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| <p style="text-align: center;"><b>+ TO GRANT</b><br/><b>- TO REFUSE</b></p> |
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## **WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE**

### **HOW THE MEETING WILL BE CONDUCTED**

The note outlines the manner in which the meeting is likely to be run.

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

### **General introduction**

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to items on the agenda.

Officers will outline as appropriate items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public will be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets (blue papers) and any supplementary or revised plans relating to items for consideration.

The 'Blue Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and 5pm on the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

## **CONSIDERING PLANNING APPLICATIONS**

### **The sequence to be followed**

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the basis of the proposal, and the location.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. Public speaking is subject to a separate protocol.

Where appropriate, the Chair will offer the opportunity for Members to read the late information on the item on the 'Blue Sheets' before proceeding.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason. Opportunity will be given for debate on the request, and a vote shall be taken to determine the course of action.

The Chair will seek propositions and seconders for or against the officer recommendation, or any other resolutions.

The Chair will invite officers to provide a brief introduction to the item where this is considered to be worthwhile in view of the nature of the application.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will invite those Members who attended, including the local member, to speak first.

On all other applications, the Chair will invite the local member(s) to speak first.

Members are normally limited to a maximum of five minutes speaking, and the Chair will conduct the debate in accordance with Standing Orders.

Once a member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

The Chair will announce when the debate is closed, and that voting is to follow.

## **The voting procedure**

Before requesting Members to vote, the Chair will announce what resolutions have been made and how the vote is to proceed. Clarification of resolutions, amendments, additional conditions and reasons for refusal may be sought so there is no ambiguity over what the Committee is voting for or against.

If any member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair will clarify the procedure to be followed.

When the Chair is satisfied that the vote can proceed, this will be conducted through the electronic voting system. The Chair will request officers to set up the voting screen(s) in the Chamber, and members must vote once the voting screen appears.

Members have 10 seconds to record their votes once the voting screen is displayed.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item

## Agenda Item No. 4

### PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 27<sup>th</sup> July 2011 at 9:30am.

#### PRESENT

Councillors S. Thomas (Chair) I W Armstrong, J Bellis, B Blakeley, J Butterfield, W L Cowie, (observer) J A Davies, P A Dobb, , G C Evans, R L Feeley, I A Gunning, , C Hughes, R W Hughes, T R Hughes, E R Jones, H LI Jones, G M Kensler, L M Morris, P W Owen, A G Pennington, B A Smith , D A J Thomas, J Thompson-Hill, C H Williams

#### ALSO PRESENT

Acting Head of Corporate Governance (Jane Kennedy) Development Control Manager (P Mead), Team Leader (Committee Process) (I Weaver), Team Leader (Support) (G Butler), Customer Services Officer (J Williams), and Translator (Catrin Gilkes).

Mike Parker (Highways) David Matthews (Valuation and Estates Manager) and Angela Loftus (Policy Research & Information Manager) also attended part of the meeting.

#### APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors J R Bartley J M Davies M LI Davies, M J Eckersley, D Hannam, D Owens, D I Smith  
Head of Planning Regeneration and Regulatory Services (G Boase),

### 2 DECLARATION OF INTEREST

Members were requested to declare any personal or prejudicial interest in any business identified to be considered at this meeting.

Councillor S Thomas declared an interest in item 44//2011/0414 (Clwyd View Caravan Park, Rhuddlan); Councillor T.R Hughes declared an interest in items 27/20110489 (Tan y Fron Barn, Eglwyseg, Llangollen).and P Owen declared an interest in 45/2011/0657 (36 Bryn Cwnin Road, Rhyl.

### 3 URGENT ITEMS:

#### VICE CHAIR

In the absence of the Vice Chair it was proposed (by Councillor Rhys Hughes and seconded by BA Smith) that Councillor Gwilym Evans be elected vice chair for this meeting only. This was carried.

## **PETITION**

Councillor Joan Butterfield handed in a petition against the Street Market in Rhyl. The Petition was signed by 218 people, shop owners and visitors to the town centre asking for the Market to be moved.

## **MINUTES OF PLANNING COMMITTEE**

Submitted (Circulated at the meeting), a report by the Head of Planning Regeneration and Regulatory Services proposing a change to the way the minutes of Planning Committee are recorded.

RESOLVED that the report be approved

The formal minutes of planning committee will include:

- Summary of public speakers' presentation
- Summary of points raised by Members
- Notes of questions, suggested amendments to recommendation, revised conditions, reasons for refusal
- Notes of officer responses
- Notes of formal proposal, and the name of the proposer and seconder
- The decision made
- Record of the number of votes cast, and the names of those voting in the case of a formal Recorded Vote
- The minutes will be reported back to the next available planning committee for confirmation of accuracy.

## **4 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

The report by the Head of Planning Regeneration and Regulatory Services (previously circulated) was submitted enumerating applications submitted and requiring determination by the Committee.

**RESOLVED** that:-

- (a) *the recommendations of the Officers, as contained within the report now submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act, 1991, Town and Country Planning Advertisements Regulations, 1994 and/or Planning (Listed Buildings and Conservation Areas) Act, 1990 to the development proposed by the following applications subject to the conditions enumerated in the schedule now submitted:-*

**Application No: 28/2011/0631/PF**

**Location: Land adjoining Lon Wilkin Henllan Denbigh**

**Description: Erection of stable block to include 2 stables, tack room and open store and alterations to existing vehicular access**

**Public Speakers:**

**PUBLIC SPEAKER IN FAVOUR: Mr Huw Evans:**

Mr Evans stated that minor amendments had been made to overcome objections and that the stabling was essential for the welfare of the horses. He was grateful to officers for their willingness to negotiate to a point where the siting of the block was acceptable. He further advised that the existing agricultural access will be improved without impact on traffic safety. Waste would be bagged and removed from the site. Objections had been received concerning a private water main and right of way across the site. Mr Evans felt that the water main would not be affected but the applicants would be willing to divert it at their expense if required.

Councillor Colin Hughes (local member) advised of an error in the report – Henllan was a Community Council, not a Town Council.

He expressed concern about traffic safety and visibility on the narrow road and the effect on the nearby Conservation Area.

Councillor Gwilym Evans was also concerned about the entrance to the site, and whether the site was big enough to allow a lorry to turn around before leaving the site. He thought the site was too small for a building and wondered whether it could be kept tidy.

Councillor Julian Thompson Hill asked what had changed since the previous application was refused on the grounds that it would impact on the Conservation Area.

Councillor Gwyneth Kensler felt that the water main and right of way issues should be resolved .

The Principal Planning Officer (Ian Weaver) advised that the site is 70 m from the Conservation area. He said he attempted to view the site from the church yard but it was not visible. The impact on the Conservation Area was not considered a major issue.

He said the water main and right-of-way issues were private legal matters.

The Acting Head of Corporate Governance confirmed this.

Following a request for a condition to be imposed relating to this issue, it was suggested that a Note to Applicant could be added

Highways Officer (Mike Parker) stated that the equine industry in Denbighshire is increasing. The road leading to the site was not felt to be too

narrow and will not have a great deal of extra traffic using it. The suggested conditions regarding parking and access would help.

Councillor P Dobb (seconded by P Owen) proposed permission be granted

VOTE:

To Grant 17

To Refuse 6

Abstentions 0

### **IT WAS RESOLVED THEREFORE TO GRANT**

*Subject to:* New Note to Applicant ..

.....

“ Attention has been drawn to the presence of a water main across the site and right of way thereto. You are advised to ensure that there are no private legal restrictions to development and this should be investigated before development commences. These are private legal matters outside the remit of the Local Authority”

**Application No: 30/2010/0584/PF**

**Location:** Land adjacent to the Trefnant Inn Trefnant  
Denbigh

**Description:** Erection of 11 no. dwellings and associated works.

#### Late information

A total of 63 individual representations were handed in to the planning department at 4 p.m. on the 26<sup>th</sup> July 2011. :

#### In objection

1. E, V and M Hughes, Arfryn, Trefnant.
2. Arnold Butler, 22 Montagne Avenue, South Croydon
3. Ann Bowers, Amity, Cefn Berain
4. Harold and Jane Roberts, Noddfa, The Square, Trefnant
5. Lillian and John Cowan, Maes Teg, 1 Park Bach, Trefnant
6. Selwyn Evans, Berth Bach, Trefnant
7. Dorothy Ryding, 5 Llys Teg, Trefnant
8. Chrisey Jones, 7 Chapel Street, Trefnant
9. Debbie Scott, Old School House, Henllan Road, Trefnant
10. Richie Jones, 30 Bryntirion, Henllan
11. Nicola Tibbetts, 27 Clwydian Crescent, Trefnant
12. Ceri Parry, Elina, Cae Glas, Trefnant

13. David Boiston, 3 Ffordd Pen y Coed, Trefnant
14. James Bryndley, 5 Maes Gruffydd, Trefnant
15. Mark Williams, 3 Parc Bach, Trefnant
16. Mary Jones, 3 Bro Nant, Trefnant
17. Peter Hughes and Roma Williams, Mountain View, Trefnant
18. Jenn Evans, 19 Ffordd Pen y Maes, Trefnant
19. Linda Davies, 9 Ffordd Pen y Coed, Trefnant
20. David Evans, 19 Ffordd Pen y Meas, Trefnant
21. Emlyn Davies, Green Isa, The Green, Denbigh
22. Lynda Bakkaloğlu
23. Mrs Pauline Hughes, 20 Nant y Patrick, Trefnant
24. John Emlyn Davies, 8 Nant y Patrick, Trefnant
25. Maureen Leonard, 11 Bronant, Trefnant
26. Janice Hutton, 2 Maes Gruffydd, Trefnant
27. Eira Lloyd, 8 Cae Glas, Trefnant
28. Gwynfor Jones, Y Berllan Bach, Henllan Road, Trefnant
29. Angela Collins, Y Berllan Bach, Henllan Road, Trefnant
30. Melfyn and Lynette Parry, Kenyon, Allt Goch, Trefnant
31. Beryl Davies, 3 Railway Terrace, Trefnant
32. Margaret Williams, Post Office, Trefnant
33. Bill Moran, Nant y Patrick, Trefnant
34. Glynis Hughes, 22 Maes Gruffydd, Trefnant
35. Cyril and Gwyneth, Bottomley, Bryn Dyffryn, Trefnant
36. W H and G Lewis, 11 Nant y Patrick, Trefnant
37. Tracey Hughes, Hafan Wen, Henllan Road, Trefnant
38. Danny John Jones, 7 Chapel Street, Trefnant
39. Mark Hughes, 5 Derfel Estate, The Green
40. Sandra Hubbard, 1 Llys Teg, Trefnant
41. Peter Featham, 28 Maes Gruffydd, Trefnant
42. Darren Hughes, 5 Derfel Estate, The Green
43. John Hughes, 6 Derfel Estate, The Green
44. Charles Perry, 4 Parc Bach, Trefnant
45. Irene Gibbons, 10 Llys Esgob Morgan, St Asaph
46. Mark Evans, 3 Myddleton Avenue, Denbigh
47. Gwyn Davies, 27 Maes Gruffydd, Trefnant
48. Ian Jones, Tanuch, Henllan Road, Trefnant
49. Nia Jones, Tan Llan, Henllan Road, Trefnant
50. Colin Mansley, The Rectory, Trefnant
51. Martin and Steph Fearnley, 6 Nant y Patrick, Trefnant
52. Joanne Pierce, Hafod y Green, Trefnant
53. Carla Roberts, 23 Maes Gruffydd, Trefnant
54. Dane Hughes, 12 Parc Crescent, Carmel, Holywell
55. Richard Greenhough, 70 Ffordd Aelwyd, Holywell
56. Cheryl Roberts, 70 Ffordd Aelwyd, Holywell
57. Carolyn Roberts, 23 Maes Gruffydd, Trefnant
58. Doris Maude Wells Kendrew, Hafod Barn, Trefnant

- 59. Nicole Marshall, 5 Ffordd Pen y Coed, Trefnant
- 60. Linda Marshall, 5 Ffordd Pen y Coed, Trefnant
- 61. Mike Marshall, 5 Ffordd Pen y Coed, Trefnant
- 62. Phil Marshall, 5 Ffordd Pen y Coed, Trefnant

#### Main Points

The comments repeat the basis of previously expressed concerns over the impact on :

- i) Highways
- ii) Viability of the Trefnant Inn (loss of beer garden and parking spaces)
- iii) Impact on listed building
- iv) Too many dwellings / out of character with the village
- v) Drainage problems
- vi) No need for more houses

In favour:

- 1. Brenda Tomlinson, 33 Maes Gruffydd, Trefnant.

Additional Information regarding planning history:

The use of the Car park and Beer Garden was granted permission on 23.12.93 under code number 1/15532

For clarity all previous applications for housing development on this site have been withdrawn, not refused.

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#### **PUBLIC SPEAKER AGAINST : Mr Antony Griffith (Chair of Trefnant Community Council )**

Mr Griffith stated he was not against development in principle but the village had already seen an increase of 80 houses, a further 11 would be a burden. He considered the impact on the Listed Building and the blind spot in the access near a major road junction should be taken into account. He felt there would be a detrimental impact on traffic near the school and thought the officer's statement that a "lack of clear garden area is not a key factor" was misleading as the pub garden was well used. He mentioned that CADW officer Nick Davies had given informal views that the development would have a detrimental affect on the Listed Building. Mr Griffith said the pub was well used and the village was very upset by this proposal. .

Councillor Selwyn Thomas (Chair) reported on the site visit which took place on 9<sup>th</sup> May 2011. His view was that this proposal is wrong in this location as there was a great deal of traffic on the road that the access would serve



Councillor G Kensler proposed the application be refused (seconded by Councillor Ian Gunning) and read a statement from the local member who could not attend Planning Committee.

The local member had concerns about access, free flow of traffic (quoting policy TRA 2/ TRA 6) traffic impact assessments, number of vehicles using the site, amount of parking left for the public house (policy TRA 9). The houses proposed next to the pub would be 1 m higher at ridge height, 2 m to the chimney tops therefore dominating the listed building. Materials proposed would not complement the listed building. There were concerns about the viability of the pub business – the development would leave a small 2 m wide area as amenity space for pub users, which would be difficult to maintain. He mentioned the impact on the Regeneration Strategy and policy TSM 7, loss of accommodation for tourists if the inn closed.

Councillor J Bellis agreed with the Community Council. He asked how much the open space commuted sum would be as it wasn't mentioned in the report. He also thought CADW's views should be taken into account.

Councillor ER Jones mentioned Denbighshire's Big Plan, to support local residents. He thought the Inn would not be a viable unit without the garden and thought the access was inadequate.

Councillor Ian Gunning considered this proposal to be "land grabbing" and no one in the area was in favour of it. There is a risk to traffic safety and building houses in the curtilage of the pub would not allow the business to thrive.

Councillor Colin Hughes agreed – local people did not want it, there would be an impact on the Conservation Area, and the historic Church. The pub is an historic coaching inn.

He sent a message to the villagers, to use the pub and help it thrive.

Councillor B Feeley referred to The Raven in Llanarmon yn Ial as being an example of villagers helping revive a local public house

Councillor Joan Butterfield thought any open space is valuable and supported the Community Council

Councillor B Smith asked for clarification on the take up of the 1993 planning permission for the garden

Councillor Gwilym Evans was concerned about the lack of open space on the site and three of the properties accessing directly onto the A525. The nearest play area was on the other side of the main road.

Councillor R Hughes queried the number of reasons for refusal suggested by the local member, wondering if they would be sustainable at appeal.

Councillor G Kensler was worried about the highways implications and the fate of the listed building. It was the council's duty to prevent it falling into disrepair and help the village retain this asset.

The Principal Planning Officer acknowledged there was a strong local feeling against this proposal but warned that in order to defend a refusal at appeal there had to be sound planning reasons. Land grabbing would not stand and he doubted if "insufficient regard to the Conservation Area" would, either. The Conservation Architect had not raised objection to the proposed materials. The density and number of houses near a public house was not unusual in a village setting. The proposal had uncomfortable elements but it was questioned whether these were sufficient to justify a refusal.

In answer to Members' questions: he indicated it would not be considered overdevelopment, given the village centre location and existence of terraced development nearby.

The 1993 permission for the beer garden had been taken up.

The Play area for the village is a substantial asset, most of the village is on that side of the main road, and there were crossing points

Giving permission would allow the owner the funds to repair the listed building.

The Highways Officer advised that the original proposal showed direct access off the A525 but that was not acceptable. He calculated there would be 5-6 car movements per hour which could be accommodated by the existing access as the roadway there is wide enough and has a footpath. The access was 35 m from the traffic lights and while visibility is not ideal, there would be an improvement. The parking standards require a maximum of 16 spaces for this size of public house and although only 11 are proposed, there is a bus stop nearby and pedestrian access to the site can be improved.

The Development Control Manager asked for clarification on the reasons for refusal. He suggested the following areas had been mentioned during the debate

Highway Safety (particularly with regard to the access); Parking (may be difficult to defend at appeal); Impact on the Listed Building despite the Conservation Architects view (but did the Members wish to include reference to the Conservation Area?); Impact on the Viability of the public house ;lack of open space on the site

Councillor Gwyneth Kensler (seconded by Ian Gunning) proposed that permission be REFUSED and suggested it be on the following grounds:

Highway safety at the proposed access

Loss of parking space at the public house

Impact on the setting of the Listed Building and Conservation Area

Lack of open space within the development

On being put to the Vote the result was as follows:

Grant – 2  
Refuse 22  
Abstain 1

*RESOLVED* therefore to **REFUSE** planning permission

The decision, being **CONTRARY** to the Officers' Recommendation was taken for the reasons listed above. The wording of the Reasons for Refusal for the certificate of decision to be drafted by the planning officers and the Local Member and Community Council to be informed.:

**Application No: 45/2010/0443/PF**

**Location:** Land at Rhyl Adventure Playground Rhydwen  
Close Rhyl

**Description:** Change of use of land to form extension to  
existing Caravan Park, including the erection of a  
5m high boundary fence

The following additional letters of representation were received:  
Mr D Wyn Williams , Marine Holiday Park, Cefndy Road Rhyl

.....  
**Public Speakers:**

**Councillor Wyn Mullen-James (for Rhyl Town Council)** In principle against the loss of open space which is habitat for flora and fauna. However having attended the site visit she welcomed the additional conditions suggested but also wanted to ensure the sculpture on the land is protected or relocated – the cost of which should to be borne by the applicant.

**In Favour: Mr Wyn Williams (applicant)** Explained the investment he has made in the caravan park and the awards received from Wales Tourist Board. The land in question detracts from the caravan park as it is unsightly with a dilapidated fence bordering onto a higher playground. This seems to encourage vandalism and anti social behaviour. The caravan park has had visits from fire brigade, police and had people needing hospital treatment.

The Chair allowed Members time to read the additional information provided, including a report of the site visit which took place on 25<sup>th</sup> July 2011 and suggested amended conditions.

Councillor David Thomas praised Mr Wyn Williams' work and felt the council departments involved could have been resolved the problems sooner. He was happy with the suggested conditions.

Councillor B Blakeley referred to a Wales in Bloom inspection he attended when this land looked unsightly. He was therefore in favour of this application

Councillor B Smith asked if the council was giving the land away or was there some recompense available.

Councillor TR Hughes asked about the involvement of FWAG

Councillor Pennington queried the measurements.

Development Control Manager (Paul Mead) answered Members questions: FWAG provided advice on trees as the Council no longer had a tree specialist in house.

The Council will be selling the land to the Caravan Park or possibly swapping for a piece of land in Mr Williams' ownership to facilitate the widening of Rhyl Cut .

Councillor DAJ Thomas proposed (seconded by B Blakeley) that permission be granted, subject to the suggested amended conditions

VOTE:

Grant 23

Refuse 0

Abstentions 1

**RESOLVED** THEREFORE TO **GRANT** permission subject to the following new conditions

- 3 works shall be permitted to commence until there has been submitted to, and agreed in writing by the Local Planning Authority, details of all the following:
  - a. The precise detailing and location of the proposed 5 metre high sports fence, and the proposed 1.8 metre high close boarded timber fence, relative to existing trees and the equipped play area including the proposals in the vicinity of the sculptures within that area
  - b. The works proposed to the trees and the extent of removal of undergrowth to accommodate the 5 metre high sports fence.
  - c. Proposals for the creation of a planted 'corridor' to include additional tree / shrub planting, (species and spacing), the timing of the planting, and arrangements for the maintenance and replacement of specimens over a 5 year period from the commencement of developments.

- d. The timing of the works, to ensure impacts on wildlife are kept to a minimum.

*Reason:* In the interests of visual amenity and to protect / enhance wildlife interest.

- 4 e of the trees within the application site shall be lopped, topped or removed without the prior written approval of the local planning authority.

*Reason:* In the interests of visual amenity and to protect / enhance wildlife interest.

**Note to applicant:**

You are advised to contact the relevant officers of the Council to ensure the line of the sports fence is set out in accordance with approved plans.

**Application No: 27/2011/0489/PF**

**Location: Tan y Fron Barn Tan y Fron Farm, Tan y Fron Lane, Eglwyseg, Llangollen**

**Description: Conversion of existing barn into single dwelling with associated external work, formation of vehicular access and installation of new septic tank**

Councillor T Rhys Hughes declared a personal interest in this application and left the Chamber during the debate.

Councillor L Morris proposed that permission be granted in accordance with the officer's recommendation,  
This was seconded by Councillor B Smith.

On being put to the vote this was carried  
Grant - 22 votes  
Refuse, 0  
Abstentions 0

**RESOLVED THEREFORE TO GRANT permission**

**Application No: 44/2011/0414/PF**

**Location: Clwyd View Touring Caravan Park Marsh Road  
Rhuddlan Rhyl**

**Description: Replacement of existing static caravan with a log  
cabin style unit for warden's accommodation and  
erection of a steel pitched roof canopy over  
existing toilet/shower block**

Councillor Selwyn Thomas declared a personal interest in this application and left the Chamber. Councillor G C Evans took the Chair

Officers introduced this item, stating that it is an established caravan site, within the Development Boundary for Rhuddlan. The cabin is to be placed on the area formerly occupied by a static caravan.

Councillor J Bellis asked about policy which states that change of use should not be allowed from static caravan to permanent residence.

Ian Weaver replied that this is for a manager or warden to live in so is part of the business use. It is also within the development boundary not in open countryside so there is no requirement to justify the need. He thought Councillor Bellis was referring to the emerging Local Development Plan rather than the current Unitary Development Plan.

Councillor H LI Jones referred to page 34 of the report which answers the question about policy issues.

Councillor T.R. Hughes (seconded by Colin Hughes) proposed that permission be granted

On being put to the vote the result was as follows:

To Grant – 23  
To Refuse – 0  
Abstentions 0

Resolved therefore to **GRANT permission**

**Application No: 45/2010/1470/PF**

**Location: 37 / 39 Pendyffryn Road Rhyl**

**Description: Alterations, extension and partial demolition of Plas Penydeuglawdd with conversion to 3 residential units and erection of terrace of 3 single-storey dwellings within garden and alterations to existing vehicular/pedestrian access (total site area 0.165 ha)**

The Chair allowed members time to read the additional information provide by officers.

### **Late Representations**

#### Denbighshire Affordable Housing Officer

Advises that grant funding for the 3 affordable bungalows is not in the section's development programme until 2013/14.

Councillor DAJ Thomas (seconded by B Blakeley) moved the recommendation to Grant permission provide that the development is started within 2 years and a Bond is established to safeguard the renovation of the listed building

Councillor DAJ Thomas stated that this proposed development had been on going for a number of years. The "enabling development" of 3 dwellings would help the developer renovate the important Listed Building which is deteriorating. Applications for redevelopment had been refused in the past because of lack of detail

Councillor Selwyn Thomas asked if it was possible to change a five year condition in accordance with Councillor David Thomas' suggestion. This was confirmed by Jane Kennedy.

Councillor Colin Hughes asked why there was no Listed Building Consent application and whether the residents' objection regarding the presence of bats could be addressed.

Paul Mead advised that a listed building application would be submitted if this planning application was approved. A condition requiring a bat survey could be included.

This application would be the subject of a legal obligation, and a bond would be in place to ensure works to the listed building would take place The 3 dwelling to

the rear of the property would be started first, but if the developer defaulted then the Bond would be used.

VOTE:

To Grant : 22

To Refuse 0

Abstentions: 1

RESOLVED THEREFORE TO **GRANT** permission

The decision is subject to the completion of a Section 106 agreement to secure:

- a) The provision of 3 affordable housing units and the retention of these for affordable purposes.
- b) The provision of a bond to ensure adequate funds are available for the completion of the renovation and conversion works on the retained listed buildings.

Amend condition 1 to read:.

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

The reasons for the suggested recommended revisions are to ensure the early commencement and completion of works on the listed buildings.

Add new condition

- 17 The development shall be carried out strictly in compliance with the recommendation in the Badger Assessment report dated 21<sup>st</sup> October 2010 and the Protected Species Survey Report received on 30<sup>th</sup> November 2011.

*Reason:* To ensure due protection to wildlife in connection with the development.



**Application No: 45/2011/0530/PF**

**Location: 83 High Street Rhyl**

**Description: Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services)(in retrospect)**

Councillor Ian Armstrong expressed concern that this Money Shop had already opened within a prime shopping street.

Councillor Colin Hughes was also concerned about the prime retail area being used for this type of business which, he felt, exploits vulnerable people and charges them high rates of interest.

Councillor Joan Butterfield doubted that anything could be done, but such a business should not be allowed to detract from the area. The former charity shop on these premises had not been closed long, so it should have been possible to exercise caution in letting it as a retail outlet. A Money Shop gives credence to an area of depravation.

Councillor M Eckersley felt that the Money Shop would at least pay business rates unlike the traders in the nearby precinct who offer to buy gold items.

Councillor DAJ Thomas asked if the Money Shop came under Financial Regulations. He also suggested a Supplementary Planning Guidance be developed to control the areas of trade for this kind of business and thought that provision of a service encourages the clients.

Councillor I Gunning asked if a refusal is feasible, with a reason to retain retail use in the area.

Paul Mead understood the social and moral issues and the perspective the Members felt this type of business gave to Rhyl but this particular premises is situated just outside the protected retail A1 shop area. It is in the same class as a Bank or accountants, so it would not be possible to refuse on that basis. They will need separate consent for the bright yellow advert sign already in place. He also confirmed that trading restrictions are in place on the street but not in the precinct.

He would consider developing a new SPG as suggested by Councillor DAJ Thomas in conjunction with the Policy Section

The Chair felt there was little that could be done and therefore put it to the vote

Councillor P Dobb (seconded by J Thompson Hill) moved that permission be granted

Grant :14  
Refuse 6  
Abstentions 3

**RESOLVED** therefore to **GRANT** planning permission

**Application No: 45/2011/0657/PF**

**Location: Land at Rhyl South East between Bro Deg and Dyserth Road Rhyl**

**Description: Application to establish the lawfulness of the use of a vehicular access point off Rhodfa Maen Gwyn to serve the major mixed use development site at Rhyl South East (Aberkinsey Park) as originally shown in outline planning permission 45/2004/1376//PO**

Additional plan was circulated showing roadways and the area in question.

Development Control Manager (Paul Mead) stressed to Members that this is not a planning application, so no debate into the merits of vehicular access or the issue of housing should be entered into.

Mr Mead outlined the history of the site – 17 hectares of land given outline planning permission for housing in 2006 and a legal agreement was drawn up which included the highway arrangements. The development was to progress in Phases. Phase 1 – for 40 houses has been started and permission for phases 2 and 3 was applied for in 2010, which included vehicular access through Rhodfa Maen Gwyn (as shown on the additional plan circulated). This application was refused and is now the subject of an appeal which is being held in abeyance. The application for a certificate of lawful use resulted in a Barrister's opinion being sought. The Barrister has confirmed that a Traffic Assessment included with the application in 2006 showed access through Rhodfa Maen Gwyn. The committee therefore had no right to refuse permission in 2010 on that basis. There is therefore no option but to accept the lawfulness of the use of the vehicular access point through Rhodfa Maen Gwyn. This was the strong recommendation from the officers and the Council's barrister.

Councillor Ian Gunning referred to a site visit he and Councillor Armstong attended and the problem with traffic in the area. He mentioned a traffic review in 2004 and felt an up to date review ought to be conducted.

On being put to the vote,  
To Certify 19  
To Refuse to Certify 0  
Abstained 2

Resolved therefore to **Certify the Lawful Use** of the vehicular access off Rhodfa Maen Gwyn to serve the major mixed use development site at Rhyl South East (Aberkinsey Park) as originally shown in outline planning permission 45/2004/1376//PO

**Application No: 45/2011/0657/PF**

**Location: 36 Bryn Cwnin Road Rhyl**

**Description: Erection of a detached garage to rear**

Councillor Peter Owen declared a personal interest in this application and left the Chamber during consideration thereof.

Councillor Brian Blakeley (seconded by Ian Armstrong) proposed that permission be granted:

On being put to the vote,

To Grant 19  
To Refuse 0  
Abstained 0

**RESOLVED** therefore to **GRANT** planning permission

**Application No: 46/2011/0563/PC**

**Location: Bod Erw Hotel The Roe St. Asaph**

**Description: Change of use of part of car park to a caravan storage area for a temporary period of 24 months (retrospective application)**

Councillor Gwilym Evans (seconded by Julian Thompson Hill) proposed that permission be refused

Vote:  
Grant : 0  
Refuse 15  
Abstain: 0

*RESOLVED* therefore that Permission be **REFUSED**

**ENFORCEMENT ITEM  
Ref ENF/2011/00015**

**Location: Bod Erw Hotel The Roe St. Asaph**

**Description: Unauthorised Change of use of part of car park to a caravan storage area**

Councillor Julian Thompson Hill (seconded by Brian Blakeley) proposed that Enforcement action be authorised

Vote  
To Authorise Enforcement Action 18  
To refuse to authorise 0  
Abstentions 0

**RESOLVED** That authorisation be granted for the following:

- (i) Serve an Enforcement Notice to secure the cessation of the unauthorised storage of static caravans. (Compliance period – 2 months).

- (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

## **5 PONTCYSYLLTE AQUEDUCT AND CANAL WORLD HERITAGE SITE:**

### **a) Joint Supplementary Planning Guidance Note; and b) Protocol for joint consideration of planning applications in the World Heritage Site and Buffer Zone.**

Submitted , report by Head of Planning Regeneration and Regulatory Services, presenting the draft Joint Supplementary Planning Guidance Note for the Pontcysyllte Aqueduct and Canal World Heritage Site. The report also includes a suggested protocol for considering planning applications in the World Heritage Site and Buffer Zone.

Angela Loftus, Policy Manager introduced this item, explaining this was an important step in dealing with applications in the World Heritage Site and buffer zone, with the setting up a small group of officers from Denbighshire, Wrexham and Shropshire Councils .

There would be considerable publicity starting in September 2011 with press notices, letters exhibitions and drop in sessions and visits to Community Councils held jointly between the three authorities.

Members had a number of queries and it was agreed that the local Llangollen members would be heavily involved but the planning committee would also be informed of developments, before any decision is made at Full Council  
It was suggested that Members would benefit from a site visit to the area .

On being put to the vote, the recommendation was Carried

To approve the recommendation -20

Against 0

Abstentions 2

Resolved therefore

To approve the draft Joint Supplementary Planning Guidance Note for consultation for a 12 week period commencing in September 2011.

To allow delegate authority for the Lead Member for Sustainable Development & Environment in consultation with the Head of Planning, Regeneration, and Regulatory Services to agree any non-material changes to the draft Supplementary Planning Guidance Note which may be necessary prior to consultation following the WHS Steering Group comments.

To approve the protocol for joint consideration of planning applications in the World Heritage Site and Buffer Zone with immediate effect.

To arrange a site visit for Planning Committee members

## **6 INFORMATION ITEM**

### **THE APPLICATION PROCESS INVOLVING THE INFRASTRUCTURE PLANNING COMMISSION**

Submitted , report by Head of Planning Regeneration and Regulatory Services, provide members with a factual outline of the process involved in the handling of major planning applications by the Infrastructure Planning Commission (IPC), and the role of Denbighshire County Council in that process. It also includes a summary of schemes on which the County Council have been listed as a statutory consultee by the IPC, so Members are aware of the number of proposals where the Council are involved.

**Resolved that the report be received for information**

#### **EXCLUSION OF PRESS AND PUBLIC**

***RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act.*

## **7 Application No: 44/2011/0508/OB**

**Location: Abbey Nurseries Abbey Road Rhuddlan Rhyl**

**Description: Modification of Section 106 Obligation relating to the provision of affordable housing, involving payment of a commuted sum total of £115,400**

Ann Davies proposed GRANTING the Modification (seconded by Peter Owen)  
Selwyn Thomas proposed REFUSAL (seconded by Colin Hughes)

On being put to the vote:

Agree to modification 6  
Refuse modification 14  
Abstentions 2

**RESOLVED** therefore that the application for Modification of Section 106 Obligation relating to the provision of affordable housing involving payment of a commuted sum total of £115,400 be **REFUSED**

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

The Local Planning Authority considers that the original obligation continues to serve a useful planning purpose which would not be met by the variation sought, as the level of provision proposed for affordable housing is inadequate.

**JANE KENNEDY**

The Chair, in closing the meeting, pointed out the Acting Head of Corporate Governance, Jane Kennedy, would be retiring in October, and this would be her last Planning Committee. He paid tribute to her professionalism and was grateful for the advice given over the years. Members and officers joined the Chair in thanking Ms Kennedy and wishing her well.

Meeting closed at 12:45 pm

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 28 ain Medi 2011**  
**Eitem: 5**

**PLANNING COMMITTEE**  
**MEETING – 28<sup>th</sup> September 2011**  
**Agenda Item: 5**

**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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| 2              | 20/2011/0981/PF       | <b>Barn- Ysgubor Ucha at Glascoed Pentre Celyn Ruthin</b><br>Conversion of existing redundant farm outbuilding to form a new dwelling, alterations to existing vehicular access, installation of a new septic tank and associated works           | 6              |
| 3              | 28/2011/0953/AC       | <b>Henllan Training Centre Henllan Denbigh</b><br>Details of affordable housing provision submitted in accordance with condition number 16 of outline planning permission 28/2009/0705/PO   | 11             |
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| 5              | 30/2011/0901/PF       | <b>Bron Yr Aur Upper Denbigh Road St. Asaph</b><br>Erection of a detached double garage (re-submission of application refused under reference 30/2010/1359/PF)  | 19             |
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| 7              | 45/2011/0572/PF       | <b>St. Davids Residential Home 36 East Parade Rhyl</b><br>Erection of 60-bed care home to the rear of St. David's Residential Home, construction of new car park and new vehicular access from East Parade and service drive from Tarleton Street | 27             |
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**ITEM NO:** 1

**WARD NO:** Llanbedr Dyffryn Clwyd / Llangynhafal

**APPLICATION NO:** 16/2011/0691/ PF

**PROPOSAL:** Conversion and extension of the former garages into 1 no. dwelling with a designated bat roost in the roof void

**LOCATION:** Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

**APPLICANT:** Mr Rod Cox

**CONSTRAINTS:** AONB

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

#### **CONSULTATION RESPONSES**

LLANBEDR DC COMMUNITY COUNCIL  
"No observations/objections"

COUNTRYSIDE COUNCIL FOR WALES  
CCW does not object to the proposal.

DWR CYMRU/WELSH WATER  
No objection subject to standard condition on foul and surface water drainage.

#### **DCC CONSULTEE RESPONSES**

BIODIVERSITY OFFICER  
Support the application.

HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection.

#### **JAC/AONB COMMITTEE**

" Provided the LPA is satisfied that the building is structurally sound and capable of conversion the JAC has no observations to make on the principle of conversion to residential use. The JAC supports all measures necessary to provide appropriate mitigation for the presence of protected species on the site."

#### **RESPONSE TO PUBLICITY**

##### **Representation received from:**

Susan Smith, The Coach House, Llanbedr Hall Estate, Llanbedr DC\*

Theresa Burling, 4 Bryn Coed, Llanbedr Hall, Llanbedr DC

Mr Daniel Marsh, Bryn Heulog, Llanbedr Hall, Llanbedr DC

RG Houghton, 4 Y Llys, Llanbedr Hall, Llanbedr DC\*

Kerry James Planning on behalf of Mr B McQueen, Cedar Gardens, Llanbedr Hall, Llanbedr DC\*

Mr Dilwyn Jones, 3 Bryn Adar, Llanbedr Hall, Llanbedr DC\*

D Bollington, 2 Y Llys, Llanbedr Hall, Llanbedr DC\*

\*Denotes observations made on original site plan and revised site plan information

**Summary of representations:**

Concerns over inadequate parking on site.

Concerns over the structural integrity of the garages

Concerns over the lack of marketing of garages for commercial use

**REASON FOR DELAY IN DECISION :**

- Additional information required by applicant

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

1.1.1 The proposal is for the conversion of a white rendered and slate roofed former garage building located within the Llanbedr Hall complex. The application proposes the conversion to a 3 bed single dwelling and the creation of a bat roost in the roof space. The conversion would require the re-roofing of part of the double pitched roof profile with the creation of a decked area, balcony and private amenity space.

1.1.2 The application is accompanied by a detailed structural report and design and access (DAS) statement which comments on the adequacy and suitability of the former garages for conversion. An ecological survey and report has also been submitted in support of the application.

**1.2 Description of site and surroundings**

1.2.1 The former garages are located to the east of the main Llanbedr Hall amongst a rather complicated layout of dwellings within the estate.

1.2.1 Access to the site is achieved via the north entrance to the Hall site which leads to an existing tarmac driveway serving existing dwellings.

**1.3 Relevant planning constraints/considerations**

1.3.1 The site is located in the open countryside outside any defined settlement boundary. The site is within the designated Area of Outstanding Natural Beauty (AONB).

**1.4 Relevant Planning History**

1.4.1 There is no planning history directly relevant to the garage block site. There have been a number of proposed schemes put forward for the redevelopment of the main Llanbedr Hall site. There are two existing proposals for such a redevelopment but neither are considered to be of direct relevance to this stand alone proposal.

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

1.5.1 The applicant has sought to clarify the site plan in the context of the proposal. A query was made by a neighbouring land owner in terms of the accuracy of the plan. The applicant has clarified this boundary issue and has served the correct notice on the person with an interest in the land. This is a civil matter between the two parties.

**1.6 Other relevant background information**

1.6.1 The application has been formulated having regard to other potential developments on the main site, however, it must be assessed on its merits against the relevant conversion Policy in the UDP. The bat mitigation has been promoted having regard to input from the Biodiversity Officer and CCW.

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

2.1 None.

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

The main planning policies and guidance are considered to be:

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

Policy GEN 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 9 – Parking and Servicing Provision

3.2 Supplementary Planning Guidance

SPG No. 16 – Conversion of Rural Buildings

3.3 Government Guidance

Planning Policy Wales Edition 4

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

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

4.1.1 Principle

4.1.2 Residential Amenity

4.1.3 Highway Safety

4.1.4 Ecological Impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 relates to development outside the development boundaries and states that residential development will not be permitted apart from some exceptions, the most relevant being the conversion and re-use of vacant rural buildings. Policy HSG 9 of the UDP relates specifically to the residential conversion of rural buildings to dwellings. This policy allows for the conversion where the building is structurally sound and capable of conversion without major or complete reconstruction.

In terms of Policy HSG 9 there are a number of other criteria against which a conversion scheme should be assessed. The Policy mentions the need to have regard to any possible business uses for the building before considering a residential conversion. The LPA has not been too strict in its use of this part of the Policy as, in many instances, a business use in a particular location can be more harmful to both the building and the surrounding area than a modest residential conversion.

The submitted DAS and other supporting documents show that the building is capable of conversion without major or substantial reconstruction. This has been confirmed by the Council's Building Control Officers. The scheme of conversion meets the general tests of the Policy and the guidance in the SPG. The building will retain its character and there should be no detrimental impact upon neighbouring properties or highway safety. An adequate amenity area will be provided also.

4.2.2 Impact on Residential Amenity

Policy GEN 6 sets specific tests to be applied to the amenity impacts of such proposals. The general layout of residential units within the Llanbedr Hall complex is such that the existing levels of residential amenity are governed by shared spaces for parking and buildings in close proximity to each other. The garage block conversion attempts to minimise impact on existing residential uses by avoiding main windows/roof windows adjacent to private amenity spaces. Modest extensions are proposed to the garage block to create a porch and small decked area on the west side.

#### 4.2.3 Highway Impact

Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable impact on the local highway network. Policy TRA 9 also sets out criteria for the parking provision within new developments. The proposal indicates how vehicles will be able to access the site via the private road to the North-East. Parking for 2 no. cars and vehicular turning areas will be located to the south-east of the garage block. The Council's Highway Engineer has assessed the proposal and raises no concerns. Whilst it is accepted that there may be existing difficulties in terms of parking and turning in the site generally, many issues raised by neighbours relate to civil matters of land ownership and rights of way.

The treatment of the boundaries to the private amenity space created in this proposal may overcome some of the concerns raised as to parking and turning. This is an issue which can be dealt with by way of a planning condition.

#### 4.2.4 Ecological Impact

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

A detailed Ecological report has been submitted and assessed as part of this proposal. The report sets out the detailed bat mitigation measures to be employed which, it has been agreed, will preserve the species and provide adequate arrangements for any future developments on the site. Both CCW and the Council's Biodiversity Officer support the proposals.

### 5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the criteria of the relevant policies and is therefore recommended for grant. Any issues of land ownership and other civil rights of way or parking arrangements are not considered relevant to this assessment.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials to be used on the roof of the building shall be blue/grey natural mineral slate of uniform colour and texture.
3. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The development shall be carried out in accordance with the Bat Management Proposal by MM Environmental Aug 2010 submitted to the LPA on 8th June 2011.
6. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any

order revoking or re-enacting that Order with or without modification) no development by the said Classes shall be carried out without the further granting of planning permission of the Local Planning Authority.

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

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of the protection of the relevant species.
6. In the interests of residential and/or visual amenity.
7. To protect the integrity of the public sewerage system.

**NOTES TO APPLICANT:**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on Tel: 0800 9172652.

Development may only proceed following the issuing of the appropriate licence from the Welsh Government under Regulation 53(2) (e) of the 2010 Regulations.

**ITEM NO:** 2

**WARD NO:** Llanfair Dyffryn Clwyd / Gwyddelwern

**APPLICATION NO:** 20/2011/0981/ PF

**PROPOSAL:** Conversion of existing redundant farm outbuilding to form a new dwelling, alterations to existing vehicular access, installation of a new septic tank and associated works

**LOCATION:** Barn- Ysgubor Ucha at Glascoed Pentre Celyn Ruthin

**APPLICANT:** Mr & Mrs Elfed & Mair Evans

**CONSTRAINTS:** PROW

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

**CONSULTATION RESPONSES:**

LLANFAIR DC COMMUNITY COUNCIL

“Having viewed the plans my Members support the application. Councillor Bobby Feeley did not participate or vote on this matter.”

COUNTRYSIDE COUNCIL FOR WALES

CCW does not object to the proposal.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

Request the applicant carry out a photographic survey of the building before any development commences.

ENVIRONMENT AGENCY

To be reported.

**DCC CONSULTEE RESPONSES:**

BIODIVERSITY OFFICER

No objection, concur with the conclusions of the protected species report.

Precautionary measures should be followed to ensure bats/birds are taken into account during any conversion.

BUILDING CONTROL OFFICER

Building is capable of conversion.

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objections subject to conditions to control details of the access and parking areas.

**RESPONSE TO PUBLICITY:**

None

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

None.



## **PLANNING ASSESSMENT**

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

#### 1.1 Summary of Proposals

- 1.1.1 The proposal is for the conversion of a stone outbuilding at Ysgubor Ucha, Glascoed, Pentrecelyn. The application is a re-submission of a previously refused scheme of conversion which was subsequently dismissed on appeal. The proposal seeks permission to convert the former barn into a modest 2 bedroom dwelling over two floors.
- 1.1.2 The proposal incorporates alterations to an existing vehicular access point of the minor rural road to create increased visibility. This would lead into a parking and turning area to the front of the unit with the main garden area to the side and rear.
- 1.1.3 The application is accompanied by a detailed structural report and design and access statement (DAS), which comments on the adequacy and suitability of the barn for the scheme of conversion. The application also contains a Protected Species Survey report and a Septic Tank percolation test result document. The DAS makes reference to alterations made to the building in the intervening period between the previous appeal decision and the submission of this application.

#### 1.2 Description of site and surroundings

- 1.2.1 The outbuilding lies to the west of a minor rural road and is a former barn. The building sits in an elevated position within rolling countryside and is bounded by post and rail fencing to its north-west and north-east boundaries.
- 1.2.2 The main stone barn has a pitched corrugated tin roof with an attached lean-to breeze block pen structure on its south side. The land around the building tends to slope away from east to west.
- 1.2.3 The structure itself has undergone some “maintenance” work since 2008 involving:-
- Re-screwing of 3 roof sheets, patching and painting of roof
  - Replacing lintels over 2 openings with associated work
  - Erection of ship lap cladding to the front elevation.

#### 1.3 Relevant planning constraints/considerations

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

#### 1.4 Relevant planning history

- 1.4.1 There have been three separate applications to convert the barn into a dwelling. The first application was refused in 1972. More recently, however, an application to convert the barn was refused in November 2007 for two reasons. Firstly, the structural report stated that major renovation and reconstruction work was required in order to achieve the conversion. Secondly, the scheme of conversion itself failed to preserve the inherent character of the building. This meant the scheme was contrary to the relevant UDP policy HSG 9.
- 1.4.2 In April 2008 a further application to convert the barn was refused by the Council for the same fundamental reasons as in 2007. The applicant appealed this decision but the Inspector dismissed this appeal.

1.5 Developments/changes since the original submission

1.5.1 An addendum report to the DAS was submitted which made reference to the more recent planning application and appeal at the site.

1.6 Other relevant background information

1.6.1 The application is being considered by Planning Committee at the request of the Local Member, Councillor Hugh Evans. Councillor Evans made the request in order that the changes in circumstances since the appeal can be fully assessed in light of the Planning Policies.

**2. DETAILS OF PLANNING HISTORY**

2.1 20/2007/1096/PF – Conversion of former farm building to dwelling, installation of new septic tank and alterations to existing vehicular access: REFUSED under DELEGATED POWERS, 14<sup>th</sup> Nov 2007 for the following reasons:-

1. The structural report submitted with the application states that major renovation and reconstruction works will be required in order to achieve the proposed conversion. As such, it is not considered that the building is structurally sound and capable of conversion without major or complete reconstruction and accordingly the proposal is contrary to Policies GEN 3 and HSG 9 of the Denbighshire Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 16 'Conversion of Rural Buildings' and advice as contained in Planning Policy Wales 2002 and Technical Advice Note 6 2000.
2. The scale of the proposed changes to the building shown on the submitted plans in order to facilitate its conversion to a residential property are considered to represent major reconstruction and therefore fail to preserve the inherent character of the building. Therefore, the proposal is contrary to Policies GEN 3 and HSG 9 of the Denbighshire Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 16 'Conversion of Rural Buildings' and advice as contained in Planning Policy Wales 2002 and Technical Advice Note 6 2000.

2.2 20/2008/0293/PF – As above: REFUSED under DELEGATED POWERS, 29<sup>th</sup> April 2008 and DISMISSED ON APPEAL 2<sup>nd</sup> March 2009.

1. The structural report submitted with the application states that major renovation and reconstruction works will be required in order to achieve the proposed conversion. As such, it is not considered that the building is structurally sound and capable of conversion without major or complete reconstruction and accordingly the proposal is contrary to Policies GEN 3 and HSG 9 of the Denbighshire Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 16 'Conversion of Rural Buildings' and advice as contained in Planning Policy Wales 2002 and Technical Advice Note 6 2000.
2. The scale of the proposed changes to the building shown on the submitted plans in order to facilitate its conversion to a residential property are considered to represent major reconstruction and therefore fail to preserve the inherent character of the building. Therefore, the proposal is contrary to Policies GEN 3 and HSG 9 of the Denbighshire Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 16 'Conversion of Rural Buildings' and advice as contained in Planning Policy Wales 2002 and Technical Advice Note 6 2000.

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

The main planning policies and guidance are considered to be:

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

Policy GEN 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

#### **3.2 Supplementary Planning Guidance**

SPG 16 – Conversion of Rural Buildings

#### **3.3 GOVERNMENT GUIDANCE**

Planning Policy Wales edition 4

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

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

##### **4.1.1 Principle and changes since the appeal decision**

#### **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 certain exceptions, the most relevant being the conversion and re-use of vacant rural buildings. Policy HSG 9 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. The SPG mentioned above provides further advice on these requirements.

It is considered that the planning history of the building and site is a material consideration in this instance.

Whilst it is evident that the current barn structure, having regard to the “maintenance” work undertaken since 2008, is now structurally sound and capable of conversion without major or substantial reconstruction Officers are required to give consideration as to whether an abuse of the system has taken place to facilitate the submission of this conversion scheme.

Policy HSG 9 makes reference to circumstances where such an abuse could take place, for example, when a new rural building is constructed in order to promote a future conversion. The same principle could apply to a case where the reconstruction needed to facilitate a conversion is done outside of the planning process in order to overcome previous reasons for refusal.

The key test here is whether the “maintenance” works undertaken since 2008 has been a clear attempt to circumvent the planning process and to overcome the previous refusal reasons and appeal concerns.

The applicants have constructed a ship lap cladding to almost the entire front elevation of the barn. Photographs taken of the building in 2008 and those taken more recently show the extent of works undertaken. The rear elevation has undergone structural repairs and parts of the corrugated roof have also been repaired and painted.

Officers consider it a dangerous precedent to allow the conversion scheme as shown now based on the works which have been undertaken to the

building since the previous refusal and appeal decision. Clearly, such a decision could result in other derelict and otherwise structural deficient buildings in the open countryside being repaired in order to meet Policy criteria resulting in the spread of sporadic dwellings contrary to the overall intentions of Planning Policy and guidance.

## **5. SUMMARY AND CONCLUSIONS**

5.1 The proposal represents a clear attempt to circumvent the planning process in that the previously derelict and structurally deficient barn has been repaired and maintained over a period of time in order to overcome previous refusal reasons for its conversion. Whilst the building is now capable of conversion without major or substantial reconstruction and the scheme of conversion in itself appears to respect the character of the existing structure, Officers consider a dangerous precedent would be set by allowing this abuse of the system.

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

The reason is :-

1. The proposed conversion of this previously derelict and structurally deficient barn represents a circumvention of the planning process in that remedial repair works have been undertaken in order to address the previous structural and conversion concerns outlined in the 2009 planning appeal. Such works represent reconstruction to a level which makes the current proposal contrary to the intentions of Policy HSG 9 - Residential Conversion of Rural Buildings to Dwellings.

### **NOTES TO APPLICANT:**

None

**ITEM NO:** 3

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 28/2011/0953/ AC

**PROPOSAL:** Details of affordable housing provision submitted in accordance with condition number 16 of outline planning permission 28/2009/0705/PO

**LOCATION:** Henllan Training Centre, Henllan, Denbigh

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

HENLLAN COMMUNITY COUNCIL

"No observations to make on the above subject".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

AFFORDABLE HOUSING OFFICER

Proposals are in accordance with the council's adopted policies. 3 units (ISIL project) are for a much needed learning difficulties scheme, and the additional 6 would be social housing with benchmarked rents. Need is clearly established.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
R. Roberts, Porth Kerry, Garn Lane, Henllan

Summary of planning based representations:  
Support principle of affordable housing

Concern over location of units  
Potential devaluation of price of adjoining properties

Physical impact on nearby property  
Units seem cramped close to site boundary, as shown on plan.

**EXPIRY DATE OF APPLICATION: 02/10/2011****PLANNING ASSESSMENT:****1. THE PROPOSAL:****1.1 Summary of proposals**

- 1.1.1 The application contains details of the affordable housing arrangements proposed in connection with a housing development at the former Henllan Centre site, off the Garn Road, in Henllan village.
- 1.1.2 This is an 'approval of condition' application submitted in order to comply with condition 16 imposed on the outline planning permission granted in February

2010 for residential development on the site. Approval of condition applications are normally dealt with under officers' delegated powers, but this one and the one forming the subject of the following report on the agenda (Code No. 28/2011/0956/AC) relating to the drainage arrangements, are being reported to Committee at the request of members when the 'reserved matters' application for 3 bungalows was approved in March 2011.

- 1.1.3 The submission consists of two letters from Wales and West Housing Association outlining the detailed proposals for affordable housing provision, and a plan showing ideas for the location of the units. The plan is included at the front of the report. The proposals are:-
- to develop a total of 9 affordable units (3 in the Phase 1 (ISIL) development, and a further 6 close to the site entrance). This would mean a total of 30% affordable provision for the site as the maximum number of dwellings on the site would be 30;
  - to develop the additional 6 social rented units in the 2012/13 financial year;
  - to retain the units in the ownership of Wales and West, who would ensure they are kept as affordable units;
  - to control the occupancy of the units in accordance with Welsh Government regulations for Registered Social Landlords. Occupancy criteria for tenants would be derived from a waiting list in conjunction with Denbighshire; and the Council have 100% nominations for the ISIL project and 50% for the rest.
- 1.1.4 The sole issue to be addressed with this approval of condition application is the acceptability of the arrangements for affordable housing provision. The principle of residential development on the land, and the detailed layout and appearance of the 3 bungalows proposed as a 'Phase 1' development have been approved as part of the outline and reserved matters applications, and are not up for reconsideration at this stage.

## 1.2 Description of site and surroundings

- 1.2.1 The former Henllan Centre site is located in the north part of the village, and is accessed off the B5429 Garn Road. It is surrounded by existing housing developments at Godre'r Garn, Bryntirion, Maes Sadwrn, and Glasfryn, and by the property Porth Kerry close to the B Road entrance.
- 1.2.2 The site has been occupied previously by the buildings which developed in connection with an adult training centre. These have been demolished to make way for the residential development.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the village development boundary as shown on the proposals map in the Unitary Development Plan.

## 1.4 Relevant planning history

- 1.4.1 The mental health training centre formally on the site was developed following planning consents in the 1964-67 period.
- 1.4.2 Outline permission for residential development was granted at Committee in February 2010, and the 'reserved matters' approval for a Phase 1 development containing 3 bungalows for use as supported housing for adults with learning disabilities was given in March 2011. Condition 16 of the outline permission obliged approval of affordable housing arrangements.

1.5 Developments/changes since the original submission

- 1.5.1 The submission seeking approval of arrangements for affordable housing has been compiled by Wales and West Housing Association.

It has been forwarded along with information for approval in relation to other conditions on the outline permission, which relate to ecology, archaeology, a construction method statement, and open space provision.

- 1.5.2 Consultation on the application has been undertaken with Henllan Community Council, and by circulating an information sheet to occupiers of property surrounding the site, so local residents are aware of the submissions.

**2. DETAILS OF PLANNING HISTORY:**

2.1 28/2009/0705/PO

Demolition of existing buildings and development of 1.6ha of land for residential purposes and alterations to existing vehicular access (outline application) GRANTED at Planning Committee - 17/02/2010

2.2 28/2010/1339/PR

Reserved matters submission for phase 1 of development including construction of new access road and details of 3 bungalows to provide supported housing for adults with learning disabilities – APPROVED at Planning Committee -16/03/2011

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy HSG 10 – Affordable housing within development boundaries

3.2 Supplementary Planning Guidance

Policy SPG 22 – Affordable Housing in New Developments

3.3 WELSH GOVERNMENT GUIDANCE

Technical Advice Note 1 – Planning and affordable housing

**4. MAIN PLANNING CONSIDERATIONS:**

- 4.1 The sole consideration in relation to this approval of condition application is whether the proposed arrangements for affordable housing provision are acceptable.

4.2 In relation to this consideration:

The Council's planning policy and guidance require affordable housing provision in connection with housing schemes within development boundaries (HSG 10), and set out detailed mechanisms for delivery (SPG 22) in support of the general principles in Technical Advice Note 2. The current 'standard' in SPG 22 is 30% provision on sites of 0.1 hectare or 3 units where need is identified.

The proposal is for 9 affordable units out of a maximum of 30 which can be developed on the site, which represents a total of 30%. Individual representations received express support for the principle of affordable provision, but outline concerns over the potential location of units next to existing private housing.

The level of provision of affordable units, and the arrangements for controlling occupation complies with current policy and guidance. With regard to the comments raised:-

- the detailing of the 6 units, close to the site entrance will need to be subject to a 'Phase 2' planning application, when the physical relationship with nearby property can be fully assessed. This approval of condition application seeks only to agree the principle of provision (numbers and mechanism to ensure future use as affordable);
- potential impact on property value from locating affordable housing nearby could not be regarded as a ground for refusing to approve this application. The application only seeks approval of the level of provision within the whole site.

**5. SUMMARY AND CONCLUSIONS:**

- 5.1 The proposed level of provision of affordable units is in accord with current policy and guidance and is recommended for approval.

**RECOMMENDATION: - APPROVE**

**NOTES TO APPLICANT:**

None



**ITEM NO:** 4

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 28/2011/0956/ AC

**PROPOSAL:** Details of drainage systems submitted in accordance with condition number 23 of outline planning permission 28/2009/0705/PO

**LOCATION:** Henllan Training Centre Henllan Denbigh

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

HENLLAN COMMUNITY COUNCIL

"No observations to make on the above subject".

ENVIRONMENT AGENCY

Confirm that with regard to information on surface water drainage (calculations and soakaway test report) the submitted details demonstrate there is a suitable surface water scheme proposed.

WELSH WATER/DWR CYMRU

Foul and surface water arrangements are acceptable in principle and the condition can be discharged.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HIGHWAY ENGINEER

Satisfied at the detailing of the highways surface water drainage system.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 02/10/2011****PLANNING ASSESSMENT:****1. THE PROPOSAL:****1.1 Summary of proposals**

- 1.1.1 The application contains details of the drainage arrangements proposed in connection with a housing development at the former Henllan Centre site, off the Garn Road, in Henllan village.
- 1.1.2 This is an 'approval of condition' application submitted in order to comply with condition 23 as imposed on the outline planning permission granted in February 2010 for residential development on the site. Approval of condition applications are normally dealt with under officers' delegated powers, but this one and the one forming the subject of the previous report on the agenda

(Code No. 28/2011/0953/AC) relating to affordable housing arrangements, are being reported to Committee at the request of members when the 'reserved matters' application for 3 bungalows was approved in March 2011.

- 1.1.3 The submission consists of an explanatory statement outlining the proposals, email correspondence with the Environment Agency and Denbighshire Highways Officers and plans showing the detailing of the scheme. The plans are copied at the front of the report. The proposals are:-
- to construct separate foul and surface water drainage systems, having regard to current legislation, including guidance on Sustainable Urban Drainage Systems (SuDS)
  - to discharge foul water from the Phase 1 development to the adopted sewer located in the south-east corner of the site, via a pumping station; and ultimately to design the entire system for the development so it can all drain by gravity to the public system (all to be by agreement and inspection with Welsh Water).
  - to deal with surface water by way of two gravity fed soakaways into the upper layer of limestone rock, one for adoption serving the highway, and one private to service the new development (the latter following detailed investigation and dialogue with the Environment Agency).

- 1.1.4 The sole issue to be addressed with this approval of condition application is the acceptability of the arrangements for disposal of foul and surface water. The principle of residential development on the land, and the detailed layout and appearance of the 3 bungalows proposed as a 'Phase 1' development have been approved as part of the outline and reserved matters applications, and are not up for reconsideration at this stage.

## 1.2 Description of site and surroundings

- 1.2.1 The former Henllan Centre site is located in the north part of the village, and is accessed off the B5429 Garn Road. It is surrounded by existing housing developments at Godre'r Garn, Bryntirion, Maes Sadwrn, and Glasfryn, and by the property Porth Kerry close to the B Road entrance.
- 1.2.2 The site has been occupied previously by the buildings which developed in connection with an adult training centre. These have been demolished to make way for the residential development.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the village development boundary as shown on the proposals map in the Unitary Development Plan.

## 1.4 Relevant planning history

- 1.4.1 The mental health training centre formally on the site was developed following planning consents in the 1964-67 period.
- 1.4.2 Outline permission for residential development was granted at Committee in February 2010, and the 'reserved matters' approval for a Phase 1 development containing 3 bungalows for use as supported housing for adults with learning disabilities was given in March 2011. Condition 23 of the outline permission obliged approval of drainage arrangements.

## 1.5 Developments/changes since the original submission

- 1.5.1 The submission seeking approval of arrangements for foul and surface water drainage has been compiled by Bingham Hall Partnership. This includes additional information submitted following responses from Welsh Water and Environment Agency Wales on the soakaway arrangements.

It has been forwarded along with information for approval in relation to other conditions on the outline permission, which relate to ecology, archaeology, a construction method statement, and open space provision.

- 1.5.2 Consultation on the application has been undertaken with Henllan Community Council, and by circulating an information sheet to occupiers of property surrounding the site, so local residents are aware of the submissions.

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

### **2.1 28/2009/0705/PO**

Demolition of existing buildings and development of 1.6ha of land for residential purposes and alterations to existing vehicular access (outline application) GRANTED at Planning Committee -17/02/2010

### **2.2 28/2010/1339/PR**

Reserved matters submission for phase 1 of development including construction of new access road and details of 3 bungalows to provide supported housing for adults with learning disabilities – APPROVED at Planning Committee - 16/03/2011

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

The main planning policies and guidance are considered to be:

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

Policy GEN 6 – Development control requirements  
Policy ENP 1 – Pollution  
Policy ENP 4 – Foul and Surface Water drainage

### **3.2 Supplementary Planning Guidance**

Policy SPG 22 – Affordable Housing in New Developments

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

- 4.1 The sole consideration in relation to this approval of condition application is whether the proposed arrangements for drainage are acceptable.

### **4.2 In relation to this consideration:**

The relevant Unitary Plan policies oblige due consideration of the impact of drainage proposals on the environment. GEN 6 sets a general requirement to satisfy natural environmental considerations relating to drainage. ENP 1 does not permit development where it would unacceptably harm the environment/amenity of nearby properties, including in terms of pollution of surface water or ground water. ENP 4 does not permit development unless satisfactory arrangements can be made for the disposal of foul and surface water. This latter policy mentions that proposals will not be acceptable if they would overload or prejudicially affect existing sewerage/sewage treatment facilities or create or increase sewage pollution.

As detailed in the report, the proposals involve separate proposals for foul water (connection to foul sewer by a pumped system) and surface water (highway water to one soakaway, roof water to a second soakaway). Technical consultee responses from the Environment Agency, Welsh Water and the Council's Highway Engineer raise no objections to the proposed detailing.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The detailed drainage proposals have been designed in collaboration with Welsh Water, the Environment Agency and the Council's drainage and highway engineers. Whilst appreciating previous local concern on the history of drainage problems in the village, the Council has to deal with this approval of condition application on its merits. As there are no 'technical' objections from the respective bodies responsible for the overseeing and adoption of the drainage systems, it is recommended that the proposals be approved.

**RECOMMENDATION: - APPROVE**

**NOTES TO APPLICANT:**

None

**ITEM NO:** 5

**WARD NO:** Trefnant

**APPLICATION NO:** 30/2011/0901/ PF

**PROPOSAL:** Erection of a detached double garage (re-submission of application refused under reference 30/2010/1359/PF)

**LOCATION:** Bron Yr Aur Upper Denbigh Road St. Asaph

**APPLICANT:** Mr Huw Jones

**CONSTRAINTS:** CLA-Class A Road

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

**CONSULTATION RESPONSES:**

TREFNANT COMMUNITY COUNCIL  
'No observations'

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mrs. D. Davies, Bradgate, Upper Denbigh Road, St. Asaph

Summary of planning based representations:

- Scale of the garage/overdevelopment of the site
- Out of character with surrounding area/street scene- in front of building line.
- Impact on residential amenity.

**EXPIRY DATE OF APPLICATION: 20/09/2011**

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

- No available committee due to summer recess

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

1.1.1 Planning permission is sought for the erection of a detached double garage, at Bron yr Aur, Upper Denbigh Road, St. Asaph.

1.1.2 The garage would have a footprint of 6.4m by 6.4m, with a height of 4.2m to the ridgeline. No windows are proposed. The garage would be sited to the front of the property.

1.2 Description of site and surroundings

1.2.1 Bron yr Aur is a two storey dwelling with a slate roof and exterior walls finished in red brick and white render.

1.2.2 The site has neighbouring detached bungalows to the north and south, St. Asaph road to the west, and two storey detached dwellings to the east on the

Llys Cerrig cul-de-sac. Residential properties fronting onto Upper Denbigh Road are characterised by large garden areas to the front and rear.

- 1.2.3 The northern boundary between the site and Bradgate consists of wooden panel fencing and trees. The site has screening afforded from Upper Denbigh Road to the front of the property by existing mature trees and shrubs.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 None.

### 1.4 Relevant planning history

- 1.4.1 This application is a resubmission of planning application 30/2010/1359/PF which was refused by planning committee against officer recommendation on 13/04/2011. No alterations have been made to the original submission, however additional supporting information has been provided. The reason for refusal was:

'It is the opinion of the Local Planning Authority that the proposed garage would, by virtue of its location to the front of the dwelling and its detailing, have an unacceptable impact on the residential amenities of the adjoining dwelling Bradgate, and an unacceptable impact on the visual amenity and character of the area, being the only significant building located between any of the dwellings and the highway in the immediate vicinity, contrary to key tests in policies GEN6 and HSG12 of the Denbighshire Unitary Development Plan and Supplementary Planning Guidance Note 24 - Householder Development Design Guide, Guidance Note 3 relating to garages and outbuildings.'

- 1.4.2 There has been a previous consent for an extension to the dwelling and construction of swimming pool, granted 1983.

### 1.5 Developments/changes since the original submission

- 1.5.1 None.

### 1.6 Other relevant background information

- 1.6.1 Cllr Meirick Lloyd Davies has requested the application be referred to planning committee to assess the visual and residential amenity implications.

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

- 2.1 1/TRE/6948, Extension to dwelling and construction of swimming pool - GRANTED 16/12/1983 under delegated powers.

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

The main planning policies and guidance are considered to be:

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

Policy GEN 6 Development control requirements

Policy HSG 12 Extensions to dwellings

### 3.2 Supplementary Planning Guidance

SPG 1- Extensions to dwellings

SPG 24- Householder development design guide

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

The main land use planning issues are considered to be:

- i) Principle
- ii) Detailed design and impacts
- iii) Neighbour comments

In relation to the main planning considerations:

i) Principle.

Whilst the application is for a detached garage, the principles of policy HSG 12 are considered applicable. The principle of extending existing dwellings is acceptable in relation to policies HSG 12 and GEN 6 of the Unitary Development Plan (UDP). Supplementary Planning Guidance (SPG) 1 and 24 give more specific guidance on what is acceptable and provides examples of best practice. HSG 12 permits extensions to a dwelling subject to tests. These tests are an 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. The assessment of these impacts is set out in the following section. GEN 6 contains a wide range of general development control requirements that all development proposals need to comply with. The purpose of this general policy is to help ensure that proposed development is of a high standard and has minimal adverse impacts.

GEN 6 contains a wide range of general development control amenity considerations which seek to ensure 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.

ii) Detailed design and impacts

-Scale and form

Policy HSG 12 part i) seeks to ensure extensions and alterations are subordinate to the original dwelling.

The footprint of the existing house is 335m<sup>2</sup>, whilst the footprint of the garage is 42m<sup>2</sup>, which equates to an increase of approximately 12.5%. The garage would also be 3m from the northern boundary (7m from the nearest wall of Bradgate) with a height of 3.2m at this point.

Officers consider that the garage is of an acceptable modest scale in the context of the existing house, and therefore in accordance with policy requirements.

- Design and materials

Policy HSG 12 part ii) seeks to ensure that extensions and alterations are of a sympathetic design and complement the site in terms of use of materials.

White render finish to the external walls is proposed with a slate roof which will match materials used in the existing dwelling. The design of the building is typical for a domestic garage.

It is therefore considered that the design and materials proposed garage meet policy requirements.

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

Policy HSG 12 part iii) seeks to ensure that alterations and extensions to dwellings do not harm the residential or visual amenity of the existing dwelling and the locality.

The application previously considered at planning committee was refused on the basis of the impact on the amenity of the neighbouring property Bradgate, and the impact on the visual amenity of the area due to the garage being located to the front of the dwelling.

Factually, there is no dispute that the proposed garage would be located at the front of the existing dwelling. The site is screened to the front and the sides by mature trees and hedges, which have an overshadowing effect on the neighbouring dwelling Bradgate, and due to the density and height of the existing trees and hedges the front garden area of the property is only partially visible from public view points. The possibility of re-siting of the proposed garage to the side of the dwelling has been considered by the applicant, but this was not accepted as a viable alternative. It is considered that a garage in this location would have a greater impact on the neighbouring property Bradgate, as it would be close to existing windows on the side elevation of 'Bradgate' and would bring the structure significantly closer to the property, which would have a more overbearing impact.

The reason for the previous refusal and concerns over the proposed location of the garage are duly noted. Whilst it is generally desirable to locate such development to the side and rear of properties, having regard to the scale and design of the proposed garage in relation to the existing boundary treatments, it is not considered the location of the garage would have an unacceptable impact on character, appearance and amenity standards of the locality. It is suggested that an appropriately worded condition to retain existing trees/boundary treatments would ensure that the impact remains acceptable.

In relation to the impact on the dwelling 'Bradgate' it is noted that existing mature trees and hedges already overshadow the property. It is therefore considered that the proposed single storey garage would not have a significant additional overbearing and overshadowing impact, and for this reason it is considered that the proposals would not have an unacceptable impact on the amenity of the neighbouring property 'Bradgate'.

- Overdevelopment of the site

Policy HSG 12 part iv) seeks to ensure that householder development does not represent an overdevelopment of the site.

The total area of the site is 1772m<sup>2</sup>, whilst the footprint of the existing house is 335m<sup>2</sup>. The house currently takes up about 19% of the site area. The garage would add an additional 2.4% of built form to the site.

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

iii) Neighbour comments

The concerns of the neighbour regarding visual impact, overdevelopment and residential amenity are noted. In this instance it is considered the application is for a garage of modest scale which would benefit from existing screening in the form of existing vegetation. To ensure this screening is retained to a satisfactory level an appropriate condition can be attached. It is therefore considered that impact on visual and residential amenities of the area would be acceptable in relation to the above noted planning policies.

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

5.1 Whilst respecting the reasons for refusing the previous application, having due regard to what is actually involved, and to the potential impact of the development, officers believe the proposal complies with 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. 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. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 6

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2010/1323/ AD

**PROPOSAL:** Display of replacement illuminated fascia sign (retrospective application)

**LOCATION:** 9 Bodfor Street Rhyl

**APPLICANT:** Mr Richard Addison RSR (Rhyl) Ltd.

**CONSTRAINTS:** Article 4 Direction

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
"No objection".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

RHYL TOWNSCAPE HERITAGE INITIATIVE  
Object to the fascia sign's design, style, colour, lettering, size, materials and use of illumination, which is contrary to planning policy and guidance.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 27/12/2010**

**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 Retrospective advertisement consent is sought for the retention of an illuminated fascia sign, at 9 Bodfor Street (Cash Converters), Rhyl. The acrylic sign is located at a height of 2.8m, and is internally illuminated with a yellow background and red text.

1.2 Description of site and surroundings

1.2.1 The site is surrounded by a mixture of retail uses, with Argos to the immediate north, and Vegas Sports bar to the immediate south.

Relevant planning constraints/considerations

1.2.2 The site is located in the Rhyl Conservation Area, which was extended to incorporate Bodfor Street in 2007.

1.3 Relevant planning history

1.3.1 Various applications have been submitted for shop alterations and advertisement consent at 9 Bodfor Street over the years. Recent advert consent applications approved on Bodfor Street since the 2007 conservation area designation are detailed below.

1.4 Developments/changes since the original submission

1.4.1 The applicant has been invited to amend the scheme in light of the site's conservation area location and comments from the THI Officer.

1.5 Other relevant background information

1.5.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 45/2009/1429/AD, Display of new signage to front and side elevations of premises, 23 Wellington Road, HSBC, GRANTED under delegated powers 01/02/2010, (non illuminated signage).

2.2 45/2008/0055/AC, Details of the shop frontage submitted in accordance with condition number 2 of Planning Permission 45/2004/1495/PF, GRANTED under delegated powers 22/01/2008, (non illuminated sign).

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy CON 5 Conservation Areas

Policy CON 8 Advertisements in Conservation Areas

3.2 Supplementary Planning Guidance

SPG 12 – Shop Fronts

SPG 13 – Conservation Areas

SPG 17 – Advertisements

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales, Edition 4, February 2011.

Welsh Office Circular 61/96 - Planning and The Historic Environment

Technical Advice Note Wales 7 (Outside Advertisement Control)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Visual amenity/impact on the Conservation Area

4.2 In relation to the main planning considerations:

4.2.1 Visual amenity/impact on the Conservation Area

The application site is located within a Conservation Area and within the Townscape Heritage Initiative Area. Within Conservation Areas, special attention should be paid to preserving and enhancing the character and appearance of the area. Policy CON 8 states that advertisements within Conservation Areas will be permitted provided that; the sign preserves or enhances the character of the area; glossy and highly reflective materials and internal illumination are excluded; and the signage respects the physical appearance of the premises in order to readily integrate with its surroundings.

The application seeks retention of an internally illuminated yellow and red acrylic sign measuring 5.7m by 1m. Looking at images of the previous sign, it is clear that the scale of the sign proposed is larger than the previous one and

has greater impact on an otherwise unaltered shop front. The applicant has pointed to a number of signs in the surrounding area which he considers are similar to his sign proposed, but the majority were displayed before the Conservation Area was extended to incorporate Bodfor Street, whilst those remaining will be dealt with separately by the Enforcement Section. The Project Manager of the Rhyl Townscape Initiative has objected to the proposal, and in officers' opinion, the proposal fails to meet the requirements of policy CON 8, and guidance contained in SPG no's 12, 13 and 17.

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

5.1 The application seeks retention of an internally illuminated sign which is considered inappropriate for a site located in the conservation area, and therefore contrary to policy CON 8 and SPG 12, 13 and 17. The applicant has declined the opportunity to amend the sign to make it more sympathetic to the Conservation Area and in compliance with the noted planning policies. Officers therefore recommend that advertisement consent is refused for the application.

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

The reason is :-

1. The fascia sign due to its design, materials, colours, method of illumination and overall appearance has an unacceptable impact on the visual amenity of the area and on the character and appearance of the Conservation Area, contrary to Policies CON 5, and CON 8 of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Notes 13, (Conservation Area), 12 (Shop fronts), 17 (Advertisements), Technical Advice Note Wales 7 (Outside Advertisement Control) and Welsh Office Circular 61/96 - Planning and The Historic Environment.

## **NOTES TO APPLICANT:**

None

|                              |   |
|------------------------------|---|
| <b>ITEM NO:</b>              | 7   |
| <b>WARD NO:</b>              | Rhyl East   |
| <b>APPLICATION NO:</b>       | 45/2011/0572/ PF  |
| <b>PROPOSAL:</b>             | Erection of 60-bed care home to the rear of St. David's Residential Home, construction of new car park and new vehicular access from East Parade and service drive from Tarleton Street |
| <b>LOCATION:</b>             | St. Davids Residential Home 36 East Parade Rhyl   |
| <b>APPLICANT:</b>            | St. David's Care Ltd.   |
| <b>CONSTRAINTS:</b>          | Article 4 Direction   |
| <b>PUBLICITY UNDERTAKEN:</b> | Site Notice - Yes<br>Press Notice - Yes<br>Neighbour letters - Yes  |

**CONSULTATION RESPONSES:**

## RHYL TOWN COUNCIL

"Object on the following grounds:-

1. The development if permitted would represent an over-intensification of the site.
2. The development would result in a loss of amenities for existing and future occupiers of St. David's and adjoining properties in Russell Gardens.
3. Notwithstanding the introduction of parking within the site the proposed layout would still likely result in parking in Tarleton Street".

## DWR CYMRU/WELSH WATER

Request foul and surface water discharges be drained separately from the site. Envisage no problems with the waste water Treatment Works for the treatment of domestic discharges from this site.

## CHIEF FIRE OFFICER (FIRE &amp; RESCUE SERVICE)

Notes that any layout will need to comply with the Fire Safety requirements of the Building Regulations.

## CARE STANDARDS INSPECTORATE

No response received.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

## HEAD OF TRANSPORT &amp; INFRASTRUCTURE

Acknowledges the previous history at the site and appeal decisions. Notes that existing arrangements provide no parking off East Parade and the use of Tarleton Street as the access causes traffic problems there. The proposed scheme offers a new parking area off East Parade and a service drive only off Tarleton Street, which would reduce current traffic using Tarleton Street. Whilst noting the parking provision is below current standards, the Care Home is in close proximity to public car parks (where permits can be purchased from the Council); it is close to the town centre and affords good pedestrian, bicycle and public transport services. In conclusion, considers the proposals offer a scheme that reduces the current traffic problems encountered on Tarleton Street and has no objections subject to inclusion of conditions requiring the completion of the parking and turning area and service drive before the Care Home is brought into use.

#### BIODIVERSITY OFFICER

No objections in principle. Draws attention to the need to follow precautionary recommendations in the Ecological report in relation and site works in respect of any bat and bird populations. Is satisfied that there will be no impact on the favourable conservation status of bats from this proposal.

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

Letters of representation received from:

D. Sharp, 7, Fairfield Avenue, Rhyl

K.C. & M. Johnson, 7, Russell Gardens, Rhyl

Mr. & Mrs. J.E. Evans, 15, Fairfield Avenue, Rhyl

M. & B. Earnshaw, 6, Russell Gardens, Rhyl

Mrs. J. Payne 12, Glendower Court, East Parade, Rhyl on behalf of residents of Glendower Court

Mr. P. Jones and Mrs. C. Locwood-Jones, Glan y Don, 9, Fairfield Avenue, Rhyl

Summary of planning based representations:

##### Highways impact

Tarleton Street is narrow/emergency and service vehicle access is inadequate/people have to walk along the road because the footway is so narrow/16 spaces in new car park seems inadequate to accommodate likely staffing levels/previous appeals established the inadequacies of Tarleton Street and incapability of handling greater traffic flow, and these conditions still apply/volume of service vehicles along Tarleton Street would increase/East Parade is a busy road and a new access there is not viable/traffic report was carried out before summer season and does not mention through traffic/new access onto East Parade would interfere with Lifeboat access opposite and bus stop/suggestions that traffic may be reduced along Tarleton Street must be viewed critically.

##### Design

Overpowering scale and height relative to neighbours/majority of properties around site are 2 storey/use of tile as roofing material inappropriate.

##### Residential amenity

Loss of peace and tranquillity in back gardens/noise and dust at construction stage and from comings and goings of staff and service vehicles/intrusion of privacy/potential problems with drainage if land at East Parade front is raised/loss of valuable green space.

##### Ecology impact

Site is a wildlife haven/all trees should be retained.

##### Adequacy of services

Questions over sewerage capacity, electricity supply, frequency of waste collection.

##### Previous refusals of permission

Reasons for dismissing appeals remain valid (highway safety/inadequate footway).

##### Need for another care home questionable

Beds remain empty in other homes, including St. David's/concerns over creating a "Care Home ghetto" in this area.

**EXPIRY DATE OF APPLICATION: 24/10/2011**

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

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

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

1.1.1 This is a full planning application seeking permission to construct a 60 bedroom care home on land to the rear of the existing St. David's Residential Home on the corner of East Parade and Tarleton Street, in Rhyl.

1.1.2 The main elements of the scheme, as revised are:-

- The location of the new 60 bed care home on land on the east side of Tarleton Street, currently occupied by a former bowling green and a single storey dwelling (The Bungalow).
- Erection of a detached building with rooms on 3 floors, a main section running parallel with Tarleton Street, and two 'wings' at either end. The total length of the building scaled off the submitted plans would be some 50 metres, with a width of 13 metres along the central section, and a ridge height of some 11 metres. The details are included at the front of the report, and show ideas for 3 gable features facing Tarleton Street, the use of facing brick and stone on the walls, and grey tiles on the roofs .
- The closing off of the existing rear vehicular access onto Tarleton Street, which currently serve St. David's Home, the creation of a new 16 vehicle car parking area, with 2 disabled spaces, all to be served by a new vehicular access off East Parade, the closing off of an existing second vehicular access on the corner of Tarleton Street and East Parade, replacing this with a pedestrian access.
- The creation of a 25 metre long by 4 metre deep 'service drive' in the form of a vehicle 'pull in' clear of Tarleton Street, intended for use by service vehicles only.
- The creation of footway links around the site, including between the front parking area and the new Care home (around the side of the existing home), and pathways in front of and around the proposed care home clear of Tarleton Street; and a secure cycle parking facility.
- The creation of planted external amenity spaces around St. David's Home and the new care home, and new planting around the new home; and the retention of the boundary walls with the exception of a section on Tarleton Street to allow for the service vehicle pull in.

1.1.3 The application is accompanied by the relevant forms and plans, a 'Statement in Support of Application', a Design and Access Statement, an Operator Statement, a detailed Sustainability Code assessment, an Ecological Survey and a Traffic Survey and Report.

1.1.4 Relevant points in the planning statement are:-

- There have been two previous unsuccessful applications for developments on the site. This submission looks to examine these and explain why the current proposals are different; and clarify the level of employment which will be generated and the service it will offer to the local community.
- The first refusal (for 17 apartments in 2005) was on grounds of visual and

highway impact. The Planning Inspector dismissed the appeal on highway grounds only.

- The second refusal (for 12 flats and 3 lodges in 2007) was on grounds of highway impact.
- Both previous applications established the acceptability of the principle of development on the site, but failed on highway grounds.
- It is claimed that the current scheme addresses the issues of vehicle traffic on Tarleton Street by removing car parking from there and relocating it to the front of St. David's Home, with a new access off East Parade; along with pedestrian paths within the site, linking the parts of the development.
- There are no highway authority or Fire Authority objections to the proposals.
- The home would be registered for 60 residents, for nursing care, Residential dementia care, and nursing dementia care, catering for private and local authority fee paying markets.
- It is envisaged the majority of staff employed (80% plus) would be local, and the care home would create a full time equivalent of 55 jobs (albeit up to 1/3 being likely to be part time shared roles depending on the number of quality applicants for the roles available and the applicant's circumstances). The home would operate with 3 day shifts and one night shift.
- The parking area for 16 vehicles is designed to accommodate anticipated staffing for the existing and proposed homes – based on a survey of staff at St. David's: 5 spaces for St. David's staff, 8 for the new Care Home, with 3 overspill spaces. Visitors would be encouraged to use the new car park. The site is well served by local public transport, car parks and convenient for cyclists and walkers.
- The proposed 'pull in' on Tarleton Street is proposed for use by emergency services, delivery, and for drop off only, and would not involve vehicles needing to reverse onto or off Tarleton Street.
- The building would be constructed to meet Sustainability Code standards.

#### 1.1.5 The Design & Access Statement makes reference to the following:-

- The site is flat and surrounded by high walls, with trees and shrubs; and a mixed nature of development including two, three and four storey buildings, many dating back to Victorian/Edwardian times. St. David's is a 4 storey building.
- The new 2½ storey building is designed to respond to the constraints of the site and to complement the local Victorian and Edwardian architecture of buildings along Fairfield Avenue.
- The garden area would be for use by residents of both Homes.
- Access/parking arrangements have been designed to address local concerns to reduce the number of vehicles entering Tarleton Street.
- Details of scale, appearance and landscaping have been designed to complement development in the locality.
- The site is easily accessible by a variety of modes of transport.

#### 1.1.6 The Operator Statement

The 5 page Operator Statement contains detailed background information on the process through which the decision to develop the Care Home has passed, the choice of this location, and market trends and issues of competition. It mentions:-

- the Care Facility is to provide for specialist care categories not currently available at St. David's Home or in the area (e.g. EMI nursing, Mental Health Care and Dementia). St. David's provides residential care for older people without nursing, and is not licensed to care for people with



Dementia or Mental Health issues. If care needs of residents in St. David's change, they have to be relocated, sometimes out of Denbighshire, with the attendant upset.

- the site is well located for the client group given good access to local services, shops and amenities.
- St. David's Home would be difficult to adapt to meet registration requirements for such specialist care service provision, hence the need for a modern 'future compliant' set up.
- issues of demand for beds and the particular specialist care proposed have been researched. Existing and proposed Care homes in the area are for residential elderly care, not specialist care as proposed here. Specialists have projected increased demand for places in the private sector.
- in terms of competition, it is understood there are only 2 other nursing homes providing the same mental disability nursing care category within a 15 minute drive time catchments (Bradshaw Manor and Sandy Lodge).
- considerable effort has been made to design the building and servicing arrangements to minimise effects on neighbouring property and the surrounding area.

1.1.7 The applicant's agents refer in the submission to a consultation with the local community on the proposals on 10<sup>th</sup> November 2010.

1.1.8 The Traffic Survey report refers to a survey undertaken on 16<sup>th</sup> June 2011 of traffic flows and parking along Tarleton Street, including the number of vehicles associated with the current Home using that street. The survey indicates approximately 32% of vehicles using Tarleton Street were associated with the operation of the home (staff, visitors, deliveries). The report suggests that the proposed arrangements for the new development, including the new parking area, would bring about a 25-30% reduction in traffic flows along Tarleton Street based on the figures recorded. It also suggests that service deliveries would be scheduled to supply both Care Homes as the same visit, and then would be directed to the new parking facility off East Parade.

1.1.9 The Ecological report concludes there is no evidence of bats or other protected species, but recommends a standard precautionary approach to site development including the demolition of The Bungalow, to ensure suitable steps are taken if bat species are found.

## 1.2 Description of site and surroundings

1.2.1 The application site comprises a former bowling green located adjacent to a single storey detached dwelling located off Tarleton Street. The site as a whole comprises some 0.2 hectares bounded to the west, east and south by traditional stone and brick walls with trees along the Tarleton Street boundary and younger trees and shrubs along the east boundary.

1.2.2 Tarleton Street is a narrow road with unrestricted parking (other than close to its junctions with East Parade and Russell Road), and as a result of on-street parking, is effectively of single lane width. It has only a narrow footway along its western side, and no footway along the side bordering the application site.

- 1.2.3 Apart from the bungalow which forms part of the site, Tarleton Street itself only has one dwelling, The Coach House, which actually fronts directly onto the highway, all other properties which are located on Fairfield Avenue and Russell Gardens, having backs or sides onto the street. However, many of these properties have detached garages and vehicular access points off Tarleton Street.
- 1.2.4 St. David's Residential Home fronts onto East Parade and backs onto the north west of the site, with residential properties on Russell Gardens located on the south east boundary and properties on The Lawn and Olinda Street on the north east boundary.
- 1.2.5 There are a mixture of architectural styles and heights of buildings in the locality, ranging from 2 storey dwellings on Russell Gardens, The Lawn and Olinda Street; two and 3 storey dwellings on Fairfield Avenue, which back onto Tarleton Street; the 4 storey St. David's Home itself, and the 5 storey block at Glendower Court.
- 1.2.6 The existing St. David's Home is serviced by a main access point off Tarleton Street, which provides entry to a rear yard, where there is space for 5 or 6 cars to park. This access point is used by all service/delivery/emergency vehicles. There is a narrow second access on the junction of Tarleton Street and East Parade, which provides entry to a small parking area at the front of St. David's home, but this is not in regular use by staff or visitors.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The application site lies within an area of east Rhyl which is subject to policy HSG 15 of the Unitary Development Plan, this being identified as an area where there is a heavy concentration of non self-contained accommodation and there is a presumption against further conversions of properties to such uses. The designation is not of direct relevance to the application for a Care Home.

### 1.4 Relevant planning history

- 1.4.1 The site has been the subject of two significant applications for development in recent years. These are referred to in detail in Section 2. There have been refusals of permission at Committee for a 17 apartment scheme in 2005, and a 12 flats/3lodges scheme in 2007. Both have gone to appeal, and permission has been refused by the respective planning inspectors.
- 1.4.2 The 2005 scheme for 17 apartments was refused by the Council on two grounds, one relating to the unacceptable impact of additional traffic from a new access on the narrow approach road of Tarleton Street, and the other to the physical impact of a 3 storey development. The Appeal Inspector did not accept the Council's arguments on the physical impact on the character of the area, but concluded a scheme involving a new access onto Tarleton Street to serve the whole development would generate additional traffic and pedestrian movements and would lead to unacceptably greater risks to the safety of vehicles and pedestrians.
- 1.4.3 The 2007 scheme for 12 flats and 3 lodges was refused by Denbighshire on highway grounds only. The Appeal Inspector concluded in similar vein to his colleague in 2005 that a development involving a new access onto Tarleton Street to serve the whole development would generate unacceptable potential for conflict between vehicles and pedestrians because of the restricted nature of Tarleton Street.

## 1.5 Developments since the original submission

- 1.5.1 Officers have sought clarification of a number of points relating to the application, dealing with matters concerning highways, relationships with nearby property, and ecology.
- 1.5.2 Revised plans have been submitted reducing the height of the main roof running parallel with Tarleton Street to some 11 metres (from 12 metres height), and redesigning the window detailing on second and third floor windows facing towards private amenity areas of properties on The Lawn, Olinda Street, and Glendower Court, to eliminate the possibility of overlooking.
- 1.5.3 As noted in Section 1.1.7 and 1.1.8, additional information has also been submitted in the form of a Traffic Survey Report, an Ecological Report, and an Operator's Statement.

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

### 2.1 45/2005/0445/PO

Demolition of existing dwelling and development of land by the erection of 17 no. apartments with associated vehicular access (outline application)  
REFUSED 23<sup>rd</sup> November, 2005 at Planning Committee for the following reasons:

1. The proposed development would be served by Tarleton Street, which the Local Planning Authority considers to offer an inadequate highway approach, characterised by on street parking, limited carriageway width, and with narrow pavement on one side only. The proposal would lead to additional vehicular and pedestrian movements along this street, which due to its character, would be likely to lead to increased dangers and inconvenience for all highway users. The proposal would conflict with criteria (vi) and (vii) of Policy GEN 6 and Policy TRA 6 of the Denbighshire Unitary Development Plan.
2. The proposal for the erection of 17 no. apartments on the site would be likely to lead to an unacceptable overdevelopment of the site, and the 3 storey height of the development, relationship of the development to the street scene, and the impact on existing amenity space provision for the adjacent residential home, would conflict with criteria (i) and (ii) of Policy GEN 6 of the Denbighshire Unitary Development Plan.

An appeal was lodged against the refusal and was DISMISSED in July 2006. The Planning Inspector considered the highway and amenity issues set out in the reasons for refusal, but dismissed the appeal on highway related grounds only. Of relevance to the current application were the Inspector's conclusions on the proposed 44 metre long, 3 storey apartment block set back 4 metres from Tarleton Street; which he considered would not be an overdevelopment or out of place in terms of siting and scale, having regard to the architectural character of the neighbourhood (including the massive 4 storey structure of St. David's Home, the opinion that Tarleton Street is not of distinctive character, and 3 storey dwellings on Fairfield Avenue). On highway grounds, the Inspector considered the proposals for a new access off Tarleton Street to serve a 17 apartment development would generate further traffic adding to conflict and congestion in the street and unacceptably greater risks to the safety of vehicles and pedestrians.

### 2.2 45/2007/0470/PF

Demolition of existing dwelling and development of land by the erection of 12 no. 1-bed flats and 3 no. 2I-bed lodges for assisted living for St. David's Care Home and formation of new vehicular and pedestrian access (outline application seeking approval

of siting and means of access).

REFUSED 12<sup>th</sup> December 2007 at Planning Committee. The reason for refusal was:-

"The proposed development would be served by Tarleton Street, which the Local Planning Authority considers to offer an inadequate highway approach, characterised by on street parking, limited carriageway width, and with a narrow pavement on one side only. The proposal would lead to additional vehicular and pedestrian movements along this street, which due to its character, would be likely to lead to increased dangers and inconvenience for all highway users. The proposal would conflict with criteria (vii) and (viii) of Policy GEN 6 and Policy TRA 6 of the Denbighshire Unitary Development Plan".

2.3 An appeal was lodged against the refusal, and was DISMISSED in July 2008.

The Planning Inspector considered the main issue to be road safety, and having regard to the highway conditions on Tarleton Street, the proposed new access and parking area to serve the 15 units, concluded that the development would generate unacceptable potential for conflict between vehicles, and between vehicles and pedestrians, because of the restricted nature of Tarleton Street.

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

The main planning policies and guidance are considered to be:

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

- Policy STRAT 1 - General
- Policy STRAT 5 - Design
- Policy STRAT 6 - Location
- Policy STRAT 12 - General (Transport)
- Policy STRAT 13 - New Development
- Policy STRAT 14 - Highways
- Policy STRAT 16 - Community facilities and benefit
  
- Policy GEN 6 - Development Control Requirements
- Policy CF1 - Community Facilities – General
- Policy CF 5 - Residential institutions
- Policy REC 2 - Amenity and recreational open space requirements in new developments
  
- Policy TRA 6 - Impact of new development on traffic flows
- Policy TRA 9 - Parking Requirements in New Developments

#### **3.2 Supplementary Planning Guidance**

- SPG 4 - Open Space Requirements in New Developments
- SPG 21 - Parking Requirements in New Developments

#### **3.3 GOVERNMENT GUIDANCE**

- Planning Policy Wales (Edition 4 2011)
- Technical Advice Note 12 - Design
- Technical Advice Note 18 – Transport
- Technical Advice Note 22 – Sustainable Buildings

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

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

- 4.1.1 Principle
- 4.1.2 Overconcentration of Residential/care homes
- 4.1.3 Design/impact on visual character and amenity
- 4.1.4 Impact on residential amenity

- 4.1.5 Highways, access and parking
- 4.1.6 Open space/amenity space
- 4.1.7 Inclusive Access
- 4.1.8 Sustainable buildings
- 4.1.9 Ecology

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

##### 4.2.1 Principle

The strategic policies of the Unitary Plan look to concentrate development in the County's main settlements to support sustainability principles (STRAT 1, 6, 13), and seek to ensure such development is acceptable with regard to basic impacts (STRAT 5, 12 and 13). The proposal is for the development of a Care Home and in terms of more specific policies would need to be assessed in respect of Policy CF1 and CF5 which set a context for proposals for Community Facilities and Residential Institutions respectively; and in terms of the more detailed policies, those dealing with design and amenity impact (GEN 6), highways impacts (TRA 6 and 9), and open space (REC 2). The policies reflect the general guidance in Planning Policy Wales and Technical Advice Notes.

Taken together, in principle, the policies do allow for developments of the nature proposed in one of the County's main towns, but subject to due consideration of the localised impacts. These are reviewed in the following sections of the report.

##### 4.2.2 Overprovision of C2 uses

Policy CF5 of the Unitary Plan permits new Class C2 residential homes such as the one proposed, subject to a number of tests, including i), which requires assessment whether the proposal, in conjunction with existing, proposed, or committed Class C2 uses would not result in an overprovision of such uses in one particular area.

To assist member's consideration of this issue, a plan has been included at the front of the report which shows the location of existing residential/nursing/care homes in the area around the application site. This suggests there are a number of homes scattered around the east end of Rhyl, but the predominant use is private dwellings./flats with a mix of other commercial uses.

Policy CF5 does not offer guidance on what may be an 'overprovision' of Class C2 uses, but it is officers' opinion that the grant of permission in this instance would not lead to or contribute to an overprovision affecting the character of the area. There are no other current undetermined applications for the development of C2 homes in this area. The Operator's Statement makes it clear that the home would provide a specific specialist area of care not currently available in the area, so it would not be replicating facilities already present.

Whilst respecting comments on the 'need' for another Care Home in Rhyl, given the background and the fact that there is no requirement within planning policy to establish need as a pre-requisite for the grant of planning permission, officers do not consider there is a case to oppose the application on grounds of over provision.

##### 4.2.3 Design/impact on visual character and amenity

The requirement to take account of the acceptability of the development in terms of its design and visual impact are set out in Policy CF5 and GEN 6, and

in guidance within Planning Policy Wales and TAN 12. This includes consideration of issues of scale, density, layout, landscaping and open space provision.

The basic elevation and site plans are included at the front of the report and show the key design elements and the respective relationships with surrounding property. Local concerns are expressed over the size/scale of the building and include questions over its acceptability having regard to the character of existing development in the locality.

On the issues of scale and design, it is to be noted that factually, the proposal involves the erection of a substantial single building of some 50 metres length, with rooms on 3 floors, and a ridge height, as amended, of 11 metres. This has to be viewed in the context of existing development in the locality, which includes a range of architectural styles and heights. There are mainly 2 storey dwellings in the cul-de-sac developments at Russell Gardens, The Lawn, and Olinda Street to the south east, and along the north west end of Fairfield Avenue, backing onto Tarleton Street; linked 3 storey dwellings at nos. 3/5/7 Fairfield Avenue backing onto Tarleton Street; the 40 metre long 4 storey block of St. David's Home, itself immediately to the north west, and the 27 metre long 4/5 storey block of flats at Glendower Court. The Bradshaw Manor Care Home on Chester Street is a linked series of 3 and 2 storey buildings stretching over some 110 metres.

Whilst respecting local comments over the issues of design and scale, the conclusions of the 2005 Appeal Inspector appear to be of some relevance, in that he commented on the character of development in the residential area being of dwellings from the Victorian period to the modern era, which vary in height and style, but that the overall architectural character of the neighbourhood included the massive structures of St. David's Home and 3 storey dwellings on Fairfield Avenue. The Inspector did not accept the Council's objections to the visual effect of the 3 storey apartment development proposed, including concerns over cramped development, siting and scale relative to surrounding property. Officers suggest this is a significant conclusion in the context of the current scheme and that it would be difficult to justify a refusal based on the impact on the visual character of the area.

#### 4.2.4 Impact on residential amenity

Policies GEN 6 and CF5 oblige due consideration of the impact of developments on the amenities of residents, which includes assessment of the physical effects of a scheme on the enjoyment of property (privacy, noise/disturbance, etc).

The application has generated concerns from local residents and the Rhyl Town Council on grounds of impact on privacy and amenity.

There are a number of issues to address with regard to residential amenity impacts:-

##### Privacy

The privacy of occupiers of existing dwellings in the vicinity of the proposed care home can be affected by the location and distance from main windows of new development, which can result in overlooking between windows of respective units, and overlooking of private garden areas.

Having regard to the revised detailing of the Care home, it is not considered there are likely to be issues of direct overlooking between bedroom, dining

room and lounge windows in the Home and main room windows of existing properties, given the respective relationship between buildings and the actual distances involved between them. The only potential for direct overlooking between windows facing one another would be with the rear of dwellings on Fairfield Avenue (Nos. 5, 7, 11,15) and property on Olinda Street, Lawnside and flats at the rear of Glendower Court). The rear walls of Nos. 5, 7 and 11 Fairfield Avenue would be in the order of 28-30 metres from the front wall of the Care Home building, and given these distances and the intention to retain the existing trees along the site boundary in this area, it is not considered there would be any unreasonable overlooking arising from the development. No. 17 has no main first floor room windows facing the application site. The walls of the dwelling Lawnside and the flats at Glendower Court would be some 31-33 metres from the rear wall of the Care Home, which are well over the basic 21 metre guideline in supplementary guidance for acceptable distances between windows facing one another. There are no main room windows at first floor level on existing dwellings backing onto the site at Russell Gardens, and No. 10 The Lawn gables onto the site with only an obscure glazed window in the elevation facing it.

In terms of potential overlooking from the Care Home bedrooms, dining room, and lounges into private gardens of adjacent property, it is again considered that there would be no unreasonable amenity impacts from the development as revised. The plans have been amended to redesign first and second floor bedroom windows facing north east on the gable ends of the two 'wings' at either end of the building, to address concerns at overlooking of private gardens to the north east. The original plans showed these windows some 10 metres from the boundary with the garden/amenity areas of the dwellings Lawnside, No. 10 The Lawn, and the rear of Glendower Court flats. There is a 2-3 metre high stone wall along the boundary with these properties. There are no main room windows on the elevation of the Care Home facing Nos. 6 and 7 Russell Gardens. The windows of rooms along the front elevation of the Care Home would be some 15 metres from the 2m high boundary walls, which act as a screen for the rear gardens of Nos. 7, 9, 11 and 15 Fairfield Avenue. The boundary wall and trees to be retained along the Tarleton Street frontage would act as an effective screen between the development and Nos. 7, 9 and 11 Fairfield Avenue , so there would be limited prospect of overlooking towards the gardens of these properties. The rear amenity area of No. 15 Fairfield Avenue is located opposite the proposed service vehicle pull in and is screened by a 2m high wall/gate along Tarleton Street, so it would not be anticipated that there would be a significant potential for overlooking from the Care Home.

#### Noise and disturbance

In relation to the potential impact on the peaceful enjoyment of properties surrounding the site, it has to be acknowledged that the development of a 60 bed Care Home would lead to increased levels of activity on what is currently a vacant site and empty bungalow. However, given the site is within a town boundary where the principle of development is generally acceptable, and there is already a level of activity along Tarleton Street associated with St. David's Home, it is respectfully suggested that there are no strong grounds to resist the proposal based on possible noise and disturbance from the development.

#### Overpowering effect

In officers' opinion, whilst the Care Home proposed would be a substantial building, having regard to the conclusions of the 2005 Appeal Inspector on the impact of a 3 storey apartment development of similar size, to the detailing of the building and to its relationship with nearby property, it would be difficult to argue it would have an unacceptable and overpowering impact on dwellings in

this area, or that it would constitute an overdevelopment. In respecting the concerns of the Town Council and local residents, it can be seen from the layout plan that the proposed building would occupy between 30-35% of the site area defined the former bowling green and the Bungalow to be demolished, and it would be set back from the site boundaries. Taken together, it is suggested these factors offer limited support for a refusal based on grounds of overdevelopment or overpowering impact.

Overall, Officers' conclusion is that whilst there would be some visual impact from the development of a building of the scale proposed, the actual detailing is such that it would be difficult to pinpoint specific harm to residential amenity which could justify a refusal recommendation.

#### 4.2.5 Highways, access and parking

Policies TRA 6 and 9, GEN 6 and CF5 oblige due assessment of the adequacy of parking and servicing provision and the acceptability of development proposals on the safe and free flow of traffic on the highway network. These policies reflect the strategic policies of the Unitary Plan and national guidance in Planning Policy Wales and TAN 18, which also seek to ensure developments of this nature are easily accessible by different modes of transport and are accessible to local facilities and services.

There are Town Council and local objections to the scheme based on highways concerns. These include issues over the adequacy of parking proposals and the potential additional use of Tarleton Street, which is considered an inadequate service road because of its narrowness, on street parking and poor footway provision. The agents have submitted a Traffic Survey Report which has been scrutinised by Highways Officers.

Factually, the application involves removing the existing main access serving St. David's Home from Tarleton Street, creating a 16 space car park/servicing area off East Parade, and a 'pull in' for service and emergency vehicles on Tarleton Street. The agents argue the arrangements seek to address previous objections by taking the main access off Tarleton Street, directing service vehicles to the East Parade entrance/parking area, leaving the Tarleton Street 'pull in' for emergency vehicle access, etc.

In officers' opinion, the highway impacts remain the key consideration on the application, and require close scrutiny, having due regard to the comments received, the views of the highways officer, and the previous conclusions of the Appeal Inspectors in 2005 and 2008.

Initially, officers suggest there is no dispute over the 'inadequacy' of Tarleton Street as a service highway. It is a narrow road used by local residents for parking, resulting in its effective width being reduced so as to allow only one lane of traffic, with no dedicated passing places, and a very limited pedestrian footway on the western side only.

The two previous refusals and dismissals on appeal have been based primarily on the impact of additional traffic likely to be generated by the developments proposed, through new vehicular accesses off Tarleton Street, leading to conflict between vehicles moving along the street towards one another (with limited opportunity for passing) and conflicts with pedestrians, who are forced to walk along the road because of the inadequate footway.

A relevant consideration on the current application is whether the proposed parking and servicing arrangements to serve what would be two residential



homes would actually give rise to additional use/conflicts on Tarleton Street above that which already occurs in connection with St. David's Home, or whether the arrangements may result in an improvement to the existing situation.

In this respect, it seems a clear 'positive' from the proposals that the staff/visitor parking area to serve the existing and the proposed home is now proposed at the front of St. David's Home off a new access onto East Parade. This would obviate the need for staff and visitors to use Tarleton Street as an access road to the site, hence reducing the likely volume of cars connected with the home(s) needing to travel along that road. If service vehicles are also to be encouraged to use the East Parade access, this would clearly ease the pressure on Tarleton Street.

A clear benefit of the proposals would be that any service or emergency vehicles using Tarleton Street could park clear of the highway to load/unload by using the vehicle 'pull in' in front of the proposed Care Home. This would represent a potential improvement on the current situation, since service vehicles can not now turn into the rear service yard and have no choice other than to stop on Tarleton Street, blocking traffic for the duration of their drop off/pick up.

It has to be accepted on the other hand that there is likely to be a proportional increase in the number of service vehicles associated with the running of two Homes, but if joint deliveries are to be encouraged and these are to be directed to the East Parade access, then the impacts on Tarleton Street may be reduced.

The Highway Officer is of the opinion that a dedicated 'pull in' clear of the carriageway along Tarleton Street is worth supporting. When not in use, this pull in would also provide a recognisable passing bay for vehicles approaching one another in opposite directions along Tarleton Street, something which is not possible at present.

As to the adequacy of parking spaces proposed within the new car park off East Parade to serve the two homes, the Highways officer confirms that it would be unreasonable to oppose the scheme given the location of the site near to the town centre, on a bus route, and its close proximity to large public car parks along East Parade.

#### 4.2.6 Open space/amenity space provision

Policy REC 2 of the Unitary Plan sets a requirement, where appropriate, within new development for landscaped amenity areas as an integral part of a development.

The submitted plans show proposals for a landscaped open area between the proposed Care home building and the eastern boundary of the site, measuring some 600m<sup>2</sup>, and there is additional landscaped space between the care home and St. David's Home, and between the Care Home and Tarleton Street. The agents advise the main amenity area would be for use by residents of both homes.

In officers' view, the proposals for amenity space are acceptable. This issue was tested at the 2005 appeal where the Appeal Inspector did not accept the Council's concerns and concluded that the loss of the bowling green would not give rise to a significant loss of visual amenity, and he was satisfied that the limited amenity area proposed around the existing conservatory was adequate

for residents of St. David's Home. The proposed amenity area to serve both homes is considerably larger than that proposed in the 2005 scheme.

#### 4.2.7 Inclusive access

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 SPG 25 'Residential Development Design Guide' and the Council's document 'Planning and Inclusive design'.

The Design and Access Statement identifies a positive approach to inclusive design, respecting the Welsh Government approach. There is clear provision for ramped access from the proposed car park area at the East Parade end of the site, to the rear, and the service pull in off Tarleton Street offers an alternative 'drop off' point for the proposed Care Home for those with mobility problems.

Taken together it is considered the proposals offer reasonable provision for safe and convenient access for persons with disabilities.

#### 4.2.8 Sustainability Code issues

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The application includes information showing how the development could attain the relevant minimum required credits to meet the BREEAM 'very good' standards (for non-residential buildings) including an energy performance rating of 30, which falls within Category B (the range being A+ - G, with A+ being the highest possible rating). Conditions can be attached to any permission to secure the BREEAM 'very good' standard.

#### 4.2.9 Ecology

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.

One objector makes reference to the site being a haven for wildlife.

The applicant's agents have submitted an Ecology report which concludes there is no evidence of a protected species presence on the site. The Council's Biodiversity Officer raises no objections.

Having regard to the location and information provided, it is not considered there are any protected species issues to address here. The proposals do not conflict with the policies referred to, but it would be appropriate in the event of a permission being granted, to include a suitably worded note to the applicants to

ensure any development is undertaken outside the bird nesting season to ensure any impacts are minimised.

**5. SUMMARY AND CONCLUSIONS:**

- 5.1 The site has been the subject of two previous applications in 2005 and in 2007 for the development of apartments and flats, which involved the creation of a main access/parking area off Tarleton Street. Permissions were refused on both applications, and appeals dismissed, primarily on grounds that additional traffic on Tarleton Street would add further to conflicts between vehicles and pedestrians on that highway.
- 5.2 The current proposal is for a substantial Care Home linked to proposals for a new parking area off East Parade, and a 'pull in' clear of Tarleton Street for use by emergency/service vehicles. The applicant's agents argue this seeks to address previous highway concerns, and have suggested that traffic flow associated with the development would be reduced as a result.
- 5.3 There remain concerns amongst local residents over the highway implications, and the physical impact of the development as expressed by Rhyl Town Council and local residents.
- 5.4 Having assessed the particular details of the development, the conclusions of consultees and the comments of the Appeal Inspectors on the 2005 and 2007 applications, officers take the view that the issues are finely balanced, but that the proposals do justify a positive recommendation. The reasons are set out in the report, but are primarily based on the relocation of the main parking area and access to the East Parade frontage, which would help to limit use of Tarleton Street to emergency and service vehicles via a designated 'pull in' clear of the road, which would also act as a passing place for all traffic when not in use. The Highways Officers have raised no objections to the proposals. It is not considered the proposed new building would be out of character with the locality, or that it would lead to unacceptable loss of privacy or amenity for residents.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the new building hereby permitted and no materials other than those approved shall be used.
3. No part of the Care Home hereby permitted shall be brought into use until the approved parking/servicing area and access off East Parade, and the service/emergency vehicle pull in off Tarleton Street have been completed. The parking area and vehicle pull in shall be retained at all times for use in connection with the existing St. David's Home and the new Care Home.
4. No work shall be permitted to commence on the new access, parking area and vehicle pull in, and the pathways and ramp around the site until the formal written approval of the Local Planning Authority has been obtained to the extent of fill and drainage arrangements relative to adjacent property, the detailed surfacing materials and associated external street furniture, and to the detailed arrangements for restricting the existing vehicle access on the junction of East Parade and Tarleton Street to a pedestrian only access.
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. 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.
7. The building hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' and achieve 6 credits under category Ene 1 in accordance with the requirements of BREEAM 2008.
8. **PRE-COMMENCEMENT CONDITION**  
No development shall be permitted to commence, nor any works on the demolition of The Bungalow, until a detailed construction method statement has submitted to and has been approved in writing by, the Local Planning Authority, to include for details of proposed days and hours of work, arrangement for accessing Tarleton Street and protecting residents rights of access to property, and the means of mitigating noise and dust impact.
9. Foul water and surface water discharges shall be drained 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 demolition works shall be permitted to commence until a contract for the carrying out of the works of construction of the new Care Home and associated developments has been made.
13. The detailing of the Care Home building hereby permitted shall include provision for suitable bat friendly features prior to its completion, in accordance with such details as may be submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. In the interests of visual amenity and highway safety.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. To comply with the provisions of TAN 22 - Planning for Sustainable Buildings.
8. In order to protect existing trees in the course of development works.
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. In the interests of visual amenity.
13. In the interests of wildlife conservation.

**NOTES TO APPLICANT:**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

You are advised of the separate requirement to satisfy the relevant parts of the Building Regulations in connection with the development, including those sections relating to Fire Safety and access for fire service vehicles.

Separate consent will be required from the Highway Authority under Section 184 of the Highway Act 1980 for the new vehicular footway crossing on East Parade and the Service Drive tie into existing highway on Tarleton Street. You are advised to contact Gail McEvoy on 01824 706882 to discuss the requirements under the Act.

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:** 8

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2011/0815/ AD

**PROPOSAL:** Display of 2 no. illuminated fascia signs and 1 no. illuminated hanging sign (retrospective application)

**LOCATION:** 83 High Street Rhyl

**APPLICANT:** The Money Shop

**CONSTRAINTS:** Conservation Area  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

'Objection, on the grounds that the signage (already installed) has a negative impact on the conservation area'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

CONSERVATION OFFICER / THI MANAGER

Object, as the signs do not meet any of the policy or guidance on advertisements in conservation areas.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 30/08/2011****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 Advertisement consent is sought for the display of two illuminated fascia signs and an illuminated hanging sign at Number 83 High Street in Rhyl.
- 1.1.2 Two fascia signs have been erected, one on the High Street frontage and one on the Russell Road frontage. The signs comprise an aluminium tray with acrylic lettering and are externally illuminated by strip lights above. The sign reads 'The Money Shop' with the word 'The' in white on a red background and 'Money Shop' in black lettering on a yellow background. The hanging sign comprises an aluminium flag box with acrylic lettering, which is internally illuminated.

## 1.2 Description of site and surroundings

- 1.2.1 Number 83 is located on the corner of High Street and Brighton Road. The site is surrounded by a mixture of mainly retail uses with a variety of advertising signage.

## 1.3 Relevant planning constraints/ consideration

- 1.3.1 The site lies within the development boundary of Rhyl and is within a Designated Town and District Centre in the Unitary Development Plan, where policy RET 1 applies. RET 1 identifies such centres as the main location for retail and commercial development appropriate to the centre.
- 1.3.2 The site lies within the Rhyl Conservation Area, where policies CON 5 and CON 8 of the Unitary Plan apply, both seeking to ensure proposals preserve or enhance the character of the area.

## 1.4 Developments/changes since the original submission

- 1.4.1 None.

## 1.5 Other relevant background information

- 1.5.1 Retrospective planning permission was granted in July 2011 for a change of use of the property to A2 financial and professional service and it is trading as 'The Money Shop', which offers cheque cashing services, foreign currency exchange and 'cash till payday' services.
- 1.5.2 The signage was erected in June 2011. It has been the subject of an enforcement investigation.

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

- 2.1 45/2011/530 Change of use from Class A1 (Retail) to Class A2 (Financial & Professional Services). Granted by Planning Committee on the 27<sup>th</sup> July 2011.

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

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 11 Advertisements within Development Boundaries  
Policy GEN 6 Development Control Requirements  
Policy CON 5 Conservation Areas  
Policy CON 8 Advertisements in Conservation Areas

### 3.2 Supplementary Planning Guidance

- SPG No. 12 - Shop Fronts  
SPG No. 13 - Conservation Areas  
SPG No. 17 - Advertisements

### 3.3 GOVERNMENT GUIDANCE

- Planning Policy Wales, Edition 4, February 2011.  
Welsh Office Circular 61/96 - Planning and The Historic Environment  
Technical Advice Note Wales 7 (Outside Advertisement Control)

## 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/conservation area  
4.1.3 Impact on highway safety

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

##### 4.2.1 Principle

The principle of suitable advertisements within development boundaries is acceptable. Acceptability of specific proposals are assessed against GEN11. GEN11 sets out five tests which are that advertisements; i) Are of a size and type that relate well to the building on which they are sited; ii) Are of a high standard of design and materials; iii) Are located so as not to cause or create a highway safety hazard; iv) Are in keeping with and do not detract from the surrounding street scene; v) Are of a minimum intensity of illumination.

The application site is located within a Conservation Area and within the Townscape Heritage Initiative Area. Within Conservation Areas, special attention should be paid to preserving and enhancing the character and appearance of the area.

Policy CON 8 states that advertisements within Conservation Areas will be permitted provided that; the sign preserves or enhances the character of the area; glossy and highly reflective materials and internal illumination are excluded; and the signage respects the physical appearance of the premises in order to readily integrate with its surroundings.

Guidance in SPG No. 12 Shopfronts states great care should be taken in choosing colours for signage and try to avoid using bright colours in order to attract more attention. If all shops are brightly coloured there is no benefit individually and the overall effect is gaudy.

Guidance on SPG No. 13 Conservation Areas states in order to ensure that development proposals and proposals for the display of advertisements do not detract from the special character of Conservation Areas.

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

Policy CON 5 seeks to ensure that development does not harm the appearance or character of the conservation area. CON 8 relates specifically to advertisements within Conservation areas and GEN 11 relates to general signage.

This application proposes bright, coloured aluminium signage with acrylic lettering. The fascia signage is illuminated externally and the box sign is illuminated internally. There are objections from the Town Council and the Conservation Officer.

Policy and Supplementary Planning Guidance recommends careful control over design aspects of adverts, where use of materials, scale and siting of signage, lighting and style of advertisements are important considerations, and it suggests that fascia signs in conservation areas should be painted not internally illuminated. Whilst it is reasonable to expect commercial properties to illuminate adverts, garish colours or high intensity light often have an adverse impact on individual or groups of buildings or shopping centres. SPG No. 13 refers to corporate signage, and accepts it is designed and located to promote company image and identity, however these have to be considered against the same criteria as other signs and Applicants for corporate signage should note that the same sign may not be appropriate in all locations, and they should be prepared to compromise to alter their signage to take this into account.

It appears little consideration was given to the relevant planning policies in choosing the particular signage, and standard Money Shop advertising and



branding was used. Whilst it is noted there is a range of signage on the High Street in Rhyl, efforts are being made to regenerate the area and introduce better quality development.

As detailed above the aim of the policies and guidance relating to Conservation Areas and signage is to ensure advertisements are appropriate for the area in which they are located. It is considered the proposals do not take account of the relevant policy, or the context in which the site is located. Therefore the visual impact of the signage is not considered acceptable.

4.2.3 Impact on highway safety

Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable effect on the local highway safety.

Highways Officers have raised no objection to the signage and consider there would be no detrimental impact on highway safety.

The proposal is not considered to conflict with highway safety policies.

## 5. SUMMARY AND CONCLUSIONS:

5.1 Considering the nature of the signage it is suggested that this is in conflict with policy and guidance, and the application is recommended for refusal. Refusal would effectively authorise officers to undertake the necessary legal action to secure removal of the signs should the applicants exercise their right of appeal and such appeal be unsuccessful.

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

The reason is :-

1. It is the opinion of the Local Planning Authority that as a result of design, materials, colour, method of illumination and overall appearance of the signs that they have an unacceptable impact on the visual amenity of the area and on the character and appearance of the Conservation Area, contrary to Policies CON 5, and CON 8 of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Note No. 13, (Conservation Area), No. 12 (Shop fronts), and No. 17 (Advertisements).

## NOTES TO APPLICANT:

None

**ITEM NO:** 9

**WARD NO:** St Asaph East

**APPLICATION NO:** 46/2011/0656/ PC

**PROPOSAL:** Retention of wall over 2 meters in height (retrospective application)

**LOCATION:** The Croft Upper Denbigh Road St. Asaph

**APPLICANT:** Mrs Elin Reeve

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

ST. ASAPH TOWN COUNCIL

'Object – unacceptable intrusion into the visual amenity of the area'.

**RESPONSE TO PUBLICITY:**

None received

**EXPIRY DATE OF APPLICATION: 14/08/2011****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 involves the retention of a recently altered boundary wall to the rear garden of The Croft. The wall measures some 14 metres in length, with an overall ground to top height of 2.6 metres. The design includes grey blockwork with brick pillars. Planning permission has been necessary as an original wall have been increased in height above 2.0 metres.

1.1.2 The information submitted with the application advises that the proposal would provide added privacy to the property.

1.2 Description of site and surroundings

1.2.1 The Croft is a detached property located off Upper Denbigh Road, to the north west of Ysgol Glan Clwyd. The property has a relatively large garden area, which includes a detached garage building to the west. To the north, lies the semi – detached two storey properties of Fron Haul and associated rear garden areas, with two further detached properties to the west, near the entrance to/with Upper Denbigh Road (see plan at the front of the report)

1.2.2 Directly adjoining the length of the rear boundary to the Crofts runs a private pathway which is understood to serve an allotment area, further to the east. A hedge lies along the northerly edge of the path along the rear of the Fron Haul

residential estate properties. Mature trees exist to the west of the Croft curtilage, and to the east, on a separate site.

1.2.3 The property has an established rear boundary wall constructed with render and brick pillared features, which steps down from west to east along the majority of the wall length.

1.2.4 There are limited public views to and from the site. The site is well screened and there are no public footpaths in the immediate vicinity.

### 1.3 Relevant planning constraints/considerations

The site lies within the development boundary of St. Asaph

### 1.4 Relevant planning history

1.4.1 Information included in paragraph 2.1 outlines the planning history.

### 1.5 Developments/changes since the original submission

1.5.1 None

### 1.6 Other relevant background information

1.6.1 The matter was brought to the attention of Planning Services' Enforcement Team in May of this year. A site visit by an Enforcement Officer established that a section of the wall had, at the time, been recently raised above the 'permitted development' height of 2.0 metres.

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

2.1 There is no recent planning application history relating directly to the property, The Crofts. There are a number of historical planning application references relating to the erection of single dwellings, and other buildings.

It is understood that the original dwelling was constructed in the late 1990's.

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

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Considerations

3.2 GOVERNMENT GUIDANCE  
Planning Policy Wales 2011

## 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 Impact on amenity

4.2 In relation to the main planning considerations:

### 4.2.1 Principle

GEN 6 requires assessment of all proposals subject to a number of criteria, including site specific design and effect on the surrounding locality. These points are covered in the remainder of the report.

### 4.2.2 Impact on visual amenity

Policy GEN 6 i) – iv) contains general considerations to be applied to test the acceptability of development on the visual amenities of an area.

The design and appearance replicates the wall which has previously existed on the site.

With respect to the objections of the Town Council, provided the blockwork part of the wall is rendered cream to match the existing, it would be difficult to conclude that the proposal would conflict with criteria i) ii) and ii) of GEN 6. A suitable condition could be included to require the wall to be completed in cream to match the existing. i.e. original wall.

4.2.3 Impact on amenity

Test vi) of Policy GEN 6 requires that development does not unacceptably affect the amenities of local residents.

The limited, additional increase in height to the original wall places it consistent with the height of the original wall on the westerly side. Whilst noting the existence of a private pathway and hedgerow, given the distances and juxtaposition of the properties at Fron Haul, Officers consider the proposal would have limited adverse impacts.

**5. SUMMARY AND CONCLUSIONS:**

5.1 Whilst it is acknowledged that the application is in retrospect, the applicants have cooperated fully with Planning Services in submitting a planning application. In acknowledging the Town Council Objection, Officers conclude that the impact of this wall is limited and there are no reasonable grounds for refusal.

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

1. Within 3 months of the date of this decision, the blockwork section of the wall within the curtilage of The Croft shall be rendered and finished in a cream colour to match the existing colour of the wall.

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

1. In the interests of the amenities of the locality.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 10

**WARD NO:** St Asaph East

**APPLICATION NO:** 46/2011/0764/ PF

**PROPOSAL:** Demolition of single-storey outrigger and construction of two-storey pitched-roof extension and conservatory to rear of dwelling

**LOCATION:** 5 Fron Haul St. Asaph

**APPLICANT:** Mr T G Williams

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**  
ST ASAPH CITY COUNCIL-  
'Object, over intensive development of site'.

**RESPONSE TO PUBLICITY:**  
None

**EXPIRY DATE OF APPLICATION: 16/08/2011**

**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 application proposes demolition of an existing single storey rear toilet extension and the erection of two storey extension and conservatory extension at 5 Fron Haul, St. Asaph.
- 1.1.2 The proposed two-storey extension would measure 4.9 metres in length by 4.1 metres in width, with a height of 4.8 metres to eaves, 6.6 metres to the ridge. This extension would comprise of a ground floor kitchen with bedroom over. The attached conservatory would measure 3.5 metres in length by 4 metres width, with an overall height of 2.8 metres to ridge.
- 1.1.3 Windows are proposed on the side and rear elevations at ground floor level, and on the rear elevation at first floor level.

1.2 Description of site and surroundings

- 1.2.1 The dwelling is a semi-detached two-storey unit on a residential cul de sac in St Asaph. Across the access road to the north there is a school playing field, and there is open space to the rear.
- 1.2.2 Abutting the rear of the property is a right of way serving the adjoining dwellings. The adjacent property has a single storey flat roof extension to the rear.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

1.4.1 An identical application was granted permission in December 2005, but the works were never commenced.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 Planning Ref. 46/2005/1412 Demolition of single-storey outrigger and construction of two-storey pitched-roof extension and conservatory to rear of dwelling. Granted under delegated powers December 2005.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy GEN 6 Development Control Requirements

Policy HSG 12 Extensions to Dwellings

3.2 **Supplementary Planning Guidance**

SPG Note No. 1 Extensions to Dwellings

SPG Note No. 24 Householder Development Design Guide

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Detailed design and impacts

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extending existing dwellings is acceptable in relation to policies HSG 12 and GEN 6 of the Unitary Development Plan (UDP). Supplementary Planning Guidance (SPG) 1 and 24 give more specific guidance on what is acceptable and details of best practice. HSG 12 permits extensions to a dwelling subject to four tests. These tests are an 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. The assessment of these impacts is set out in the following section. GEN 6 contains a wide range of general development control requirements that all development proposals need to comply with. The purpose of this general policy is to help ensure that proposed development is of a high standard and has minimal adverse impacts. SPG 1 sets out the general principles of acceptable extensions to dwellings and SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions. The detailed impacts are considered below.

4.2.2 Detailed design and impacts

*Scale and form*

Test i) of Policy HSG 12 requires extensions to dwellings to be subordinate in scale and form to the original dwelling.

The extension is lower in height and occupies significantly less floorspace than the original dwelling and is therefore deemed to be acceptable in terms of scale and mass.

*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 proposed design and selection of materials are considered sympathetic to the appearance and character of the existing dwelling and would therefore be acceptable in terms of this test.

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

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.

It is not considered the proposal will impact on the privacy and amenity of nearby occupiers; the proposal will not overlook the adjoining properties or cause a loss of amenity owing to design and boundary treatment. Furthermore the extensions are set back from the boundary and there are no side windows at first floor level.

*Overdevelopment of the site*

Test iv) of HSG 12 states that proposals should not result in an overdevelopment of the site.

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 the occupiers.

The comments of the City Council are duly noted, but Officers do not consider the proposal would lead to an over-development of the site. Whilst the application proposes an extension that projects 4.5 metres from the rear of the dwelling at two storey level, with a conservatory attached, the remaining garden depth would be 9.4 metres which is substantially above the 6 metres recommended garden depth in SPG No. 1.

**5. SUMMARY AND CONCLUSIONS:**

5.1 It is considered that the proposal complies with 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.

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

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

**NOTES TO APPLICANT:**

None

**ITEM NO:** 11

**WARD NO:** St Asaph West

**APPLICATION NO:** 46/2011/0793/ PO

**PROPOSAL:** Proposed redevelopment of 0.9 hectares of former school site involving the demolition of existing buildings, the erection of 17 No. residential dwellings, means of access, creation of Children's (toddler) Playspace Area and transfer of school playing field to neighbouring Primary School (Outline application including access - all other matters reserved)

**LOCATION:** St. Winifreds School Heol Esgob St. Asaph

**APPLICANT:** Father Francis Doyle R C Diocese of Wrexham,

**CONSTRAINTS:**

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

#### **CONSULTATION RESPONSES:**

CITY OF ST.ASAPH TOWN/ COUNCIL – "Object – such development would create considerably more traffic on an already overburdened road system – N.B further comment 'without prejudice' – If the development was permitted it is considered that the proposed dwellings fronting Heol Esgob should be set further back from the highway (and/or should be single storey) and that provision should be made for improved access to the neighbouring school".

#### **CONTRYSIDE COUNCIL FOR WALES**

Concurs with the conclusions of the ecological assessment and that the maintenance of the favourable conservation status of European Protected Species will not be affected. Mentions the need to conserve biodiversity, including consideration of planned provision of 'linear 'and 'stepping stone' habitats.

#### **WELSH WATER**

Advices on the need to include standard conditions regarding separation of foul and surface water. No problems envisaged with the Waste Water Treatment Works. Mentions reference to a water main crossing the site.

#### **ENVIRONMENT AGENCY**

Confirms that:

- Flood zone - the site is partially located within Zone C2 as defined by the Development Advice Maps relating to TAN15, Development and Flood Risk (July 2004). According to Environment Agency Floodzone maps, this part of the site only lies within the most extreme flood zone 2, i.e. at risk from the 0.1% storm event. According to drawing number C733-01 (SBS Design Ltd, dated 7/3/11), the proposed layout indicates that the houses are to be located outside the flood zone. Providing the development is constructed as shown in this drawing, a Flood Consequence Assessment is not required to accompany this application.
- Surface Water Drainage - to achieve any attenuation of surface waters on site, advocates Sustainable Urban Drainage Systems (SuDS) being used.
- Dwr Cymru/Welsh Water should confirm if the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development.



## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

SENIOR BIODIVERSITY OFFICER – No objection to the principle of the proposal.

Highlights a number of points:

Protected species - Confirms that bats are the main protected species issue with this site. Notes that access to the building for the submitted survey was difficult to obtain and limited, and concurs with the assessment as having a low potential for roosting bats. However, disagrees with one part of the ecological report (bats), i.e. "No issues are thought to exist for the demolition of the building". As an ecological survey is only a snapshot in time, there is the potential that bats and/or birds could have since begun to use the building. A precautionary approach is therefore recommended, following the standard precautionary generic recommendations during the demolition phase: Suggests a note to applicant, highlighting that the new buildings should incorporate some basic bat friendly features. The conclusions and recommendations of the ecology report for habitats, reptiles and birds are sufficient and should be followed.

Arboricultural report – has some concerns regarding the recommendations of the report, involving trees and potential bat implications, with no clear explanation given for the trees to be removed, specifically the group along the eastern boundary of the site ( ivy-clad sycamores and hawthorn hedge). This was observed to be used as a bat flight line in the ecology survey and the ivy-clad trees assessed as having potential to be used by bats for roosting. These trees should be retained. If it is necessary to remove them this should be compensated for by improving the hedgerow with a mixture of suitable native species and installing bat boxes on nearby trees. A separate tree (T13) has also been recommended for removal and may have some potential for bats as it is ivy clad. If any ivy-clad trees are to be removed, precautionary measures should be followed, to avoid killing or injuring bats or destroying active bird's nests: The report also recommends a single species hornbeam hedge to replace various trees to be removed in the front gardens of the proposed properties. This would have little wildlife value - recommends a hedge comprising a mixture of native species should be used.

## TREE CONSULTANT

No objections to the proposed development. All trees to be retained should be protected with adequate fencing. Notes the comments of the Senior Biodiversity Officer, and has no objections to the retention of the Sycamores on the east for bat potential. Notes the recommendation in the arboricultural report for aesthetic and potential safety reasons, and the inclusion of a native species hedge could be accommodated.

## AFFORDABLE HOUSING OFFICER

Advises:

- There are currently 527 applicants on our social housing list for St Asaph (requirement for rented property)
- Currently there are no applicants on the Affordable Housing Register (people who specifically want to purchase). Should the scheme go ahead, active work with the local members would be involved to promote the scheme to encourage St Asaph residents to apply.
- The application for 17 units requires 5 affordable units, with preference for 2/3 bed properties. These would be sold as Low Cost Home Ownership (LCHO - discounted by the developer to sell outright) or if grant funded using a housing association, the property could be sold as shared ownership or rented. Sale price would be 3 x local income for St Asaph for that time, according to CACI data (annually from Welsh Assembly).
- The units must conform to the Welsh Assembly Design Quality Requirements (grant funded) or Denbighshire's minimum space standards (LCHO) and be of the same design and materials as the open market units.

## PLANNING POLICY

### Notes:-

- A portion of the site is covered under policy REC 1 'Protection of Existing Open Space' in the adopted UDP. Currently the open space associated with the former St Winifred's School is lying unused and of little benefit to the community of St Asaph. Discussions have taken place between DCC Estates department and the landowners regarding a potential land swap that would benefit the adjacent school Ysgol Esgob Morgan and thus the wider community in St Asaph. It is considered that the land swap would bring currently unused open space into active use in line with the requirements of policy REC 1. The redevelopment of a portion of the site currently covered by policy REC 1 is considered acceptable in principle.
- Notes that a children's play space is being provided on site. Any balance of children's play space and the community recreational open space element of the development should be met via a commuted sum to cover both provision and maintenance. Given the size of the site this is considered acceptable as opposed to insisting on full on-site provision.
- The 2000 Open Space Survey indicated that there was a small excess of Community Recreational Open Space in St Asaph but a shortfall in Children's play space. The proposal will result in a small loss of community recreational open space but will provide additional children's play space which would appear to be acceptable under criterion iii) of policy REC 1. The use of a commuted sum for the community recreational open space aspects of the development will ensure that existing open space in the area can be upgraded to increase its usage and thus provide additional benefit to the community.

## HIGHWAYS AND TRANSPORTATION

In noting the comments of the Town Council, does not consider that the proposal will create any more vehicle movements than the existing use, and that there will be far less at peak times during school pick up/ drop off times. Suggests a condition regarding detailed drainage details, in the event of soakaway issues. Highlights, matters of detail for the attention of the applicant;

- The access to plot 15 should provide a suitable visibility splay in line with 'Manual for Streets.
- Parking for the site should be in accordance with SPG 21.
- Ensuring that parked cars and ownership problems do not affect the link footpath to the CPS.

## PUBLIC REALM AND CONTRACT SERVICES GROUP MANAGER

Requests a commuted sum payment for open space is proposed, as any additional work can not be undertaken without a budget.

## RESPONSE TO PUBLICITY:

Letters of representation received from:

S. Barlow, 5, Ffordd Siarl, St. Asaph (e-mail)

Mr. D. Jones, 14, Ffordd Siarl, St. Asaph (e-mail)

Summary of planning based representations:

Highways – increase in vehicular traffic and obstruction, especially during school and term time/, parents park along Ffordd Siarl/with the addition of houses – limited space for vehicles to drop off/pick up/waiting for children/plans should be amended to accommodate extra traffic –with access all off Heol Esgob/Traffic department should provide yellow lines and children should be dropped off in the school area, dedicated for parking/increased congestion/difficulties in using Heol Esgob /The Roe junction

Amenity – noise and dust during construction should be controlled, given residential surroundings/ provision of buffer/landscaping between the development and properties on Ffordd Siarl, including retention of trees and sympathetic planting.

**EXPIRY DATE OF APPLICATION: 01/09/2011**

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

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application is for outline planning permission on 0.9ha of land area for residential development, with vehicular access sought off Heol Esgob for the majority of the site, and the remainder with direct access off Ffordd Siarl.
- 1.1.2 The proposal includes the demolition of the existing St. Winifred's primary school building, and the use of the Council owned open space area to the rear of the school. Part of the land is owned by Denbighshire County Council. The plan accompanying this report illustrates the extent of land owned by the Council, which is identified at some 0.221ha.
- 1.1.3 Indicative plans illustrate a potential layout involving 17 residential units, the provision of a children's play area to the north west, and an enlargement of the existing Ysgol Esgob Morgan open space area to the north. 14 semi-detached and 3 detached dwellings are indicated. Drainage provision is indicated by foul sewer and surface water disposal by a combination of mains sewer, soakaway and sustainable drainage systems.
- 1.1.4 The application includes the following documents, in brief:-

Planning Statement

This provides an introduction to the background, including the pre- application discussions and identification of the relevant planning policies.

Design and Access Statement

This provides a site description; deals with accessibility; environmental sustainability, mentioning the encouragement of SUDS; character; community safety; movement to, from and within the development – and mentions the opportunity to provide a pedestrian through route through the site to the children's play area and primary school.

Analysis to achieve Code for Sustainable Homes Level 3

This is provided by Stroma and indicates a potential code score of 59, achieving a code Level 3.

Affordable Housing Questionnaire

This suggests that, with a potential for 17 units for the whole site, 5 should be affordable housing units, developed in a single phase. No RSL partner is identified at this stage.

Arboricultural Impact Assessment

This highlights all significant trees on and adjoining the site have been surveyed, a total of seventeen individual trees and two groups) the assessment takes account of the layout plan; no trees require to be removed to

accommodate the development. Of the trees – 3 require removal given their poor health ( along Ffordd Siarl), 8 individual trees and the two groups are either of low quality or not significant; with remaining 6 trees as of moderate quality and value, for retention – along the Esgob Morgan boundary and some on the Ffordd Siarl road.

#### Ecological Assessment

The report advises that the main features of ecological interest on the site are the scattered mature trees and the hedgerow on the western site boundary, which should wherever possible be retained and enhanced; in relation to bats – the building is not thought to be a roost site, a number of Sycamores on the eastern boundary include ivy covering , which could be used by small number of roosting bats, with the need for reasonable avoidance measures to be applied to any tree felling or works. If any bats are found during the process, all works should cease and CCW contacted. The line of trees on the easterly boundary is identified as a bat commuting feature and should be retained or replaced as part of the site proposal. In relation to reptiles, the small scrub area to the east has limited suitability as a refuge site, although Reasonable Avoidance Measures need to be undertaken.

### 1.2 Description of site and surroundings

- 1.2.1 The site is located on the westerly edge of St. Asaph and is approached via Heol Esgob, which links onto The Roe. The locality is primarily residential, with a small retail and post office premises located along Heol Esgob.
- 1.2.2 The existing school building comprises of a 1970's style flat roofed and brick built structure, formerly a Roman Catholic school, with vehicular access direct from/to Heol Esgob, and associated open space/play area to the rear. It is understood that the building closed in 2004 and was then run by Denbighshire County Council between 2004- 2008, but again closed. The site has been marketed but has remained vacant.
- 1.2.3 To the north of the site lies the Esgob Morgan Primary school and the well established residential estate of Ffordd Siarl, comprising mainly of semi-detached bungalows; to the east lies the relatively new, predominantly 2 storey, detached residential properties of Lon Y Parc; to the west and south lies further, residential properties, predominantly 1970's style bungalows.
- 1.2.4 With the exception of the southerly boundary, there are mature boundary trees and hedgerows around the site, and also within the Esgob Morgan school site. The topography of the site is generally level.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the defined development boundary for St. Asaph.
- 1.3.2 The unbuilt i.e., green space area around the existing school building and yard area is covered by policy REC1 of the current Unitary Development Plan, which relates to 'Protection of Existing Open Space'.
- 1.3.3 The northerly, upper part of the site lies within a C2 floodzone, as defined in the WAG guidance.

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

- 1.4.1 In response to the Highway Officer comments, an additional plan has been submitted to indicate the appropriate highway access visibility splays.

#### 1.5 Other relevant background information

- 1.5.1 Detailed pre- application discussions have taken place with Council Officers.
- 1.5.2 A community consultation event was held In May 2011 at Ysgol Esgob Morgan on behalf of the applicants.

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

- 2.1 No recent planning applications have been identified on the site.

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

The main planning policies and guidance are considered to be:

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

##### Strategic Policies

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

##### 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 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 ENP 6 – Flooding

Policy HSG 2 - Housing Development in Main Centres

Policy HSG 10 - Affordable Housing in Development Boundaries

Policy REC 1 – Protection of existing open space

Policy REC 2 - Amenity and recreational open space requirements in New Developments

Policy TRA 6 - Impact of new development on traffic flows

##### Supplementary Planning Guidance

SPG 2 Landscaping

SPG 4 Recreational Open Space

SPG 6 Trees and Development

SPG 8 Access for All

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

SPG 26 Residential Space Standards

Other Relevant Council publications/documents

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

GOVERNMENT GUIDANCE

Planning Policy Wales 2010  
TAN 2 Planning & Affordable Housing  
TAN 5 Nature Conservation and Planning  
TAN 15 Flooding and developments  
TAN 12 Design ( as supplemented)  
TAN 16 Sport and Recreation  
TAN 18 Transport  
TAN 21 – Waste  
TAN 22 – Sustainable Buildings

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 Use of potential open space
- 4.1.3 Impact on amenity and privacy
- 4.1.4 Drainage and flooding
- 4.1.5 Highways and parking
- 4.1.6 Nature conservation and protected species
- 4.1.7 Affordable housing
- 4.1.8 Trees and Landscaping
- 4.1.9 Inclusive design
- 4.1.10 Open Space
- 4.1.11 Sustainable building

4.2 In relation to the main considerations noted above:

4.2.1 Principle of development

The main policy relevant to the principle of housing development in Main Centres is HSG 2, which seeks to locate new housing within identified development boundaries. The site lies within the current development boundary for St. Asaph, and comprises an element of brownfield land (school building and associated yard area).

The principle of residential development is therefore acceptable in terms of policy. 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 Principle of development involving existing open space protection policy REC 1.

Part of the site lies within land covered by Policy REC1 in the proposals map in the Unitary Plan. REC1 relates to protection of existing open space, and seeks to avoid the loss of existing open space that has recreational and/or amenity value, and their development should only be permitted where:

- i) The open space can best be retained and enhanced through the redevelopment of a small part of the site;
- ii) Alternative provision of equivalent community recreational benefit is made available;
- iii) There would be an overall community gain from the development and the particular loss of open space will have no significant unacceptable affect on local open space provision or the amenity and character of the area.

The justification in the policy highlights that in certain circumstances it might be beneficial to allow the redevelopment of a small area of underused or poorly maintained open space so that the remainder can be safeguarded and improved, so better meeting local need. It mentions that development on areas of open space may also be permitted where alternative provision can be made, but that new open space must be easily accessible and be at least equivalent in terms of type, quantity and quality to what is being replaced. Additionally, it highlights that development may be permitted if there is a proven and clear excess of the open space in the locality.

The northerly part of the existing open space area lies within a C2 flood zone, with mature trees along the boundaries, together with shrubs/hedgerow along the easterly boundary. The proposal involves developing on the majority of the existing playing field area, in exchange for land previously not accessible for community recreational use, and the provision of an on site dedicated children's play area.

On the basis of the planning policy response, and given the type, quantity and quality of dedicated play area proposed, the proposal is considered to satisfy the tests in REC1. However, the detailed design should look to maximise the accessibility of the open space and children's play area, and take on board other matters covered in this report, which can be covered by suitable conditions.

#### 4.2.3 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 17 units with adequate space to ensure proper relationships with nearby property.

In respect of noise and dust at the construction stage, in light of the concerns expressed, and the nature of the development involved, it would seem reasonable to include a condition securing controls of noise, dust and safety measures during construction stage.

#### 4.2.4 Drainage and flooding

ENP 6 - Flooding aims to minimise pollution implications and developments in flood zones Development in flood zones is permitted for exceptional cases.

In relation to the principle of using part of the site within a flood zone. Part of the proposal – the open space area - lies within a Flood Risk C2 Zone area. Given the existing use of this part of the site as an existing open space area, and the proposed use as an extension to the existing Esgob Morgan open space area, there is no 'change of use' development involved, as such.

The new 'built' development is intended to avoid the flood zone area, to the south. This is in accord with TAN 15, which advises that all new development should be directed away from zone C. The comments received by the Environment Agency i.e. that, the proposed layout indicates that the houses are to be located outside the flood zone confirms that a Flood Consequence Assessment is not required to accompany this application.

In this context, and provided the detailed design layout stage takes this advice on board, and no changes in the flooding sensitivity is incurred in the future, the principle of development is considered to comply with the TAN 15 approach

Policies GEN 6 criteria x) ; ENP 1 Pollution, criteria 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 , flooding and drainage implications.

Welsh Water have no objections to the application, subject to the inclusion of conditions, requiring construction of separate foul and surface water systems, an approach supported by the Council's Drainage Engineers. The application information indicates three approaches for surface water disposal. To ensure that drainage implications are integrated for the site, which includes the open space areas, and given the proximity of the flood zone, and the development likely to involve attenuation and mitigation measures, as part of a SUDS approach, full details will need to be submitted in due course.

In light of this background, it is not considered that 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

Policies 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 is indicative only.

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. To support this approach, the site layout should include detailed pedestrian and cycle routes to and from the children's playground and school area.

In relation to the Town Council comments and points of objections, the Highways Officer advises there is no evidence to demonstrate that the proposal will create any more vehicle movements than the existing use, and that there will be far less at peak times during school pick up drop off times. The concerns regarding on street parking during school peak times could also be mitigated by a managed approach for the whole school, with the possibility of a School Travel Plan. This could be conditioned, as part of the overall approach for managing transport to and from the school, including the use of notices



being provided at the school. In the event of a planning permission being granted, the developer should be encouraged to work with the Council in providing a safe route to the school premises.

Given this context and the additional plan provided, it is not considered that this outline proposal is in conflict with current planning policies and guidance, given that control over the point of access is accepted as part of this proposal and additional sustainable travel/through routes can be conditioned.

#### 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.

The Countryside Council for Wales accepts the findings of the Ecology report, but highlights the need to consider biodiversity issues such as the retention of linear features (in this case the hedgerow and tree feature along the easterly boundary). The County Ecologist whilst not objecting to the scheme, has highlighted the need for a precautionary approach in terms of potential bat presence in the future.

It is reasonable to conclude that the species report provides sufficient information to confirm that the proposal would have no significant effect on protected species, at this stage. In adopting a precautionary approach, a second report should be submitted prior to any demolition in particular taking place. It is considered that this could be conditioned if permission is granted.

Details included as part of the potential mitigation and enhancement are outlined in the report. This can include the retention and/or enhancement of the easterly boundary trees and shrubs, which could be controlled by a suitable condition. Any new landscaping plans should focus on enhancing the biodiversity aspect of the site.

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.

#### 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 for inclusion of affordable housing units. 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 affordable housing 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 tree and boundary details. The ecology and Arboricultural Impact Assessment reports highlight the importance of some of the trees for both amenity and nature conservation interests, and the County's Tree Consultant response confirms that a protective approach for some of these features is merited. Treatment of these features should be demonstrated at any detailed design stage and the layout planned to accommodate these features. In the event of a planning permission being granted, suitably worded conditions, to include the retention of certain trees and the easterly boundary trees hedgerow 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 full design stage. A suitable condition could be attached to ensure that this is achieved.

#### 4.2.10 Open Space

Policy STRAT 16 and Policy REC 2 of the Unitary Development Plan require, where appropriate, that new development should provide landscaped amenity areas on developments of 10 or more units. SPG 4 outlines the options to consider provision of open space areas.

The southern half of the open space area would be redeveloped, and the upper half involved with additional land for children's play space and community open space.

The requirement for an on site open space for 17 residential units, based on the current adopted Council standards amounts to 1632 sq.m. (1224m<sup>2</sup> for Community Recreational Open Space (CROS) and 408 m<sup>2</sup> for Children's play provision).

The proposal indicates a potential approach which could deliver the required amount of children's play provision on site. Based on current maintenance costs and arrangements for maintenance, this would equate to £5,932.32, which would need to be dealt with by way of a section 106 obligation as part of a detailed planning permission.

The proposal suggests a different approach to the delivery of a CROS, in the form of providing additional land 'gifted' to the Council for use in connection

with the adjoining primary school. This land, together with that owned by the Council on the St. Winifred's land, amounts to some 3265 sq.m. At time of writing the report, further clarification on any ongoing maintenance requirements associated with this specific land area is awaited.

Comments received from Planning Policy colleagues confirms that pre-application discussions established that this is considered an acceptable approach in this particular case, and the proposal is considered acceptable within the context of REC 1 policy.

#### 4.2.11 Sustainable Building

Planning Policy Wales, together with TAN'S 12 and 22 set specific standards for the sustainability of new buildings in order to reduce their impact on the environment and to tackle climate change. All new dwellings have to meet Code for Sustainable Homes Level 3 and obtain 6 credits under issue Ene 1 – Dwelling Emission Rate.

The submitted information for Sustainable Homes provides an indication that the minimum requirements could be achieved. However, these may need to be reviewed during any detailed design stage, in the event of a planning permission.

A suitable condition can be attached to ensure full compliance with the national requirements.

In relation to demolition and the recycling of materials. TAN 21 suggests that appropriate methods of recycling of all building materials should be included. This can be achieved with a condition obliging an audit of all building materials and means of recycling.

## 5. SUMMARY AND CONCLUSIONS:

5.1 With due respect to the Town Council's points of objection, in the absence of technical highway objection, it would be difficult to oppose the principle of residential development on the site. The site is in a sustainable location, involves use of previously developed land, with opportunities to provide an accessible community open space and children's play area.

5.2 In light of the above assessment, officers consider it would be unreasonable to oppose the principle of residential development for 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 indicative or layout is not approved for the site.

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

1. Approval of the details of the 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.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. PRE-COMMENCEMENT CONDITION  
 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:
  - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
  - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (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.
5. Foul water and surface water discharges shall be drained separately from the site.
6. 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.
7. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
8. PRE-COMMENCEMENT CONDITION  
 Prior to the commencement of any demolition works on site, the following details shall be submitted for the further approval of the Local Planning Authority:
  - i. an audit of all existing building materials
  - ii. the potential re-use and recycling of those materials for incorporating into an agreed, replacement site development, and
  - iii. where relevant, the recipient of remaining building materials. The approved audit shall form part of the building contract agreed for new building development for the site, a copy of which shall be submitted for record purposes for the Local Planning Authority.
9. PRE-COMMENCEMENT CONDITION  
 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in TAN 15, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and specify the responsibilities of each party for the implementation of the SUDS scheme, and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory

- undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
10. Notwithstanding the information submitted within the Arboricultural report, no trees or hedges within the area hatched on the attached plan shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
  11. The reserved matters application shall include details of a School Travel Plan for the use of the adjoining Ysgol Esgob Morgan to include maximum sustainable accessibility.
  12. No demolition of the school building shall take place until a secondary bat survey report has been submitted, with all methods of mitigation and compensation, if required, appropriately detailed in consultation with the Countryside Council for Wales and the County Ecologist.
  13. **PRE-COMMENCEMENT CONDITION**  
No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
    - i. the parking of vehicles of site operatives and visitors;
    - ii. loading and unloading of plant and materials;
    - iii. storage of plant and materials used in constructing the development;
    - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
    - v. wheel washing facilities;
    - vi. measures to control the emission of dust and dirt during construction;
    - vi. a scheme for recycling/disposing of waste resulting from demolition and construction of works.
  14. The layout plan submitted has been treated for illustrative purposes only and does not form part of this permission.
  15. The reserved matters application shall include a complete and updated Code for Sustainable Homes assessment in line with the technical requirements relevant at the time of submission.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Denbighshire Unitary Development Plan.
5. To protect the integrity of the public sewerage system.
6. 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.
7. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
8. To ensure that the development involves a sustainable approach.
9. To ensure proper drainage and maintenance of the site.
10. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
11. In the interests of the amenities of the locality and to maximise a sustainable travel approach for the community use of the open space area.
12. In the interests of nature conservation legislation.
13. In the interests of highway safety and residential amenity.

14. For the avoidance of doubt.
15. In the interests of ensuring compliance with a sustainable building approach.

**NOTES TO APPLICANT:**

1. Nature Conservation and trees  
During any site clearance and/or construction works, the following general precautionary measures should be followed:
  - a) If possible, works should be carried out between November and end of March to avoid potential disturbance to breeding bats and/or birds.
  - b) 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.
  - c) If ivy or vegetation is to be removed from a building, this should be done by hand, inspecting for bats and/or nesting birds.
  - d) 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.
  - e) If any active birds' nests or nests in the middle of construction are found work must not take place until all young have fledged. In the case of swallows and house martins, the most likely to be found, this could be as late as September as these species tend to have multiple broods.

Any landscaping details should include the retention and enhancement of existing natural features, and new buildings should incorporate some basic bat friendly features. Further information and advice should be obtained through contacting the Countryside Council for Wales and the County Council's Biodiversity Officer.

2. Works to trees  
The following approach should be undertaken:
  - All ivy should be checked for presence of bats which may roost underneath the ivy.
  - Trees should be felled in sections and sections lowered to the ground.
  - Trees should only be removed outside of the bird nesting season.
3. Drainage  
In relation to Surface Water Drainage. To achieve any attenuation of surface waters on site, the Environment Agency advocate the use of Sustainable Urban Drainage Systems (SuDS), further information about which can be found in CIRIA publications C522 SuDS - Design manual for England and Wales & C523 SuDS - Best practice Manual. This will have to be considered as part of any conditions and or detailed design proposals for the site.
4. Open space and Children's Play provision.  
You should discuss the exact type of children's play provision, together with the commuted maintenance requirements with the Council's Parks Group Manager before drawing up a detailed design stage. This will require maximum accessibility to members of the public.
5. Design and Access Statements  
As part of the reserved matters detail a detailed design and access statement shall be submitted.
6. Highways  
You should discuss the issues involved with the production of a School Travel Plan

approach with the County Council's Highways and Education Officers.

7. Water

Your attention is drawn to the attached Welsh Water Advisory Notes:-

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

8. Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

9. Water Supply

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

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

10. Layout and design

You are advised that the grant of planning permission does not convey the Authority's approval of the number of dwellings or the layout shown on the submitted illustrative plans.

**ITEM NO:** 12

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2011/0516/ PC

**PROPOSAL:** Continuation of use of land for the parking of 2 No. concrete mixer vehicles (retrospective application)

**LOCATION:** Pen Y Palmant Waen St. Asaph

**APPLICANT:** Mr G Roberts

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL

“Objection - It has been reported that the above vehicles are operating from this site – can we have clarification on operators licence and change of use”

It has been reported that the silo is used to store cement and not grain. This would suggest that this is an ongoing business without the appropriate planning permission and operating licence and we feel that this application does not cover the true extent of the alleged businesses in operation on this site”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HIGHWAYS DEVELOPMENT CONTROL TEAM

No objection subject to permission being specific to the storage of the proposed vehicles and not general B8 use.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 08/09/2011**

**REASONS FOR DELAY IN DECISION:**

- No available committee due to summer recess

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

- 1.1.1 The proposal is for the continuation of use of part of the site for the storage of two concrete mixer vehicles. The proposed location of the vehicles is within the existing complex of buildings at Pen Y Palmant.

1.2 Description of site and surroundings

- 1.2.1 The site is a former farm complex 0.5km to the north of the A55, to the west of the B5429. It is approximately 1km north east of St Asaph.



1.2.2 The site is currently in mixed use. Existing uses at the site include agriculture, vehicle recovery, storage and recycling of caravans, storage for touring caravans, storage and the cutting and distribution of timber.

1.3 Relevant planning constraints/considerations

1.3.1 All the above uses referred to have been granted formal planning permission through consents in 2004 and 2009.

1.3.2 The site is in open countryside outside of any development boundaries.

1.4 Relevant planning history

1.4.1 The main permission involved the continuation of use of land for recycling/dismantling, storage of caravans, storage, cutting and distribution of timber and depot storage vehicles recovery, and was granted in 2004 (47/2004/0693/PC)

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

47/2004/0693 Continuation of use of land for the recycling/dismantling of caravans, storage of touring caravans, storage, cutting and distribution of timber and as a depot for the storage of recovery vehicles GRANTED at Planning Committee 01/10/2004

47/2009/1337 Continuation of use of land for the storage of touring caravans GRANTED under delegated powers 16/11/2009

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy GEN 6 – Development Control requirements

Policy EMP 11 – Expansion/intensification of existing employment sites/premises

**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 Highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy EMP11 allows for the subdivision of existing employment sites subject to compliance with a number of tests. Proposals must not involve a non conforming use which has an unacceptable impact. Having regard to the existing permitted uses it is considered that the specific proposals are acceptable in relation to this. It is therefore considered that the use is acceptable in principle.

4.2.2 Impact on visual amenity

Policy EMP 11 requires that proposals relate well to the existing built environment and do not result in intensive, ribbon, or isolated development.

The siting of the vehicles is within the building complex and due to the relationship with existing buildings, they are only partially visible from public views. It is therefore considered that the use is acceptable in relation to visual impact, in the context of the surroundings.

4.2.3 Highway Safety

Policy EMP11 requires that proposals do not result in over-development which has unacceptable impact on the highway network.

The impact of the use in relation to the highway network would be the movement of the stored vehicles in and out of the site.

It is considered that the existing highway network and accesses are capable of accommodating the associated vehicle movement. It is therefore considered that the proposals are acceptable in relation to highway safety.

In relation to the comments of the Community Council relating to the use of the silo on site, these have been subject of enquires by an enforcement officer. Following investigation it is understood that the silo is not being used for the storage of concrete, and in the absence of any evidence to contradict this, no further action was taken. Clarification has been requested in relation to the existence of an operators licence and it is advised that it would be the responsibility of the vehicle owner to ensure all operating licences and compliance with them would need to be in line with relevant legislation and guidelines.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The use is considered acceptable in principle and localised impacts in relation to landscape and highways and is therefore recommended for grant

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

1. The use hereby approved relates solely to the storage of a maximum of two concrete mixing vehicles only.

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

1. For the avoidance of doubt and in the interest of visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 13

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2011/0787/ PF

**PROPOSAL:** Conversion of redundant outbuilding to form 1 no. dwelling, alterations to existing access track and installation of 2 no. package treatment plants

**LOCATION:** Outbuilding at Plas Coch Waen Road Rhuddlan Rhyl

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

TREMEIRCHION CWM AND WAEN COMMUNITY COUNCIL-  
Awaiting response following site visit.

COUNTRYSIDE COUNCIL FOR WALES (CCW)-  
Awaiting response to additional information

ENVIRONMENT AGENCY WALES-  
No objection.

DCC CONSULTEE RESPONSES-  
BIODIVERSITY OFFICER-  
No objection, subject to notes to Applicant.

BUILDING CONTROL OFFICER-  
Awaiting response.

HEAD OF TRANSPORT AND INFRASTRUCTURE-  
No objection.

CONSERVATION OFFICER-  
No objection.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 30/08/2011**

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

- Awaiting consideration at Planning Committee

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

- 1.1.1 This is a County Council proposal at Plas Coch Farm which comprises three elements: the conversion of an outbuilding to form one dwelling, alterations to the existing access track, and installation of two package treatment plants.
- 1.1.2 The proposed dwelling would comprise 6 bedrooms with ground floor living accommodation. An existing attached outbuilding is proposed to be retained for utility area/store. A garage is also proposed to replace the existing outbuildings to the east of the site.
- 1.1.3 To facilitate the conversion, an existing lean-to on the southern side of the outbuilding would be removed and an attached corrugated section would also be removed.
- 1.1.4 The former farm-yard is proposed to be used for amenity space and parking. Vehicular access would be as existing from the B5429, the access track would then split to accommodate a new access to the dwelling and the existing farmhouse to the south.
- 1.1.5 The application is accompanied by a detailed structural 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 on a former agricultural complex located to the south of Rhuddlan, the former outbuildings are located between the two existing Plas Coch farmhouses, which are currently unoccupied.
- 1.2.2 Access to the site is off the northern side of the B5429 Rhuddlan to Rhualt Road. The site is approximately 250m off the B road, served by a track, which is also a public footpath.

#### 1.3 Relevant planning constraints/considerations

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

#### 1.4 Relevant planning history

- 1.4.1 None.

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

- 1.5.1 The original application included a larger detached garage, which has been reduced in scale to appear subordinate.
- 1.5.2 The application is being considered by Planning Committee as the application has been submitted on behalf of the County Council.

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

- 2.1 None

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

The main planning policies and guidance are considered to be:

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

3.2 Supplementary Planning Guidance  
Supplementary Planning Guidance Note No. 16 – Conversion of Rural Buildings

3.3 GOVERNMENT GUIDANCE  
Planning Policy Wales March 2002

#### 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Residential Amenity
- 4.1.4 Highways Safety
- 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 some 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 terms of Policy HSG 9, the DAS refers to a business use test, (although in practice this is not longer required policy to be carried out), and concludes on the unsuitability of the buildings for employment uses. The building is considered to be structurally sound and capable of conversion. It is considered the conversion will not have an unacceptable impact on the character of the building and the character and appearance of the countryside; it is located in close proximity to the existing farmhouse and has an adequate curtilage with suitable boundary treatments.

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 most notable alteration is the removal of some of the poorly constructed add-ons, i.e. the blockwork lean-to and corrugated section. There are very little other alterations to the elevations of the outbuilding.

The Council's Conservation Officer has been invited to consider the proposal on the request of initial comments of the Community Council who had noted it was previously Grade III listed. The Conservation Officer has advised the building was considered during the re-survey by CADW, however they chose not to list it owing to its isolated location and the alterations that have been made to it over the years.

The scheme of conversion would also preserve the previously listed building from further degradation by introducing a positive re-use. It 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.

#### 4.2.3 Residential Amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development; policy HSG 9 also refers to amenity impacts.

Windows are proposed on all elevations of the barn conversion, and the first floor windows all serve habitable rooms. There is a substantial amount of amenity space proposed for the proposed conversion and the existing dwellings, as can be seen from the site plan at the front of the report.

Owing to the spacing and orientation of the conversion in relation to the existing dwellings, it is considered the proposal would not raise any conflicts with policy in terms of the amenity of existing or proposed occupiers.

#### 4.2.4 Highways

Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable effect on the local highway network.

No alterations are proposed to the existing access point onto the B road. Part of the proposal includes the alteration of the track to divert traffic away from the primary elevations of the proposed barn. Parking will be provided on site for all three units. Highways Officers raise no objection.

The public right of way on the adjacent footpath would not be affected and a note can be attached to ensure it is not obstructed when works commence. The alterations to the track would limit the potential for conflicts of access through the yard area. In terms of the access point considering the scale of the existing movements connected with the agricultural use, and potential as a result of the conversion to one dwelling, it is considered the proposal would not raise any conflicts with highways safety.

#### 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, Bird and Newt 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 nest in the building. Great Crested Newts were found to be present within 100 metres of the application site,

In considering the grant of planning permission the Authority must consider whether the disturbance of a protected species is required for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment."

It is noted that adequate mitigation methods for bats and birds have been proposed and agreed with CCW and the County Council's bio-diversity officer, so that if development were permitted, it would not be detrimental to the maintenance of the species concerned. Reasonable Avoidance Measures are also proposed to ensure the Newt population in the area would not be affected by the proposal, although CCW have suggested a condition be attached to enhance these. The proposal is considered to meet the Habitat Regulations 3 tests. It is considered that these issues would be suitably controlled through the licensing process if considered necessary.

## 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. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
3. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. **PRE-COMMENCEMENT CONDITION**  
Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.
6. Notwithstanding the provisions of Classes A, B, C, D and E 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 further grant of planning permission of the Local Planning Authority.
7. No development shall commence until a full scheme of appropriate avoidance and mitigation measures in respect of Great Crested Newts, including Reasonable Avoidance Measures (RAM's) and a long term conservation plan in respect of Great Crested Newts on the application sites is submitted to and approved 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. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of investigation and recording of historic/listed buildings.
6. In the interests of investigation and recording of historic/listed buildings.
7. In the interest of the protection of Great Crested Newts.

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

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. Condition No. 5 of this permission requires the carrying out of a photographic survey. The applicant is expected to pay for and complete the photographic survey. Professional photographers may be used where access to a camera or technical difficulties are encountered but the applicant should be aware that this will significantly increase the cost of the survey.

Photographs should be taken using a digital camera with a minimum resolution of 4 megapixels and preferably 8 megapixels or more.

Photographs should be taken at the highest jpeg resolution setting available on the camera (usually Fine or Super Fine). The saved photographs must be copied onto a good quality branded CD or DVD disk in the jpeg/jpg file format.

Note: Digital photographs presented on normal paper or photographic paper will not be accepted as they are not archivally stable in the long term.

The use of a standard flashgun is recommended indoors to light the interior views.

If available a measured scale should be placed within each but this is not essential.

Photographs should be taken of all exterior and interior wall elevations which are affected by the development together with photographs of interior roof detail where this is altered. Features of particular interest (e.g. obvious differences in wall makeup, windows and doors whether blocked up or not, fireplaces, timber framing, stairwells, cellars) should also be fully photographed.

The applicant should indicate where the views taken are positioned on an architect's floor plan of the building. Location reference numbers on the plan/s should utilise the digital photo numbers from the camera for cross reference purposes.

The applicant must check the photos at the application site to ensure there are no blurred or poorly lit images. If some images are blurred, please increase the speed at which the exposures are taken (1/125 is a good minimum) and re-take the images. If images are poorly lit please check your flash is working and/or increase the aperture. Setting the camera ISO at 200 or 400 will also allow higher shutter speeds to be used in dimly lit locations.

The photographs should then be sent to: Mark Walters, Development Control Section, Clwyd-Powys Archaeological Trust, 7A Church Street, Welshpool, Powys, SY21 7DL (Tel: 01938 553670). CPAT will confirm receipt of your photographs and inform the planning authority that the condition has been satisfied.

Your attention is drawn to the attached comments from the Council's Public Rights of Way Officer dated 13th June 2011.



## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2011/00003

**LOCATION:** Land to the side of Bodaeron, Mount Street, Ruthin

**INFRINGEMENT:** Unauthorised change of use of land by creation of extension of residential curtilage by erection of fencing forming partial enclosure

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

#### **DENBIGHSHIRE UNITARY DEVELOPMENT PLAN**

Policy GEN 6 – Development Control Requirements  
Policy HSG 16 – Extensions to Domestic Gardens/Curtilages  
Policy CON 5 – Development within Conservation Areas

#### **GOVERNMENT GUIDANCE**

Planning Policy (Wales) 2010  
Circular 1/98 – Planning and the Historic Environment  
Technical Advice Note (Wales) 9 – Enforcement of Planning Control

#### **HUMAN RIGHTS CONSIDERATIONS**

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised developments/uses of land and other related matters.

In this particular instance, matters relate to the rights of a citizen to extend the residential curtilage of his property onto land not within his ownership, by the erection of a fenced partial enclosure.

### **1. BACKGROUND INFORMATION**

- 1.1 The land which is the subject of this report is located to the west side of the property known as Bodaeron on Mount Street in Ruthin. The land is part of an access between the Market Street car park and School Road to the North; originally forming the Old Farmer's Market access road.
- 1.2 Fencing has been erected on this land which measures approximately 5.8m long and is approximately 2m wide, with the height of fence panel's from the ground measuring between 1.81m and 1.94m. Posts are between 2.14m and 2.17m high.
- 1.3 The erection of the fencing by the owners, outside their residential curtilage, was brought to the attention of the Planning Department in April 2011. An investigation identified a potential breach of planning control. However, despite ongoing correspondence between the department and the owners of Bodaeron, the unauthorised fence remains.

1.4 It is considered that the removal of the fencing, removal of a bollard and other domestic waste would remedy the identified breach and return the land to its previous use..

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

2.1 The change of use of the land has taken place within the last 10 years.

2.2 No planning application has been submitted.

2.3 The unauthorised development is contrary to policies and advice contained within the adopted Denbighshire Unitary Development Plan and also to advice contained within the aforementioned government guidance in respect of :-

### Visual Impact and Impact on the Conservation Area –

It is considered that the siting of the fencing, its form and the materials used in its construction, fails to comply with criteria (i) of **Policy GEN 6** of the Unitary Development Plan. This criterion permits development only where it respects the site and surroundings.

In relation to **Policy CON 5** of the Unitary Development Plan, it is considered that the fencing, also by reason of its form and the materials used, fails to preserve or enhance the character or appearance of the designated Conservation Area.

**Policy HSG 16** of the Unitary Development Plan does not permit the extension of residential curtilages when, as in this case, the result adversely affects the character and appearance of the locality.

## **3. RECOMMENDATION**

3.1 That the Planning Committee authorise the service of an Enforcement Notice with a 1 month compliance period, requiring the removal of the fencing and posts, the removal of the bollard and domestic waste and the re-instatement of the land.

3.2 To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof within the specified time period.