wall elevation of 41 Bastion Gardens is approximately 9.2 metres, whilst to the rear of 39 Bastion Gardens the distance would be 14.6 metres.
- 1.2.3 The boundary fence with the residential properties is a 2 metre high panel fence, which to the rear of 39 Bastion Gardens has been supplemented with a hedge approximately 2.4m high.

1.3 Relevant planning constraints/considerations

- 1.3.1 None

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The Football Club have occupied the site since the 1970's, over which time there have been numerous applications for works to improve the ground, and which are reflective of the Club's growing status.
- 1.6.2 Recent permissions have been granted for improvements to the football ground. These include a new amenity building (to provide club shop, canteen facilities and toilets) and improved changing rooms.
- 1.6.3 This application follows the completion of the TV camera gantry and seeks to overcome the short comings of the initial design which did not allow the

cameras to be placed high enough to film the whole pitch.

- 1.6.4 It is stated that the roof area would only have to be used during Welsh Premier League games which are to be shown on the S4C programme 'Scorio'. In the 2009 - 2010 season there were 5 such games.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Erection of TV Platform and Police Observation post, GRANTED by Planning Committee under code 43/2009/0377/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 1 – Development within Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy REC 1 - Protection of Existing Open Space

Policy REC 4 – Recreation Facilities within Development Boundaries

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales 3 (June 2010)

Technical Advice Note 16 – Sport and Recreation

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity
- 4.1.3 Impact upon residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site lies within the settlement limits of Prestatyn as defined in the Unitary Development Plan on a site protected by Policy REC1 of the UDP. Policies GEN1 and REC4 of the UDP support the principle of development which improves recreation facilities within settlements. Policy REC1 of the UDP seeks to protect open space. The proposal would not conflict with this policy in that it relates directly to the recreational asset. Therefore, it is considered the principle of minor development such as this is acceptable. Policies GEN6 and REC4 of the UDP and Planning Policy Wales and TAN16 recognise that development, including new recreation facilities, need to be considered against amenity impacts where the principle is acceptable. These impacts are reviewed in the following sections of the report.

4.2.2 Impact on visual amenity

Policy GEN 6 of Denbighshire's Unitary Development Plan requires that proposals for development should not harm the visual amenity of the area and respect the site and surroundings in terms of siting, scale, form, design, and, materials.

It is considered that the lightweight design and materials of the railings, in relation to the building which they are fixed to and the context of the football ground, would result in a form of development which would not significantly harm the visual amenity of the area.

It is considered that the development complies with the requirements of adopted planning policy in respect of impact upon visual amenity.

4.2.3 Impact upon residential amenity

Policy GEN 6 seeks to ensure that proposals for development do not detrimentally impact upon the amenity of neighbouring residents by way of loss of light, loss of privacy or increased activity/disturbance.

With regard to the railing's physical presence and impact upon the amenity of the neighbouring dwellings, it is considered that because of its lightweight appearance and size it is unlikely to impact unreasonably upon the amenity of neighbouring residents.

However, it is to be noted that the proposal would also involve the formalisation of use of the TV Gantry tower by cameramen, in close proximity to the rear private garden areas and elevations of dwellings on Bastion Gardens. It is understood that the use would occur less than 20 times in any one season and on each occasion for a period of time not significantly longer than the length of the game being played (allowing for time for the camera to be set up and taken down).

Significant concerns have been raised by the Town Council and neighbouring residents that the proposal would result in a detrimental impact upon the privacy of occupants of the dwellings to the rear. On this point, the applicants have stated that the use of the roof for filming purposes is unlikely to result in a loss of privacy given that the cameramen would be facing the pitch for the vast majority of their time on the roof, and the infrequency of use.

In respecting local concerns, this is a case where careful consideration has to be given to balancing the nature of the use, the intended frequency of use, the club's requirements and the potential impact upon the amenity of occupiers of neighbouring dwellings. Whilst it is considered the frequency of use would be limited, there would nevertheless be a potential impact on occupiers, and the frequency of use could increase in the future. To grant permission for the proposal in its current form without any further control may result in an unacceptable situation developing in the future. It is considered, therefore, in order to address concerns over the impact upon privacy for the short periods of time when the roof area would be in use, that it would be reasonable to condition the erection of suitable screening at the back of the gantry to be erected prior to the cameramen taking up position on match days, and taken down immediately following the end of the match along with the removal of cameras.

5. SUMMARY AND CONCLUSIONS:

- 5.1 It is considered, subject to conditions to control the impact upon the privacy of neighbouring dwellings, and to safeguard their amenity in the future, that the proposal complies with planning policy and it is recommended that permission 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 TV gantry shall not be operated until the written approval of the Local Planning

Authority has been obtained to details of a method of temporary screening for the side and rear of the roof area.

3. The screening as approved shall be erected on the gantry whenever filming is being undertaken and at no other times.

4. The screening as approved shall not be erected on the gantry more than one hour prior to the commencement of filming and shall be removed from the gantry in its entirety within one hour of the completion of filming on that same day, unless other wise agreed in writing with the Local Planning Authority.

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

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

NOTES TO APPLICANT: None

ITEM NO: 7

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2010/1056/ PO

PROPOSAL: Development of 0.12ha of land by erection of 3 No. dwellings and formation of new vehicular access (Outline application - All matters reserved)

LOCATION: Land off Graham Avenue Meliden Prestatyn

APPLICANT: Mr Arthur Webber

CONSTRAINTS:

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

CONSULTATION RESPONSES:

PRESTATYN TOWN/ COUNCIL – “Object. Potential flood site and loss of soakaway. Landownership and access rights believed to be in dispute e.g. ransomed land. Loss of wildlife habitat and conservation report should be provided as badgers, bats and otters reportedly seen on site. Form of backland development.

COUNTRYSIDE COUNCIL FOR WALES- Further to the request for a protected species survey, accepts the findings of the survey. Highlights the recommendations of the survey i.e clearing shrubs by hand and the low ongoing risk of protected species found during works, and if found, all works to cease until a licence obtained from the Welsh Assembly Government.

WELSH WATER – Advises of standard conditions and notes regarding separate foul and surface water systems.

ENVIRONMENT AGENCY (LATE CONSULTEE) - response awaited.

DCC CONSULTEES

Housing Services – Advises that;

- based on a site area of 0.12ha, this equates to 4 dwelling units (at 30 pha), with one to be included as an affordable housing unit
- The affordable unit, as a 3 bed unit should be over 80 sqm – the application information states 89sq m.
- The affordable unit would be Low Cost Home Ownership, sold at 3 x local income for Prestatyn/Meliden(£23,550) and applicants taken from the AH register
- The unit must be of the same design etc as the open market units.

Senior Biodiversity Officer – response awaited

Head of Highways and Infrastructure – Comments that the access road appears to have been added as an afterthought to accommodate the three dwellings, resulting in a kink. Points out that, whilst the layout is indicative only, the layout does not accord

with the respective design standards; and given the numbers proposed, the Highway Authority would not be looking to adopt the access road beyond its current limit. Considers that the site is cramped and that two dwellings would provide a better access road to the development. Notwithstanding these points, recommends two standard planning conditions and notes.

Conservation Officer – response awaited

Tree consultant - Comments that the ecology report clarifies what is on the site, and accepts the additional information regarding measures to protect the mature ash tree.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr James Perry, 7 Graham Avenue Meliden, Prestatyn

Mr Kenneth Ashton, 7 Graham Avenue, Meliden

Ronald & Joyce Cutting, 6 Graham Avenue, Meliden, Prestatyn

R Mather, 5 Graham Avenue, Meliden, Prestatyn

A Boyd, 11 Roundwood Avenue, Meliden

Mr & Mrs Evans, Cartrefle, Ffordd Penrhwylyfa, Meliden

David & Claire Kett, Mountain View, Ffordd Penrhwylyfa, Meliden

Mr Paul Hughes, 3 Roundwood Avenue, Meliden

Summary of planning based representations:

Highway impacts

Access via Graham Avenue inadequate and narrow; would exacerbate existing traffic problem on Roundwood Avenue and Ffordd Penrhwylyfa

Flooding

with a hardstanding this would add to flooding problems in Pwll y Bont.

Drainage

Lack of sewers to carry rainwater; land is a natural soakaway,

Nature Conservation

Wildlife presence; protected bats and badgers; loss of wildlife habitat and landscape;

Design

Three dwellings out of character; bungalows exist on the northern side of Graham Avenue; planning permission refused on 1 Graham Avenue on design reason; Graham Avenue predominantly single storey housing, and consideration should be to keep the dwellings as bungalows; given the size of the plots –bungalows more appropriate.

Amenity

Constitutes 'back – fill' development; proposed houses intrude on privacy for existing bungalow developed area; in an elevated position, with significant impact on privacy and overlooking, in particular on Mountain View ; overlooking and overshadowing effects;

Ground stability

Effects on foundation and stability of boundary walls; effects on ground stability of adjoining properties – effects of removing the existing wall on Graham Avenue to provide an access.

Landscaping

Additional details required; include measures to improve privacy;

Other issues

Ransom strip/ransom wall (between 5 & 7) believed to be owned by Wynne Builders,Rhuddlan; bowling green area on lower land- will need to be fenced off for Health and Safety reasons.

EXPIRY DATE OF APPLICATION: 12/10/2010

REASONS FOR DELAY IN DECISION :

- Protected Species Survey required

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal relates to an outline planning application involving a 0.12 ha site, with all matters reserved, for future approval. The site is located within the defined development boundary for Meliden.
- 1.1.2 The application form details indicate that the current use of the land is 'redundant ' and the last known use not known.
- 1.1.3 Indicative plans show ideas for the provision of 3 two storey dwellings sharing a driveway and vehicular access point off Graham Avenue, served off Roundwood Avenue. The plans also indicate surface water drainage via sokaways and foul sewerage via a connection to the existing public sewer at Graham Avenue. Although the application identifies all detailed matters reserved, for future approval, the application plans indicate a proposed means of access. This issue is covered in the planning assessment part of this report.
- 1.1.4 The proposal includes a Design and Access Statement (DAS); Affordable Housing Questionnaire and an Ecology Report. In brief:
 - The DAS covers a number of points including site planning history (including an appeal) ; planning policies; access; design character and layout ;environmental sustainability; community safety; movement; social, economic and physical context.
 - The affordable housing questionnaire indicates one affordable housing unit to be provided, as low cost homeownership with details to be provided at a later, detailed stage.
 - The ecology report confirms that the site is partially impenetrable, with the land completely covered in dense scrub. In terms of protected species it confirms that no badger setts appear to be present on or adjacent to the site – but badgers may use the site and surrounding habitat for foraging as part of the wider territory; in terms of bats, it confirms that the potential for bat presence is low, and it suggests a precautionary approach for accommodating nesting birds. A section is dedicated for Mitigation and Enhancement measures, including scrub to be cleared by hand to a certain level and access permitted to ensure no signs of badgers; no site clearance using heavy machinery until all preliminary clearance and, if badger evidence is found, further advice would be obtained from CCW.

Additional information (3 page letter) has also been submitted by the agent in response to the objections and concerns raised.

1.2 Description of site and surroundings

- 1.2.1 The land is rectangular in shape, with a gradual slope, down to the south east. It is located within a 30 mph speed restricted area. Residential properties surround the north, east and westerly boundary, with the southern boundary running parallel with the local bowling green. Part of the westerly boundary adjoins the highway and residential properties on Graham Avenue. A low brick wall separates the site from the edge of the Graham Avenue highway. This part of Graham Avenue has no turning area – the highway running between the properties of 5 and 7 Graham Avenue, terminating at the edge of this application site.
- 1.2.2 Along the northerly boundary lies a private track, running effectively in a loop around the semi detached properties, two storey properties numbered 1-11 Roundwood Avenue. It is understood that this track lies in private ownership, and is not included or involved with this current proposal. The rear gardens of 1-11 Roundwood Avenue form the northerly edge of this trackway. The trackway includes some established shrub/vegetation growth and structures along part of its route. To the east lies the detached, modern , dormer style property known as 'Cartrefle'. Round wood Avenue properties occupy a higher, elevated position relative to the planning application site, and are predominantly of a post war style.
- 1.2.3 To the west lies the detached bungalows of Graham Avenue. This particular area includes predominantly bungalows, with a cul de sac layout, and properties set back from the highway with modest sized garden areas. The area is on a gradual slope, downwards from Roundwood Avenue.
- 1.2.4 The southerly boundary consists of the Bowling Green site and buildings, and represents the edge of the Meliden Conservation Area. The bowling green itself lies on a lower level than the application site. Further south lies the detached, two storey property known as Mountain View.
- 1.2.5 The site is predominantly covered in scrub, with a single semi- mature Ash located on the south westerly boundary and young sycamores located on the north –east and southern edge. The ecology report advises that tipping has occurred around most of the site perimeter.
- 1.2.6 In terms of materials, there is generally a pattern associated with older developments to the north and south, in the conservation area, involving red clay pantiles and blue slate roof covering, with Graham Avenue including concrete type roofing material. External walls include a mixture of render , brick and pebbledash, with the Bowling Green building constructed mainly with corrugated sheeting.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the defined development boundary for Meliden main village, on the edge of the Meliden Conservation Area, and adjacent to the Meliden Bowling Club, defined as a protected recreation area in the current Unitary Development Plan.

1.4 Relevant planning history

- 1.4.1 A planning appeal in 1990, involving an outline planning application, highlighted a number of key planning issues for the site and locality. Plan B at the front of this item is the site plan relating to this appeal, which involved a vehicular access point off Round Wood Avenue, between Nos.11 and 13.

The application included an indicative plan showing the possible siting of 3 dwellings and access arrangements.

- 1.4.2 The Planning Inspector accepted that the site was suitable for residential development. Additionally, it was accepted that the site was sufficient in size to accommodate dwellings with the necessary on site turning, parking and servicing facilities, without undue problems of overlooking or overshadowing of neighbouring dwellings.
- 1.4.3 The main issues considered by the Planning Inspector, at that time, included whether the proposal would be unacceptably harmful to the amenities of the occupiers of neighbouring dwellings, and whether the use of the access would be unacceptably harmful to the safety of existing highway users in Roundwood Avenue. The conclusions reached highlighted that *'....the proposed access would be via a long narrow private drive passing the side or rear gardens of 5 dwellings. At present this drive serves one private garage and the use of this access for up to 3 new dwellings would lead to a significant increase in vehicular and pedestrian movement. In such close proximity to the rear gardens where existing residents might reasonably expect privacy and quiet, this activity would lead to an unacceptable level of general disturbance, noise and loss of privacy. I conclude that on the first issue that the proposal would be unacceptably harmful to the amenities of the occupiers of neighbouring dwellings.'*
- 1.4.4 In terms of the access arrangements to serve the site, that is the use of the private drive/track from Roundwood Avenue, the Inspector noted concerns regarding visibility standards with Roundwood Avenue, and width of the private drive, and concluded that *'....the use of a private drive would not be inappropriate for the scale of development proposed but that it would not be acceptable in the particular circumstances of this case. It is not for me to consider the merits of the alternative access off Graham Avenue since that does not form part of this application. However I am satisfied that, in physical terms, the current proposal is not the only way of achieving access to the site. On the access issue, the Inspector concludes that 'the use of the access would be unacceptably harmful to the safety of existing highway users in Roundwood Avenue.'*
- 1.4.5 The current application seeks to overcome the Inspectors previous concerns regarding access to the site, with the proposed means of access through Graham Avenue.

1.5 Developments/changes since the original submission

- 1.5.1 Following the initial response form the Countryside Council for Wales, a protected species report was submitted

1.6 Other relevant background information

- 1.6.1 Current available information does not show the site is in a defined flood zone. The Environment Agency has been consulted for confirmation of this position.

2. DETAILS OF PLANNING HISTORY:

2/PRE /0220/89/P - Erection of dwellings REFUSED 28/06/1989 APPEAL DISMISSED 12/03/1990

The reasons for refusal were:

1. *The development of the site in the manner proposed represents an intensive and unsatisfactory form of backland development which if permitted would create an undesirable precedent for similar proposals which, in all equity, the Local Planning Authority would find increasingly difficult to resist.*
2. *The existing unmade vehicular access to the site has insufficient visibility splays at its junction with Roundwood Avenue and is of inadequate width to provide satisfactory and sufficient communication to the proposed dwellings.*

Other, neighbouring sites

Mountain View

43/2001/0072 Demolition of existing derelict dwelling and development of 0.08 hectares of land by erection of 1 dwellinghouse and construction of new vehicular access (Outline application) GRANTED 29/03/2001

2001/0492 Details of design and external appearance of dwelling submitted in accordance with Condition No. 1 of outline planning permission Ref. No. 43/2001/0072/PO) (Reserved Matters) GRANTED 27/07/2001

1 Graham Avenue

43/2000/0519/PF Erection of first floor pitched roof extension to existing bungalow to form two-storey dwelling. REFUSED 01/08/2000 APPEAL DISMISSED

The reason for refusal included

1. The extension of the existing bungalow to form a 2 storey dwelling would introduce a prominent and incongruous feature on the streetscene which would be out of scale and character with the existing dwelling and locality and which would be to the detriment of the visual amenity of the area, and be contrary to Policy HSG12 of the Denbighshire County Council Unitary Development Plan (Deposit Version).

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

1. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Strategic Policies

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

General Policies

Policy GEN 1 - Development within development boundaries

Policy GEN 2 - Development of unannotated Land

Policy GEN 6 - Development Control Requirements

Policy GEN 8 – Planning Obligations

Policy GEN 10 – Supplementary Planning Guidance

Policy CON 6 – Development adjacent to Conservation Areas

Policy ENV1 – Protection of the Natural Environment

Policy ENV 6 - Species Protection

Policy ENV 7 - Landscape/Townscape Features

Policy ENP 1 - Pollution

Policy ENP 4 - Foul and Surface Water Drainage

Policy HSG 3 - Housing Development in main villages.

Policy HSG 10 - Affordable Housing in Development Boundaries

Policy TRA 6 - Impact of new development on traffic flows

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

Supplementary Planning Guidance
SPG 2 Landscaping
SPG 6 Trees and Development
SPG 8 Access for All
SPG 13- Conservation Areas
SPG 18 Nature Conservation and Species Protection
SPG 21 Parking Requirements In New Developments
SPG 22 Affordable Housing in New Developments
SPG 25 Residential Development Design Guide

Other Relevant Council publications/documents

Local Biodiversity Action Plan
Denbighshire Landscape Strategy
Access for All
Access Statements

GOVERNMENT GUIDANCE

Planning Policy Wales 2010
TAN 1 Joint Housing Land Availability Studies
TAN 2 Planning & Affordable Housing
TAN 5 Nature Conservation and Planning
TAN Flooding and developments
TAN 12 Design (as supplemented)
TAN 18 Transport

Circular 35/05 – The Use of conditions in planning permissions

Circular 13/97 – Planning Obligations

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main issues in this case are considered to be:

- 4.1.1 Principle of development
- 4.1.2 Impact on amenity and privacy
- 4.1.3 Design, including effects on the adjoining Conservation Area
- 4.1.4 Drainage and flooding
- 4.1.5 Highways, including parking and sustainability
- 4.1.6 Nature conservation and protected species
- 4.1.7 Affordable housing
- 4.1.8 Trees and Landscaping
- 4.1.9 Inclusive design

Other considerations

4.2 In relation to the main considerations noted above:

4.2.1 Principle of development

The main policies relevant to the principle of housing development in Main Villages is HSG 3, which seeks to locate new housing within identified development boundaries. The principle of use for residential development has previously been accepted by a Planning Inspector. The Planning Inspector did not conclude that the site constituted unacceptable 'backland development'.

The site lies within the current development boundary for Meliden, and is 'Un-Annotated' land in the proposals map in the Unitary Plan.

The principle of residential development is therefore established. Any proposal would have to be subject to site specific considerations, set out in a

range of national and local planning policies, and these are reviewed in the following paragraphs.

4.2.2 Impact on amenity and privacy.

Planning policy GEN 6 seeks to safeguard sufficient privacy and amenity levels for occupiers of existing and new properties.

The application is submitted in outline only, with all matters reserved for further approval. Normally, in determining other types of applications, such as reserved details and full applications, the main factors to consider in assessing amenity and privacy are whether the layout and design would achieve acceptable distances, amenity/garden areas and relationships between existing and proposed dwellings, having regard to site topography and orientation. As the plans are indicative at this stage, it is difficult to offer detailed comment, but the site appears capable of accommodating 3 units with adequate space to ensure proper relationships with nearby property.

In the event of the approval of the outline application, the applicant should be advised that the plan for the layout and design type (with the exception of the highway access point) may need to be reviewed to address all of the site constraints. In this regard, a condition and note to applicant could be attached, highlighting that the plans are indicative only and do not bind the Council to a final design approach for the site.

4.2.3 Design, including affects on the adjoining Conservation Area

GEN 6, SPG 14 and 25 highlight relevant design considerations with development proposals in Conservation areas, together with TAN 12.

The application is submitted in outline only, with all matters reserved. Generally, in assessing other types of applications, such as reserved details and full applications, the main factors in relation to design relate to the potential effect on the street scene, landscape and adjoining conservation area, in terms of size, scale and materials. The views of the Council's Conservation Officer is a key to this issue. The main objective should focus on preserving and enhancing views into and out of the Conservation area, and identifying key character features.

As the plans are indicative at this point, the issue of design can only be considered at reserved matters stage.

In the event of the approval of the outline application, a condition and note to applicant could be attached, highlighting that the plans are indicative only and do not bind the Council in a final design approach for the site.

4.2.4 Drainage and flooding

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

Welsh Water have no objections to the application, subject to the inclusion of conditions, similar to those suggested previously, requiring construction of separate foul and surface water systems, an approach supported by the Council's Drainage Engineers.

In regard to the Town Council comments. It is not anticipated that the Environment Agency will identify the site as within a flood zone, as it has previously been clearly outside the area identified in the flood maps accompanying TAN 15.

In light of this background, it is not considered the proposal is in conflict with the current planning policies, given that specific conditions could be included to ensure control of relevant drainage arrangements.

4.2.5 Highways, including parking and sustainability

GEN 6 and TRA 6 require consideration of highway and parking safety. SPG 21 sets out maximum parking requirements in new developments. It advises for 2 bedroomed dwellings 2 car spaces per unit and, for 3 & 4 bedroomed units 3 car spaces per unit.

The proposed layout indicates an indicative layout only, including 6 car parking spaces..

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

Given this context and provided the Highway officer's comments and conditions are taken on board, it is not considered that this outline proposal is in conflict with the Planning Inspectors views on the site and/or the current planning policies, given that specific conditions could be included to ensure control over the point of access in particular.

4.2.6 Nature conservation and protected species

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impact on wildlife and in particular protected species. (Policies ENV 1, ENV 6, ENV 8 and GEN 6; Planning Policy Wales : Habitat Regulations 2010 ; Unitary Plan Policy and Supplementary Guidance). Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence should be established before the grant of permission.

As the Countryside Council for Wales accepts the findings of the Ecology report, it is reasonable to conclude that the species report provides sufficient information to conclude that the proposal would have no significant effect on protected species.

Details included as part of the potential mitigation and enhancement outlined in the report can be conditioned in this case. The proposal is therefore considered to comply with the policies and guidance relating to protected species.

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

In regard to the Town Council comments, in light of the above, it would be difficult to substantiate a refusal based on adverse effects on protected species.

4.2.7 Affordable housing

The requirement for the provision of affordable housing is well established by Welsh Assembly Government Planning Policy; 2006 and TAN 2; Unitary Development Plan Policy HSG 10 ; the Council's related Supplementary Planning Guidance 22 and the Local Connections Policy; and underpinned by Housing Need Surveys. The priority is on the provision of Affordable Housing within development sites.

In accordance with these requirements, the proposal indicates the potential to include one affordable housing unit. The Council's Affordable Housing Officer accepts the general principle in respect of the affordable housing approach for the site, with the provision being on site.

It is considered that the requirement for the provision and delivery of an affordable housing unit can be covered by a suitably worded condition in this case.

4.2.8 Trees and Landscaping

Policies ENV1 – Protection of the Natural Environment and ENV 7 - Landscape/Townscape Features, together with the accompanying guidance notes 2 and 8 highlight the need to protect and enhance the character of the area and biodiversity of the natural environment.

The DAS approach recognises the need for sensitive and appropriate boundary details. The ecology report highlights the presence of trees, and the County's Tree Consultant response confirms that a protective approach, in particular in relation to the mature Ash tree, is merited. These features should be incorporated at any detailed design stage and the layout planned to include these features. In the event of a planning permission being granted, suitably worded conditions, which include the retention of the mature Ash tree can be included, ensuring compliance with the policies and guidance listed.

4.2.9 Inclusive design

The requirement for mandatory Access Statements is outlined in TAN 12 design and TAN 18 Transport, and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All' supplements this policy, together with SGP 25 'Residential Development Design Guide' and the Council's document 'Planning and Inclusive design'.

The DAS identifies a positive approach to inclusive design, respecting the Welsh Assembly approach for residential development quality standards. Detailed design issues would need to be covered at a full design stage. A suitable condition could be attached to ensure that this is achieved.

4.3 Other considerations

In respect of landownership issues, the planning application certificates identify two parties involved with the site – Mrs Francis Webber and Mr C Wynne. Officers have sought clarification of the extent of landownership with the Land Registry, Wales Office, which confirmed that, as of May 2010 the land involved with the current outline planning application is owned by Francis Mary Webber (applicant) and Arthur William Webber. The agent has confirmed that the site is now under one ownership.

It is not possible at outline stage to comment on concerns over foundation works and effects on adjoining boundary features.

5 SUMMARY AND CONCLUSIONS:

- 5.1 With due respect to the Town Council's points of objection, the 1990 appeal decision has previously established the principle of residential development for the site. In the absence of technical evidence it would be difficult to justify refusal of the proposal on the basis of flooding, loss of soakaway and wildlife issues.
- 5.2 In light of the above assessment, officers consider it would be unreasonable to oppose the principle of residential development on this site, subject to a number of planning conditions and accompanying notes. Any consent should ensure that it is clear that the numbers of dwellings or layout is not approved for the site.

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. Approval of the details of the access, layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. Vehicular access to the site shall be obtained along the Graham Avenue highway and no other means of vehicular access shall be used at any time.
5. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
6. The design and construction of the means of access from Graham Avenue shall be as may be approved in writing by the Local Planning Authority.
7. **PRE-COMMENCEMENT CONDITION**
Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use
8. **PRE-COMMENCEMENT CONDITION**
The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 1 housing unit
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
9. Foul water and surface water discharges shall be retained separately from the site.
 10. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local planning Authority.
 11. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
 12. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The application is for outline permission with details of means of access only.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In the interests of the amenities and highway safety of the locality.
5. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. In the interests of highway safety.
7. To ensure suitable access for the disabled to the building.
8. In order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Denbighshire Unitary Development Plan.
9. To protect the integrity of the public sewerage system.
10. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
11. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
12. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

NOTES TO APPLICANT:

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

Please find attached Welsh Water advice.

You are advised to take into account the mitigation and enhancement details in the submitted Ecology report. In the event of bats being present please find enclosed guidance document.

ITEM NO: 8

WARD NO: Rhyl East

APPLICATION NO: 45/2009/0184/ PF

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

LOCATION: Grange Hotel 41-42 East Parade Rhyl

APPLICANT: JAPA Developments

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES: (as reported to January 2010 meeting)

RHYL TOWN COUNCIL

"Objection.

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

ENVIRONMENT AGENCY WALES

Have no comment to make on the application.

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

DWR CYMRU/WELSH WATER

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

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

COUNTY ARCHAEOLOGIST

No objections in relation to the archaeological issues.

COUNTY CONSERVATION ARCHITECT

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

In relation to demolition: welcomes the retention of the east villa and easternmost annex. Having regard to the available information, is of the opinion that the fire

damaged western villa is well beyond economic repair, and even if such repair was attempted then there would be so much new fabric as to be tantamount to a new structure. Therefore accepts the case for partial demolition as proposed.

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

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

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

AFFORDABLE HOUSING OFFICER

Current guidance would be for 6 affordable units based on the number of apartments and in this location there would be preference for low cost home ownership, but, given the current economy and local strategies, there may be a case for negotiating a different approach.

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objections subject to inclusion of conditions to deal with detailed layout of parking within the site, closure of existing vehicle access, and construction stage operations. Notes the limited parking available within the site and the extent of the previous use (29 bed hotel and owners accommodation), and the proposal to create 10 spaces here, and does not consider it unreasonable to support the proposals taking account of the proximity to the town centre, public transport and nearby car parking (available for use by permit to residents).

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 07/01/2010

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Outline of application

- 1.1.1 The application was originally considered at Planning Committee in January 2010, where it was resolved to grant planning permission subject to completion of a Section 106 agreement to secure a Conservation Management Plan, and the payment of a Commuted Sum in lieu of provision of affordable housing within the scheme.
- 1.1.2 Subsequent to the January 2010 Committee, the applicants commissioned a detailed Development Appraisal to review the financial viability of the scheme, and its ability to sustain a Commuted Sum payment. The process has involved the Council's Valuation and Estates manager, and the conclusions are that the project is clearly not viable or able to support a Commuted Sum payment. The applicant's agents have confirmed that it is not possible to commit to a Section 106 agreement with an application for a commuted sum payment, and it has therefore been agreed that the application should be represented to the Committee for consideration in light of the conclusions on the financial appraisal, following negotiations to secure the early demolition of the derelict fire damaged West villa.
- 1.1.3 The rest of this section outlines the background to the planning application.
- 1.1.4 This is a full planning application proposing a 'mixed use' part conversion and redevelopment around the Grange Hotel site in Rhyl. The main elements are:
- Demolition of the fire damaged West Villa (a Grade II Listed Building)
 - Redevelopment of that part of the site by way of a 'contemporary' new build section, of 3 storey height onto East Parade, 4 storey at the rear; with 13 x 1 and 2 bedroom apartments ranging in size from 61m² to 97m².
 - Conservation and restoration of the easterly villa (Grade II Listed) from hotel use into 7 1 and 2 bedroom residential apartments ranging from 52m² to 74m².
 - The total number of apartments will be 20, of which 6 will be 1 bedroom units and 14 will be 2 bedroom units.
 - Restoration of an existing 2 storey annexe to the west of the fire damaged villa to form part of the westerly villa redevelopment.
 - Provision of a 'rear' parking area for 10 vehicles between the development and properties at 14 St Asaph Street and 15 Chester Street, retaining existing access points off these roads; with cycle storage.
 - Closure of an existing access onto East Parade close to the junction with Chester Street; alteration to an existing service access, and retention of a pedestrian access onto East Parade close to the junction with St Asaph Street.
 - Provision of external bin stores / recycling stores in the rear yard
 - Making good of boundary walls and garden areas, with additional hard and soft landscaping.
- 1.1.5 The application is accompanied by sets of detailed drawings and a number of supporting documents. There set out the case for the proposals and include:

A Design and Access Statement

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

and accessibility issues.

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

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

An Economic Viability Report

This looked at the viability issues affecting the Hotel prior to the 2008 fire and the general effects of trends in tourism affecting the town's holiday sector. It recognised the value of local initiatives such as the Rhyl Going Forward strategy, but highlighted the timescale within which attempts to 'rebrand' the town will inevitably take, and taken in conjunction with the particular problems faced at the Grange (extent of investment required, lack of investment resource, lack of skills and experience to operate in a highly competitive industry) concluded the Hotel is not a viable sustainable business. Since consideration of the application at the January 2010 Committee, a further detailed Development Appraisal has been undertaken, and this is referred to in Section 4.2.5

A Structural Report

A fire damage and Dilapidation report

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

- 1.1.6 The applicants submitted a listed building consent application at the same time as this planning application, under code no. 45/2009/185/LB. This sought the separate consent required to demolish the Westerly Villa, and was assessed independently in terms of the justification for removing that building. The Committee resolved to grant listed building consent in January 2010, and CADW subsequently authorised the County Council to issue the consent. The consent was granted in April 2010.

1.2 Description of site and surroundings

- 1.2.1 The Grange Hotel is located on the south side of East Parade, one of the main east-west seafront roads in Rhyl. It lies to the west of the Sun Centre, immediately opposite one of main car parks serving that facility. It is bound on the east side by St Asaph Street, and by Chester Street on the west side.
- 1.2.2 The Grange has been run as a 29 bedroom hotel, and is a Grade 2 listed building consisting of two main 'villas', constructed in the 1850's with additions of varying styles. The main sections are in the form of part exposed timber and white painted panels with steep pitched slate roofs. Part of a stone building on Chester Street has been used as a public bar.
- 1.2.3 Vehicular access into the site has been possible from entrances off East Parade, Chester Street and St Asaph Street, with other pedestrian entrances on these roads. There appears to have been only limited on site parking available for users of the Hotel. The main 'service' accesses have been off Chester Street and St Asaph Street. There are parking restrictions along East Parade and on both sides of Chester Street and St Asaph Street for a distance of some 15 metres down from the junctions with East Parade.
- 1.2.4 Ground levels fall down from the East Parade direction.
- 1.2.5 The predominant land use in the locality is residential, but there are a range of tourist related uses such as hotels, and several residential/nursing homes nearby.
- 1.2.6 On East Parade building styles in the locality vary considerably. There are 3 – 3.5 storey units immediately to the east at No's 43-50 East Parade; a 3 storey unit immediately to the west (Bradshaw Manor), 4 storey flats at Glendower Court; and mainly traditional 2 storey houses along both Chester Street and St Asaph Street. The 'modern' Sun Centre building is some 100 metres to the north east along East Parade.
- 1.2.7 As mentioned earlier there was a serious fire at the property in March 2008 which caused severe damage to part of the Hotel, in particular the western villa. The site is currently boarded up to prevent unauthorised access in light of its dangerous condition.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Rhyl and it forms part of an area along East Parade which is subject to Policies TSM 2, TSM 8 and HSG 15 of the Denbighshire Unitary Development Plan. TSM 2 relates to proposals in Tourism Development Areas of Rhyl and Prestatyn and supports schemes for the regeneration and improvement of these areas. TSM 8 seeks to safeguard existing serviced accommodation unless specific tests are met, and HSG 15 seeks to restrict proposals for new non self-contained accommodation.

1.4 Relevant planning history

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

Following the fire in the Westerly Villa in March 2008, a further listed building consent application was submitted seeking demolition of the fire damaged villa. This application was subsequently withdrawn.

1.5 Developments/changes since the original submission

- 1.5.1 The current planning application was originally submitted in March 2009 and proposed a total of 28 apartments, through a 'new build' section in place of the westerly villa, and the restoration /conversion of the easterly villa to 7 units.
- 1.5.2 The original proposals generated concerns from Rhyl Town Council (over intensification, unsympathetic design) and the Conservation Architect (scale/detailing/impact on the listed building to be retained). The revised scheme followed dialogue with the Conservation Architect.
- 1.5.3 Developments since the January 2010 Planning Committee are outlined in the introductory report on this item, and in other sections in this redrafted report.

1.6 Other relevant background information

- 1.6.1 As noted earlier, the proposals were the subject of a separate listed building consent application 45/2009/0185/LB, which dealt with the specific issues of demolition and impacts on the character and appearance of the Grade II buildings. Listed building consent was granted in April 2010.

2. DETAILS OF PLANNING HISTORY:

2.1 45/2006/0705/LB

External refurbishment works
Granted 21/11/2006

45/2007/0800/PF

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

Refused 8/1/2007

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

452007/0801/PF

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

Refused 21/12/2007

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

45/2008/1043/LB

Demolition of fire damaged building (listed building)

Withdrawn 20/3/2009.

45/2009/185/LB

Demolition of fire damaged westerly villa and part redevelopment (listed building application)

Consent granted April 2010

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

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

3.2 Supplementary Planning Guidance

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

GOVERNMENT GUIDANCE

Planning Policy Wales 3rd Edition 2010

- TAN 2 - Planning and Affordable housing

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

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle of development
- 4.1.2 Housing development/loss of hotel and tourist accommodation
- 4.1.3 Part demolition of listed building and impact on setting of listed building.
- 4.1.4 Impact of new development
 - Design / visual amenity
 - Scale
 - Layout
 - Residential amenity
- 4.1.5 Affordable Housing
- 4.1.6 Open space
- 4.1.7 Flooding
- 4.1.8 Highways/access/parking

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 1, STRAT 6, STRAT 11, GEN 1, GEN 6 and TSM 8. The strategic policies set the general theme of securing sustainable development, maximising the use of derelict/under used land and buildings, minimising the need for travel (STRAT 1), locating major development within existing settlements (STRAT 6/GEN 1), securing the regeneration of run down urban and rural areas including through redevelopment (STRAT 11); and ensuring no adverse impact on the locality (GEN 6). TSM 8 seeks to

safeguard existing serviced accommodation in this area unless specific criteria can be met (see following section). These and other policies of the Unitary Plan and the thrust of WAG policies/guidance require detailed assessment of specific matters and are dealt with in subsequent paragraphs to determine the acceptability of a proposal of this nature.

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

4.2.2 Housing development/loss of hotel and tourist accommodation

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

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

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

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

area.

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

The Conservation Architect has been involved in dialogue with the agents over the course of developing the scheme, and considers the demolition proposals can be supported as the fire damaged section of the west villa is considered beyond economic repair. The fact that listed building consent has been granted with the authorisation of CADW is a significant factor in support of the proposals.

On the basis of the derelict condition of the West Villa, the practicalities of renovation, and the merits of the alternative proposals for the site, officers believe it would be unreasonable to oppose the demolition of the fire damaged building. The view is also taken that the proposals for the new build element, incorporating in an existing stone structure, whilst being of contemporary detailing, are acceptable in relation to the East Villa, a view supported by the grant of Listed Building Consent in April 2010, demonstrating CADW's acceptance of the condition of the buildings and the redevelopment proposals. Officers consider urgent steps are now required to secure the demolition of the derelict sections of the West Villa, and have secured the agents agreement that this should be done within 6 months of the grant of permission, detailed arrangements for which should be encompassed in a Section 106 agreement to accompany any permission..

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

Leaving aside the matters specific to the impact on the listed building, the Conservation Architect is of the view that the detailed design of the revised scheme is a considerable improvement on the original proposals, is acceptable in terms of scale, and worthy of support, provided suitable conditions are imposed to control the materials and detailing, in particular the extent and nature of restoration works.

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

Having regard to the detailing of the revised plans, and with respect to the comments raised, officers consider the proposals are acceptable in terms of the basic tests of GEN 6, and that the development would help to bring about a significant improvement to the visual quality of the environment in this area.

The detailing of the new build development is considered to respect that of existing property in the locality and the retained East Villa, in terms of scale and form, and is supported by the Town Council. The intensity of development in this revised scheme is not considered to be inappropriate having regard to the existing use of the site and the nature of development in this area, which consists of a mix of high density flats, lower density housing, and leisure/recreation uses. Relationships with adjacent property appear satisfactory in terms of amenity distances, bearing in mind the existing detailing of the hotel building.

4.2.5 Affordable housing

The planning officer's report to the January 2010 Committee referred to the basic requirement for provision of affordable housing in connection with housing schemes in developments within development boundaries in policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The requirement in current policy is for on site provision unless there are justifiable reasons for alternative, or no provision. The 'no provision' option is seen as a last resort and would only be considered in circumstances where there is no need for affordable housing in the locality, the planning history makes it unreasonable to require provision, or where the proposals meet an identified/overriding approved regeneration aim. In this context, as members will be aware, this is a site in Rhyl where there are ongoing reviews of planning and related strategies aimed at regenerating the town, which oblige consideration of other objectives when assessing the merits of individual proposals.

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

At the time of preparing the report for the January 2010 Committee, officers took the view in this instance that there was a case to waive insistence on affordable provision on the site, in order to secure a quality redevelopment scheme meeting the wider requirements of the strategy for the town. It was suggested the proposed 1 and 2 bedroom apartments would be of a high standard, exceeding the Council and Assembly's floorspace standards, and would form part of an attractive modern mixed use development in a key seafront location. It was stated with respect to the applicant's viability arguments at that time, that the limited financial information did not clearly establish that a financial contribution could not be made towards affordable housing in the town, so if a permission were to be considered, it would be reasonable to suggest it should be subject to a legal agreement requiring the payment of a negotiated commuted sum for affordable provision.

In the process of negotiating the terms of the Section 106 agreement, it was suggested that the agents sought appropriate professional advice and obtain a detailed development appraisal / viability assessment which could establish a clear picture of development costs and values, and the ability of the scheme of sustain a commuted sum payment. This exercise was duly commissioned and undertaken by Jones and Redfearn (Chartered Surveyors / Valuers), and their Development Appraisal has been reviewed in detail by the Council's Valuation and Estates manager. The conclusion of the Valuation and Estates

Manager is:

“The costs of rehabilitating the property out weigh the value even allowing for the best case scenario adopted by Jones and Redfearn. In spite of these best efforts to get the scheme to deliver a profit and generate a commuted sum; their scenarios struggle to make the development viable. Once acquisitions costs are included then the outcome becomes worse. My own appraisal confirms this is the case but the negative residuals are greater because of the lower market values for the apartments I have adopted.

The proposed scheme will not sustain a commuted sum on the values for the apartments and the bistro/function room adopted offset against the costs of construction.”

On the basis of the financial appraisals, the agents have indicated they are unable to offer a commuted sum payment for affordable housing, since the scheme is unviable.

The issue to be addressed in respect of an affordable housing contribution is therefore whether it is reasonable to waive a commuted sum payment on the basis of the particular circumstances, where there is also a clear and substantiated regeneration justification. In this scenario, it would be officers' opinion that this is a case where the detailed financial appraisals of the scheme demonstrate it is some way off being viable, and could not generate any contribution for affordable housing. It is considered the need to secure a regeneration of the site would meet an 'identified, acknowledged, and overriding regeneration aim' in one of Rhyl's key seafront locations, consistent with SPG22 and the objectives for the town's redevelopment. The addition of a requirement to secure demolition of the fire damaged West Villa within 6 months of the grant of permission leads officers to conclude that it would be reasonable to grant planning permission without the requirement for a commuted sum payment.

4.2.6 Open Space provision

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

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

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

4.2.7 Flooding

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

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

objections.

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

4.2.8 Highways

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

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

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

4.2.9 Access for all

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

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

5. SUMMARY AND CONCLUSIONS:

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

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

In terms of current unitary plan policies there are issues to address over the loss of a hotel, the absence of on site affordable housing provision, or the payment of a commuted sum in lieu, due account has to be taken of the viability situation and to the context of emerging strategies for development in the town arising from the Rhyl Going Forward initiative, which are a significant material consideration to be weighed in any decision.

In this instance it is concluded that a quality mixed use scheme would make an important contribution to the regeneration of the area, and the early demolition of the fire damaged section would represent a recognisable gain from the grant of

permission, so the officer recommendation is to grant permission subject to a legal agreement.

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

- (a) The completion of demolition of the fire damaged Western Villa within 6 months of the date of grant of planning permission,
- (b) A management plan setting out the conservation standards and methodology/process for agreeing the extent and nature of work on the retained sections of the listed buildings, including making good works following demolition.

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

RECOMMENDATION – GRANT subject to compliance with the following Conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No demolition shall take place before the contract for carrying out the works of redevelopment on the site has been made, and evidence of the contract has been submitted to the local planning authority.
3. No demolition or development shall commence until the following details have been submitted to and agreed in writing by the Local Planning Authority:
 - a) Details and samples of roof slates and ridges
 - b) Plans and scaled drawings for details of verges; eaves, window and door joinery and colour, rooflight windows, and balconies.
 - c) Timber cladding and paint colour and finish;
 - d) Rainwater goods;
 - e) Render mix, texture, colour and finish
 - f) Finished floor levels
 - g) A schedule of all items to be salvaged from the building(s) to be demolished and how they may be reused in the scheme, or arrangements for their disposal on the architectural salvage market
 - h) The proposed final treatment of any 'internal' areas of buildings exposed by demolition which will form external walls in the new scheme.
 - i) The phasing/timing of works of demolition, conversion and redevelopment, and detailed proposals for the treatment of the site inbetween phases.

4. PRE-COMMENCEMENT CONDITION

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

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

5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. PRE=COMMENCEMENT CONDITION

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

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

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

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

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

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

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

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

14. Notwithstanding the submitted car parking layout details, a revised car parking layout shall be submitted to and approved by the Local Planning Authority before development commences with the approved scheme shall be implemented before the flats hereby approved are brought into use and the approved arrangements thereafter retained for those purposes.

15. Before any work starts on site, full details of the closing of the existing vehicular accesses shall be submitted to and approved in writing by the Local Planning Authority and the works shall be completed to the written approval of the Local Planning Authority before the development is brought into use.

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

17. None of the apartments shall be occupied until the written approval of the Local Planning Authority has been obtained to arrangements for the provision of external washing lines for use by occupiers.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the comprehensive redevelopment of the site is in the interests of visual amenity.
3. In the interests of visual amenity and to ensure the detailing respects the historic features and character of the listed buildings.

4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. To ensure adequate provision for accessibility for persons with disability.
7. To ensure a suitable drainage system.
8. To ensure a suitable drainage system.

9. To ensure a suitable drainage system.

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

11. In order to ensure the development complies with Welsh Assembly Government guidance on Sustainable development.
12. In order to ensure the development complies with Welsh Assembly Government guidance on Sustainable development.
13. In order to ensure the development complies with Welsh Assembly Government guidance on Sustainable development.
14. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
15. To ensure the formation of a safe and satisfactory access in the interests of highway safety.

16. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
17. To ensure adequate provision of facilities for residents.

NOTES TO APPLICANT:

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

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

ITEM NO: 9

WARD NO: St Asaph West

APPLICATION NO: 46/2010/0862/ PF

PROPOSAL: Erection of two-storey pitched-roof extension to existing garage block to form swimming pool

LOCATION: Fron Las Lower Denbigh Road St. Asaph

APPLICANT: Mr & Mrs Christopher White

CONSTRAINTS: C2 Flood Zone

PUBLICITY UNDERTAKEN: EA Floodmap Zone 2
Site Notice - No
Press Notice - No
Neighbour letters - Yes

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL-
Awaiting response (due 7/08/10)

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 07/09/2010

REASONS FOR DELAY IN DECISION (where applicable):

None

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

- 1.1.1 The application proposes the erection of an extension to a domestic garage at an existing dwelling Fron Las. The proposed extension would measure 18.5m in length by 9.2m in width, with a ridge height to match the existing garage (5.8m).
- 1.1.2 The extension would comprise a swimming pool and spa area on the ground floor and a bar and sitting area on the first floor.
- 1.1.3 The extension would be sited to the north of the garage and extend eastwards in an 'L' shape. The end facing the road to the east would have a gable to match the existing garage. A heavily glazed projecting gable is proposed on the western end facing the dwelling, and a recessed balcony is also proposed in the gable at this end.

1.2 Description of site and surroundings

- 1.2.1 Fron Las is located on the western side of Lower Denbigh Road, on the southerly approach into St Asaph. The dwelling is set back from the road, almost abutting the western boundary of the site. The two-storey dwelling is faced in natural stone and has a slate roof and it has dormers to the front,

which are reflected on the existing garage.

1.2.2 The existing double garage with first floor room is sited to the front of the house. The curtilage of the dwelling has recently been extended to include and area to the north of the site and an additional access to the curtilage has been created.

1.2.3 There are dwellings to the north of the site, agricultural buildings to the west and open agricultural land to the south.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located just within the development boundary of St Asaph.

1.4 Relevant planning history

1.4.1 The dwelling has had planning permission for various alterations and extensions and the most recently consented extension is currently under construction. Applications are listed in section 2 below.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 Cllr Cowie has requested the application be considered by Planning Committee to enable full assessment of the policy implications.

2. DETAILS OF PLANNING HISTORY:

2.1 46/2005/0424 Erection of two storey extension to rear of existing dwelling. Granted 03/06/2005

46/2006/0385 Erection of two-storey extension to dwelling (amended scheme to application ref no. 46/2005/0424/PF) Granted 10/05/2006

46/2005/0310 Erection of double garage to include loft space Granted 09/05/2005

46/2009/1399 Erection of single storey extension at rear of dwelling Granted 07/12/2009

46/2010/0254 Erection of single storey pitched roof extension to side and change of use of land to provide extension to residential curtilage. Granted 04/05/2010.

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 with Development Boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 12 Extensions to Dwellings

3.2 Supplementary Planning Guidance

SPG No. 1 Extensions to Dwellings

SPG No. 24 Householder Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales, Edition 3, 2010.

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 on neighbours

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy HSG 12 relates specifically to extensions to dwellings and recognises householders have the right to alter and extend their dwellings providing they meet the criteria relating to; size/scale, character, amenity considerations and do not result in overdevelopment of the site. Policy 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 on visual amenity

Scale and form – Test i) of Policy HSG 12 requires extensions to dwellings to be subordinate in scale and form to the original dwelling. Guidance note no. 3 of Supplementary Planning Guidance Note No. 24 relates to garages and states outbuildings should be smaller in scale and subservient to the house.

It is considered that the scale and form of the garage will appear overdominant in relation to the existing garage. The width of the proposed extension to the garage more than doubles that of the original garage. If permitted the total footprint would be over 170m sq compared to the modest 51m sq double garage as existing. Furthermore the resultant building would give the impression of being a second dwelling on the site. The proposal is therefore considered not to comply with test i) of policy HSG 12 and advice of SPG no. 24.

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 dwelling Fron Las has been extended previously with the addition of significant extensions on the north and western sides. Officers acknowledge that these extensions have been deemed acceptable. The garage is a later addition (granted planning permission in May 2005) and formed a natural boundary to the north of the site until the curtilage was extended (in May 2010), owing to this extension of curtilage the garage now sits in the middle of the front garden and whilst there is still building works ongoing on the site, the siting of the garage appears awkward in relation to the dwelling and access points. This however is not considered an acceptable ground to warrant such a significant extension to the garage.

The scale and design features such as the matching gable to the eastern side, the heavily glazed western gable, and fenestration emphasise the dominant impact of the extension. It is considered the proposal would harm the appearance of the original garage and dwelling and character of the immediate locality, 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 owing to 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.

5. SUMMARY AND CONCLUSIONS:

5.1 It considered that the scale of the garage extension appears over-dominant and out of keeping with the scale of the existing garage contrary to Policy HSG 12, Policy GEN 6 and SPG No. 24.

RECOMMENDATION: - REFUSE for the following reasons:-

1. It is the opinion of the Local Planning Authority that the proposed garage extension by virtue of its size, scale and design would appear overdominant and out of keeping with the existing garage and the dwelling Fron Las, contrary to criteria i) and ii) of planning policy HSG 12 Extensions to Dwellings, GEN 6 of the Denbighshire Unitary Development Plan and advice contained in Supplementary Planning Guidance Note No. 24 Householder Development Design Guide.

NOTES TO APPLICANT: None

ITEM NO: 10

WARD NO: Tremeirchion

APPLICATION NO: 47/2010/0878/ PF

PROPOSAL: Conversion and alterations of redundant farm building to form a dwelling and installation of private treatment plant

LOCATION: Outbuilding at Pant Ifan Newydd Holywell Road Rhualt St. Asaph

APPLICANT: Denbighshire County Council

CONSTRAINTS: PROW

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

CONSULTATION RESPONSES:

TREMIERCHION, CWM AND WAEN COMMUNITY COUNCIL:

“Object. With reference to the Denbighshire UDP, this planning application is not suitable for conversion and constitutes a fundamental change of use, its construction is not of traditional building type and does not conform to Policy HSG 9 – Residential Conversion of Rural Buildings to Dwellings – paragraphs i) & ii). With reference to Denbighshire’s SPG we quote SPG 16 paragraph 3.3 to support our objection.

DWR CYMRU:

No objections.

ENVIRONMENT AGENCY:

No comments received.

COUNTRYSIDE COUNCIL FOR WALES:

No comments received.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

BUILDING CONTROL MANAGER:

No objections.

BIODIVERSITY OFFICER:

No objections.

HEAD OF HIGHWAYS AND INFRASTRUCTURE:

No objections.

FOOTPATH OFFICER:

The proposal affects a public right of way. A condition should be imposed to ensure that the public right of way is diverted prior to the commencement of any ground works which may affect the public right of way.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 09/09/2010

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 The proposal is for the conversion of an outbuilding at Pant Ifan Newydd, Rhuallt, to a 4 bedroom dwelling with integral garage and store. Alterations proposed to facilitate the conversion would be the re-roofing of the building and internal remodelling. A private treatment plant is to be installed.
- 1.1.2 The former farm-yard is proposed to provide amenity space and parking and turning for the dwelling. Vehicular access is to be as existing off the B5429.
- 1.1.3 The application is accompanied by a detailed structural report, ecology report and design and access statement (DAS), which comments on the adequacy and suitability of the outbuilding for the scheme of conversion.

1.2 Description of site and surroundings

- 1.2.1 Sited in a former agricultural complex located to the west of the village of Rhuallt, the former outbuilding is to the west side of the former farm house Pant Ifan Newydd, which has recently been sold off by the Council. Opposite the application site is a dwelling Llwyn Derw, and the business enterprise of, the Fifth Wheel Company. East of the site are the dwellings Hillside, The Barn, Bridgemere and Pant Ifan Goch. The dwellings in this area are of a mix of styles, some being purpose built dwellings, others past conversion schemes. There is a mix of building materials used in the area, notable however, are the red brick dwellings opposite.
- 1.2.2 Access to the site is off the B5429 which runs through Rhuallt. There is also a public footpath running through the site, which is proposed to be diverted.
- 1.2.3 The building to be converted is a former dairy/milking parlour constructed of single skin red brick, with an asbestos roof.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, outside any defined settlement or development boundary. There is a public footpath running through the site, from the B5429 to the A55, which is shown on the plan at the front of the report.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 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 3 – Development outside development boundaries
 - Policy GEN 6 – Development Control Requirements
 - Policy HSG 9 – Residential conversion of rural buildings to dwellings
 - Policy ENV 6 – Species Protection
 - Policy TRA 10 – Public Rights of Way
- 3.2 Supplementary Planning Guidance
 - Supplementary Planning Guidance Note No. 16 – Conversion of Rural Buildings
- 3.3 GOVERNMENT GUIDANCE
 - Planning Policy Wales 3 (July 2010)
 - TAN 12 - Design
 - WO Circular 5/93 – Public Rights of Way (Annex D)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Residential Amenity
- 4.1.4 Highways Safety/Public Right of Way
- 4.1.5 Ecological 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 residential development will not be permitted apart from exceptions, the most relevant being the conversion and reuse of vacant rural buildings. Policy HSG 9 of the adopted Unitary Development Plan relates specifically to the residential conversion of rural buildings to dwellings. This policy allows for the conversion of rural buildings where the building is structurally sound and capable of conversion without major or complete reconstruction. SPG 16 provides further advice on these requirements and states that buildings should not be so derelict that they could only be brought into use by substantial rebuilding. In this case, the building is considered to be structurally sound and capable of conversion. The conversion would not have an unacceptable impact on the character of the building and the character and appearance of the countryside; as it is located in close proximity to the existing farmhouse and has an adequate curtilage with suitable boundary treatment.

The Community Council have objected on the basis that this type of building is “not suitable for conversion”. Attention is drawn however, to the actual wording of policy HSG 9 which states the building must be structurally sound, and that the scheme of *conversion* respects local traditional building styles. The structural report demonstrates that the building is structurally sound, and that physical alterations to the building are limited. With respect to the Community Council comments, it is not considered that policy HSG 9 precludes proposals to convert old red brick outbuildings such as this which are structurally sound. This is an old dairy/milking parlour building which has been in use for many years as part of the farm complex.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is GEN 6. Policy HSG 9 also refers to the character of the buildings and area.

In terms of visual appearance, the proposal would retain the scale and form of the building, with minimal alterations to facilitate the conversion, which is in line with the general thrust of policy HSG 9. The most notable alteration is the removal of the asbestos roof and its replacement with a slate roof. This would be in keeping with surrounding buildings and is not uncommon in conversion schemes. It is considered that a sympathetic conversion would preserve the building from further degradation, and that it complies with basic tests Policy HSG 9.

4.2.3 Residential Amenity

Policy GEN 6 and HSG 9 set specific tests to be applied to amenity impacts of development.

The proposal would not impact on the privacy and amenity of the occupiers of the farmhouse or adjacent occupiers owing to siting and spacing. Although windows are proposed which would face towards the existing dwelling and its curtilage, these are ground floor windows, which can be screened with appropriate planting or a fence. There is a substantial amount of amenity space proposed for the dwelling.

4.2.4 Highways and Public Right of Way

Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable effect on the local highway network. Policy TRA 10, Public Rights of Way, requires careful assessment of the impact of development upon public rights of way.

No alterations are proposed to the existing access points and parking would be provided on site. It is proposed to divert a public right of way, although it is noted that this is not essential for the actual scheme to be implemented. The County Council's Public Footpath Officer has not raised an objection to the proposal, and it is considered therefore that the proposal would not have an adverse impact on the public right of way.

4.2.5 Ecological impact

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats in the outbuilding although bats were present in the surrounding area. Birds were found to be nesting in the building.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable. It is considered prudent however to attach a note to applicant to advise that all contractors follow a code of best practice.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered acceptable under the terms of the relevant policies and is therefore recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **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 materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

4. **PRE-COMMENCEMENT CONDITION**

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

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

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

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

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

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

- 6. In the interests of residential and/or visual amenity.

NOTES TO APPLICANT:

You are advised that a public right of way is affected by this development. The right of way must not be disrupted during the duration of building works. The right of way must be diverted prior to any work commencing which would affect the footpath. You are advised to contact Tania Evans of the Public Rights of Way Unit on 01824 706923 to obtain an application form.

The right of way must not be disrupted during the duration of building works.

You are advised that the Local Planning Authority has granted this permission solely on the

basis that the proposal involves the conversion of the building to a dwelling, to be carried out strictly in accordance with the approved plans. Any alteration or demolition work deviating from that shown on the approved plans, unless agreed by the Local Planning Authority, involving the rebuilding of part or all of the outbuilding will invalidate the planning permission. The Biodiversity Officer had advised your attention should be drawn to the following:

Please ensure the recommendations in addendum species surveys are incorporated, these relate to the installation of bat and bird friendly features into the conversion as a positive conservation measure and the following advice be followed:

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

As birds nests were recorded, all work should be scheduled to avoid the bird nesting season (March to September) and compensation for lost nests will need to be provided within the conversion.