

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 28th September 2011 at 9:30am.

PRESENT

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

ALSO PRESENT

Principal Solicitor (Susan Cordiner) 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) also attended part of the meeting.

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors J M Davies I A Gunning, C Hughes, R W Hughes, D Hannam, D Owens, D I Smith D A J Thomas
Head of Planning Regeneration and Regulatory Services (G Boase),

2 DECLARATION OF INTEREST

There were no declarations of any personal or prejudicial interest in any business identified to be considered at this meeting.

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 27TH JULY 2011

Resolved that the minutes of 27th July 2011 be confirmed for accuracy with the following addition :

Page 20 - 44/2011/0508/OB - Abbey Nurseries Abbey Road Rhuddlan

“Councillor Ann Davies proposed GRANTING the Modification for the reason that there were risks involved in the refusal of it This was seconded by P Owen
Councillor S Thomas proposed REFUSAL of the Modification for the reason that the original obligation continues to serve a useful purpose.
This was seconded by Councillor C Hughes”

5 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: 16/2011/0691/PF

Location: Llanbedr Hall, Llanbedr Dyffryn Clwyd, Ruthin

Description: Conversion and extension of the former garages into 1 No dwelling with designated bat roost in the roof

Proposals:

Councillor P Dobb proposed that permission be granted. This was seconded by Councillor D Owens

VOTE:

22 To Grant
0 to Refuse
1 Abstention

PERMISSION WAS THEREFORE GRANTED

Application No: 20/2011/0981/PF

Location: **Barn – Ysgubor Ucha at Glascoed Pentrecelyn Ruthin**

Description: 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

The following additional letter of representation was received:
From the applicant's agent advising that only general maintenance and repairs had taken place

.....
Councillor M. LI Davies requested that this application be deferred to allow a Site Visit to take place

This was seconded by Councillor D I Smith

VOTE:

22 to DEFER the application to allow a site visit to take place.

0 to Refuse to defer

0 Abstained

It was therefore resolved to defer the application and arrange a site visit

Application No: 28/2011/0953/AC

Location: **Henllan Training Centre Denbigh**

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

The following additional letter of representation was received:
Mrs R London, 9 Glasfryn, Henllan

Members were given the opportunity to read the additional information circulated on the Late Representations report

Proposals:

Councillor B Blakeley proposed APPROVAL

This was seconded by Councillor J Butterfield

VOTE:

24 to APPROVE
0 to Refuse
0 Abstentions

DETAILS OF AFFORDABLE HOUSING PROVISION WERE THEREFORE APPROVED

Application No: 28/2011/0956/AC

Location: Henllan Training Centre Nr Denbigh

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

The following additional letter of representation was received:
Mrs R London, 9 Glasfryn, Henllan

..... **Members were given the opportunity to read the additional information circulated on the Late Representations report**

Proposal:

Councillor B Blakeley proposed APPROVAL
This was seconded by Councillor P Dobb

VOTE:

23 to APPROVE
0 to Refuse
1 Abstention

DETAILS OF THE DRAINAGE WERE THEREFORE APPROVED

Application No: 30/2011/0901/PF

Location: Bron Yr Aur Upper Denbigh Road St. Asaph

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

Public Speakers: For : Peter Lloyd (agent acting for applicant)

Mr Peter Lloyd offered his view that the officers had given a clear and positive recommendation . The proposed garage will be set back from the road and boundaries. It is not a large building and setting it forward of the building line would not affect the street scene. The neighbouring property is shielded by trees.

Councillor M Lloyd Davies (local member) proposed this application be refused under policies GEN 6 and HSG 12

He felt that the previous refusal was correct and nothing should be built forward of the building line. He thought the neighbour should be supported and although there are trees screening the proposed development, they are not permanent.

Councillor E. R Jones asked if a refusal could be defended at appeal

The Development Control Manager (Paul Mead) displayed photographs taken from the main road which, he said, showed the area was well screened. The garage would be in a large garden and would therefore not alter the street scene. There would need to be a good reason to refuse permission

Councillor M Lloyd Davies felt Policy HSG 12 would be sufficient reason for refusal, on the grounds of character appearance and amenity of the area. He

considered that this proposal did not protect the amenity of the area as it would be forward of the building line and there are no other houses on the street with such a structure in front of them.

Proposals:

Councillor P Owen proposed this application be Granted
This was seconded by Councillor D I Smith

VOTE:

15 to Grant
7 to Refuse
1 Abstention

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2010/1323/AD

Location: 9 Bodfor Street Rhyl

Description: Display of replacement illuminated fascia sign
(retrospective application)

Proposals

Councillor J Butterfield Proposed that permission be
REFUSED
This was seconded by Councillor J Bellis

VOTE:

0 to Grant
19 to Refuse
2 Abstentions

PERMISSION WAS THEREFORE REFUSED

Application No: 45/2011/0815/AD

Location: 83 High Street Rhyl

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

Councillor I Armstrong suggested the yellow colour and illuminated nature of this sign could cause confusion to drivers at the adjacent traffic lights.

DC Manager (Paul Mead) felt that the colour was garish and too "loud" for the Conservation Area. It could impact on traffic safety at night. There was also a hanging, projecting sign which, together with the fascia signs, harms the visual amenity of the area.

Highways Officer M Parker also felt that the colour could confuse drivers travelling towards the traffic lights in front of the property

Proposals

Councillor J Butterfield proposed that permission be Refused
This was seconded by Councillor B Blakeley

VOTE:

3 to Grant
19 to Refuse
2 Abstentions

PERMISSION WAS THEREFORE REFUSED

Application No: 45/2011/0572/PF

Location: **St David's Residential Home 36 East Parade Rhyl**

Description: 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

Members were given the opportunity to read the report of the Site Inspection which took place on Monday 26th September 2011..

Councillor J Bellis spoke as local member and on behalf of fellow ward member Councillor D Hannam who was unable to attend . He advised that this proposal had been refused twice before and urged that this application be refused on parking grounds. While there is a pull in area on Tarleton Street there are only 16 parking spaces proposed on site, which he felt was insufficient for the staff, 100 residents and visitors. He said visitors are buying parking tickets from the Council to park in the public car park nearby and he felt this was a tax on the sick. The new entrance proposed on East Parade was opposite the Lifeboat station and may interfere with the passage of emergency vehicles.

Councillor Bellis also thought the proposal was an over-intensification of the site which would leave insufficient amenity space.

Councillor R Bartley agreed with Councillor Bellis in that he thought the highways issue was important – Tarleton Street is a busy two way street and there is no pedestrian crossing to the public car park. Councillor Bartley also commented on the lack of amenity space

Councillor S Thomas felt the situation had changed since the previous refusal. He acknowledged the road was narrow and mentioned a van that had blocked the road during the site visit but thought emergency vehicles would not be impeded as they would have blue lights to help them through.

Councillor Ann Davies agreed with previous speakers and felt it was a pity Care Standards could not comment at this stage,

Councillor A. Pennington mentioned that it is already a busy Home with limited parking. The extension would make matters worse, in his opinion.

Principal Planning Officer Ian Weaver suggested that this application addresses reasons for the previous refusal by introducing a new access arrangement. However, this was an “on balance” recommendation

Highways Officer M Parker explained the Highways Department refers to parking standards in SPG 21 which requires a maximum of 1 car space per 3 beds – in this case a total of 37 spaces . The number of spaces proposed (16) is below standard but the Highways officer took account of the availability of a nearby public car park and on street parking. He said it was also on bus and bicycle routes. He understood the concerns raised about Tarleton Street but the new access off East Parade would reduce the use of Tarleton Street. The substandard junction is to be closed. The Lifeboat Station will not be affected.

Councillor J Butterfield asked if a traffic survey had taken place

M LL Davies sought advice on the relevant LDP policy.

Councillor J Bellis asked what the service area shown on plan was for - he felt that delivery vehicles were likely to try and park as near as possible to the building.

M Parker advised that the present access will be closed and a lay by provided, to prevent delivery vehicles having to reverse in or out of the site. The traffic survey shows that traffic will be redirected by the new arrangement.

DC Manager Paul Mead said he felt the Members were leaning towards a refusal and advised the following reasons would be suitable:

Lack of on site parking

Overdevelopment of the site

In answer to Councillor Davies, P Mead advised that LDP policy CF5 was relevant but the wording is not specific on amenity space.

Councillor G Kensler suggested that disabled spaces would also need to be provided

Proposals:

Councillor M Lloyd Davies proposed that permission be Granted
This was seconded by Councillor J Butterfield

VOTE:

7 to Grant
13 to Refuse
4 Abstentions

PERMISSION WAS THEREFORE REFUSED

This decision, being Against Officers' Recommendation was taken for the following reasons: Insufficient on-site parking, loss of amenity space and over-intensification of the site

Application No: 46/2011/0656/PF

Location: **The Croft Upper Denbigh Road St Asaph**

Description: Retention of wall over 2 metres in height
(retrospective application)

Councillor D Owens advised the committee that the neighbours are not happy with this development but feel they can do nothing about it. He was concerned about retrospective applications in general.

Councillor M LI Davies asked about a path to the allotments. The report stated there was no public right of way near the development.

DC Manager P Mead advised that there was a path on one side of the wall which leads to the allotments but it was only for allotment holders , not a public right of way. Permission was required for the wall as it was over 2 metres high . He explained that it is not a crime to build without planning permission but the Local Authority can request an application in retrospect.

Councillor Selwyn Thomas felt a training session on retrospective applications would assist Members.

Proposals:

VOTE:

23 to Grant
1 to Refuse
0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Application No: 46/2011/0764/PF

Location: 5 Fron Haul St Asaph

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

Proposals:

Councillor D Owens proposed that permission be Granted
This was seconded by Councillor M. LI Davies

VOTE:

23 to Grant
0 to Refuse
0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to the following Amended Condition

2. No additional windows to those shown to be provided at first floor level on the rear extension hereby permitted shall be installed without the prior written agreement of the Local planning Authority.

Reason: In the interests of the amenity of neighbouring properties.

.....

Application No: 46/2011/0793/P0

Location: **St Winifred's School Heol Esgob St Asaph**

Description: Proposed redevelopment of 0.09 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)

The following additional letters of representation were received:

St Asaph City Council

The Clerk has confirmed the original comments made by the Council "will not be affected by the fact the plot size was incorrect in the original documents considered".

Countryside Council for Wales

Reaffirm stance – no objection

County Council Biodiversity Officer

Welcomes the intention to retain the Sycamore trees for bat potential. Refers to inspection of the buildings for evidence of use by bats, and is satisfied that matters can be covered by the condition requiring implementation of Reasonable precautionary Measures in the event that any bats use the building prior to demolition.

Individual representation

Mr M Bundy, 19 Lon y Parc, St Asaph

Main points

Trees – Accepts removal of one sycamore but requests retention of other 2.

Bats – Assumes potential bat roosts have been checked.

The applicant's agent

Looks to correct the original comments of the Biodiversity Officer, as there is no proposed hedgerow or tree removal proposed along the eastern boundary. The tree to be removed is a poor hawthorn specimen.

.....

Councillor B Cowie referred to the work undertaken so far to effect the removal of these derelict buildings and gain more land for the school. He was pleased to see the application and urged that it be granted

Councillor M Lloyd Davies requested that the new estate be given a suitable welsh name. He also mentioned the City Council's request for the siting of the houses and asked where the link footpath was

Councillor G Evans asked how to ensure the open space is provided in the event of the developers going into administration. Would it be possible to secure a Bond or contract.

Highways Officer M Parker explained where the link path was (near plot 8) and advised that the proposed parking arrangements meet Highway standards.

Principal Planning Officer Ian Weaver stated that the plan provided was only for illustration but it would be possible to inform the applicant that the houses should be sited further back to allow more open space. Any 106 agreement could include for a Bond to be paid before development commences. This could be used in the event of the developer failing to provide the open space.

Proposals:

Councillor J Butterfield proposed that permission be granted
This was seconded by Councillor Brian Blakeley

VOTE:

24 To Grant
0 to Refuse
0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to the following additional conditions AND Note to Applicant:

16. The area to the north east of the land proposed for the dwellings, as shown on the illustrative site plan, shall be used solely as a playing field by Heol Esgob Morgan School.

Reason: For the avoidance of doubt, as the land is indicated as within a C2 Flood Zone.

17. The residential development hereby permitted shall be restricted to Use Class C3 Dwelling houses as defined in The Town and Country Planning (Use Classes) Order 1987 and such equivalent class in any amendments to that Order.

Reason: In the interests of the character and amenity of the locality.

18. PRE-COMMENCEMENT CONDITION

The development shall not begin until details of the provision and arrangements for future maintenance of Community Recreation Open Space and Children's Play space in accordance with the Council's standards has been submitted to and approved in writing by the Local Planning Authority. Such arrangement to include for the provision of a suitable bond to cover payments, and the timing of completion and bring into use of the open space.

Reason: To ensure suitable arrangements are in place to deliver adequate open space and future maintenance thereof in connection with the development.

Note to applicant

Conditions 4 and 18 of this outline consent will require negotiation with the local authority over arrangements for provision of affordable housing and open space, which may need to be secured by a Section 106 obligation. You are strongly advised to discuss the approach to meeting the terms of these conditions with officers well in advance of submission of details.

Application No: 47/2011/0516/PF

Location: Pen y Palment , Waen, St Asaph

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

Councillor B Smith clarified the Community Council's position – it is understood that the silos on site contains cement and aggregate. They are used to load the mixer vehicles overnight before deliveries are made to sites the following morning.

Councillor B Smith offered the view that the site supported an unauthorised operation, without an operator's license, and is not just used for parking. Officers were asked to monitor the site.

Councillor D Owens suggested the application be deferred to investigate the alleged change of use, as he felt it would be difficult to refuse permission to use the site if parking was allowed.

DC Manager Paul Mead referred to the additional conditions proposed and promised to investigate a possible change of use of the land by monitoring the site. He also asked for any additional evidence from the public or Community Council to be sent to the planning officers. But there was no reason to refuse to allow parking on the site.

Proposals:

Councillor M Lloyd Davies proposed that permission be granted
This was seconded by Councillor D. I Smith

VOTE:

19 to Grant
1 to refuse
2 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to the following:

Revised wording of Condition 1

1. The permission relates solely to the parking of a maximum of two concrete mixer vehicles on the area of land edged red on the submitted plan.

Note to applicant

1. You are advised that this Certificate confirms solely the grant of planning permission for the parking of concrete mixer vehicles on the site, and no other activity associated with them. It does not convey any other permission / consents which may be required for the parking of such vehicles, e.g. Licensing.

Application No: 47/2011/0787/PF

Location: **Outbuildings at Plas Coch Waen Road Rhuddlan**

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

The following additional letters of representation were received:

Tremeirchion, Cwm and Waen Community Council

“No objection – However, Council ask that the following conditions were considered to be attached to any planning permission given:

- a) Concerns were expressed about the access for animals to and from farm and fields on the site. It was felt that the farmer needed access to his fields that was not detrimental to his farming enterprise.
- b) Considering the size of curtilage apportioned to the Barn, Council would like assurances that there should be no further development on this particular site.

Countryside Council for Wales

No objection in principle subject to avoidance of potential impacts. Suggest condition obliging submission and implementation of an appropriate avoidance and mitigation, and conservation of Great Crested Newts.

Building Control Officer

Confirms the building is structurally sound and capable of conversion.

Conservation Architect

No objection. Proposals seem relatively restrained.

Officer Comment

The access arrangements do not adversely affect the operation of the farm enterprise

Councillor B Smith requested assurance that no further development would take place on this land.

Principal Planning Officer Ian Weaver stated that while no such assurance can be given, any further applications submitted would be brought to committee.

Councillor ER Jones asked if there was a shared access,
Principal Planning Officer Ian Weaver stated it would branch off the existing driveway

Councillor TR Hughes asked why there were two package treatment plants proposed

Principal Planning Officer Ian Weaver explained that one was exclusively for the farm enterprise

Councillor GC Evans asked if the barn was capable of conversion and why rooflights were proposed.

Principal Planning Officer Ian Weaver advised that Building Control feel the barn is structurally sound and capable of conversion.
The Conservation Officer prefers not to see new window openings being created in the walls - roof lights will have less effect on the character of the building.

Proposals:

Councillor B Smith proposed permission be granted
This was seconded by Councillor J Bellis

VOTE:

22 to Grant
0 to refuse
0 Abstentions

PERMISSION WAS THEREFORE GRANTED

:

6. ENFORCEMENT ITEM

Ref ENF/2011/00003

Location: **Bod Euron, Mount Street Ruthin**

Description: Unauthorised Change of use of land by the creation of residential curtilage by the erection of fencing forming partial enclosure

Councillor DI Smith advised committee that this particular site was causing problems in Ruthin.

Councillor RL Feeley queried why it was taking so long to resolve, as the land was not in the ownership of Bod Euron.

Councillor G Kensler sympathised with the department as there was only one officer dealing with the area.

DC Manager P Mead stated that there were two enforcement officers, but they had to cover the whole County . In this case there have been legal issues over the ownership of the pathway – and whether the pathway constitutes a “highway” The owners of Bod Euron have either built a fence over 2 m next to a highway or they have changed the use of land to residential. Having sought legal advise it appears The Council has title to the pathway so Bod Euron is in effect using Council land

Principal Legal Officer Sue Cordiner explained that the Council bought the land for the present car park and have right of way along the pathway in question, but ownership is not clear. The planning enforcement route was the most straightforward as land ownership was not a planning issue.

Councillor M Lloyd Davies asked who maintained the pathway – if the Council did, that would suggest ownership rights.

Proposals:

Councillor DI Smith proposed that authorisation be given to take enforcement
action

This was seconded by Councillor RL Feeley

VOTE:

23 to authorise action

0 to refuse

0 abstentions

RESOLVED That authorisation be granted for the following:

1. Authorise the service of an enforcement notice with a one month compliance period requiring the removal of the fencing and posts , the removal of the bollard and domestic waste and reinstatement of the land
- (i) 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.

PART 2 ITEM

Application No: 44/2011/0508/OB

Location: **Abbey Nurseries Abbey Road Rhuddlan Rhyll**

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

The legal officer advised that public speaking may be permitted on this item in Part 1 of the meeting, but following any presentations for or against the application, the press and public (including applicants, agents and any supporters and objectors) will be asked to leave the chamber to allow Members to consider the application in confidence as a Part 2 item.

Public Speaker: For: Mr E Williams (agent)

Mr Elfed Williams spoke in favour of the modification. He asked that a fresh and objective view be given to the application and that Councillors are not influenced by the past. He stated that it was no longer viable for the developer to provide 10 affordable housing units. They preferred to provide 4 flats and 4 affordable units but this was not acceptable. The commuted sum would be ring fenced for use in Rhuddlan. The developer had won an appeal on the sister site (The Orchards) and both sites would be developed in tandem. Mr Williams stated that £115,400 would be paid and 7 affordable houses would be built on the Orchards site. He said his client was not “getting away” with anything. Mr Williams considered that there was case law supporting them. Officers of the Council have been objective, professional and consistent in their recommendations. He advised that there were no legal grounds to refuse this modification.

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 rest of this 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.*

Proposals:

Councillor Ann Davies proposed that the modification be granted. The reasons for this proposal were: The risks involved in the developer failing to finish the development and the costs involved in defending an appeal

This was seconded by Councillor P Owen

VOTE:

9 to Grant the modification

11 to Refuse

2 abstentions

The Modification was therefore Refused.

At this point the officers reminded Members that the recommendation includes two options if the modification is refused:

To Refuse the modification of the Obligation for the reason contained in paragraph 2.2 of the report

Or

To Refuse the modification of the Obligation with an amended reason for refusal

Councillor S Thomas proposed refusal for the reasons contained in paragraph 2.2 of the report .

This was seconded by Councillor A Pennington

On being put to the vote :

15 voted in favour

2 voted against

2 Abstained

RESOLVED *In the opinion of the Local Planning Authority, the modification sought would be contrary to the aims of the Council's Affordable Housing Policy guidelines in its Unitary Development Plan (HSG 10) and its Supplementary Planning Guidance Note 22 – Affordable Housing in New Developments, which seek the provision of affordable housing units within a development site unless there is evidence to justify an alternative approach. In this case the Council do not consider the case is made to either justify the option of payment of a commuted sum in lieu of on site provision, or to the sum forming the subject of the modification based on a level of provision below the 10 units originally proposed as part of the development."*

.....

THE MEETING CLOSED AT 12:15 pm

PWYLLGOR CYNLLUNIO
CYFARFOD: 19eg Hydref 2011
Eitem: 5

PLANNING COMMITTEE
MEETING – 19th October 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 - 19th OCTOBER 2011
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ITEM NO: 1

WARD NO: Denbigh Central

APPLICATION NO: 01/2011/0969/ CA

PROPOSAL: Demolition of 5 No. terraced houses and demolition of highway wall top section for a length of 12.5 metres

LOCATION: Land at rear of 43 Love Lane fronting Tan Y Gwalia Denbigh

APPLICANT: Mr D Lloyd-Williams & Mrs B Carr

CONSTRAINTS:
Town Heritage Area
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL – “The town council whilst objecting to the original application some while ago, would find it very difficult to do so with regard to the above as outline planning approval has been granted on appeal.

The current application also refers to the demolition of a highway wall top section and the council, whilst not objecting to the current application, would raise concerns with regard to the safety of pedestrians using that section of the highway should the wall be demolished.’

CLWYD POWYS ARCHAEOLOGY – Refers to previous correspondence (planning code 01/2010/1116/PO), which recommended a contracted archaeological watching brief be conditioned.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
CONSERVATION AND T.H.I. OFFICER**

Outlines concerns over approving demolition of the boundary wall prior to approval of details of the new access arrangements, and the signing of a contract for the carrying out of the redevelopment.

SENIOR BIODIVERSITY OFFICER –

Notes that the information submitted indicates that the houses are derelict and roofless, with some dense ivy, which could support nesting birds and bats. They could also use holes in the stone work. The applicant should be made aware of this possibility and to follow precautionary measures.

HEAD OF TRANSPORT AND INFRASTRUCTURE - Advises that Tan Y Gwalia is an unclassified adopted Highway. Other consents may be required by the Department.

RESPONSE TO PUBLICITY:

Letters of representation received from:
Gaynor Cottam, 41A Love Lane, Denbigh

A Bibby Jones, Caer Elan, 51-53 Love Lane, Denbigh
Ms. A. Roberts, 2, Church Cottages, Tan y Gwalia, Denbigh (e-mail)
J. & L. Armstrong, 3, Church Cottages, Tan-y-Gwalia, Denbigh (e-mail)
J. Armstrong 3, Church Cottages, Tan-y-Gwalia, Denbigh (petition)

A petition has also been received with 12 signatories.

Summary of planning based representations:

Conservation Area – all the works involved with the heritage grant to restore and preserve the conservation area will be for nothing, as the application defy the concept of conservation and will alter the appearance of the conservation area with the removal of the old stone wall along Tan Y Gwalia lane/previous applications for demolition in the area have been rejected e.g. section fronting 1 Church Cottage, which consisted of only 20% of the highway wall/approving the plans will set a precedent/the lane will be fronted with a new tarmac car park, changing the character of the area.

Highways and safety- demolition of the cottages will give rise to highway problems and hazards to residents, exacerbating existing parking problems including for disabled residents/the lane has limited access and is deemed unsuitable for large vehicles/unlikely that this lane can cater for heavy plant traffic/removal of highway top wall section for a length of 12.5 m would cause additional safety problems/two cars unable to pass along the lane.

Structural damage - the rear wall of the cottages forms the dividing wall for the properties of 46, and 51/53 Love Lane, which raises concerns for future division and damage, and effect on existing buildings.

Planning History- a similar scheme to demolish the properties in 2005 did not include the demolition of the stone wall, with all stonework to be removed via the gateway to Love Lane/ not much difference between this application and that refused in 2010 – the main difference is the removal of a large section of Tan Y Gwalia wall;

Nature conservation – a previous bat report was commissioned during the known time of bat hibernation, and bats were still there.

Ownership – boundary wall between No's 43 and 41 is on the property of 41 Love Lane, with no works to be undertaken on it; site and boundary plans for 47 includes a an existing path to the rear yard area – to the east of derelict cottage no 5 – which is not illustrated on the plans

EXPIRY DATE OF APPLICATION: 03/10/2011

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for a conservation area consent for the demolition of 5 derelict former cottages and the demolition of a section of highway wall for a length of 12.5 meters to facilitate the construction of two dwellings, following the grant of planning permission on appeal in March 2011.

- 1.1.2 The plans indicate the removal of the majority of the cottage walls, with the exception of part of the rear walls, and the removal of the highway wall along part of the boundary with Tan Y Gwalia Lane. Tan Y Gwalia lane is an unclassified adopted highway. The cross- section plans indicate that the remaining lower section of the wall i.e. below the current Tan Y Gwalia lane level, is to be retained, and the remaining site boundary walls will stay intact.
- 1.1.3 The application includes a Design and Access Statement, which covers the design objectives, having regard to the planning history ; the appeal conclusions; constraints; the application objective; environmental assessment, land use and character ; inclusive access and movement considerations; sustainable building and community safety and suggested conditions.

1.2 Description of site and surroundings

- 1.2.1 The site lies some 300m from the town centre, within a closely knit residential area and contains 5 derelict stone cottages, with steeply rising untended land. Most of the walls of the cottages remain, but only a small part of the original roof survives, covered with vegetation. The remains are located along the southern boundary of a plot measuring a total of approx. 0.03ha.
- 1.2.2 The site is bounded by a number of cottages at a lower ground level, with a two storey property at 45 Love Lane currently physically attached to the side elevation of the redundant cottages, with a small courtyard set off Love Lane, which includes the two storey cottage, Nos. 51-53, which lies at right angles to the southern section of the site.
- 1.2.3 All existing residential properties abutting the western and southern boundaries of the site are two storeys, with rear elevations backing onto the site. A narrow passage, of some 1 m width, separates the property 51- 53 from the boundary of the application site.
- 1.2.4 There is currently no vehicular access to the site but a gated pedestrian access is located adjacent to 43 Love Lane which leads up to Tan y Gallia. Tan y Gwalia is a narrow highway and existing properties have limited off street parking facilities, leading to the need to park on street. The site slopes steeply up from Love Lane to Tan y Gwalia where it is bounded by a traditional 1.5m high stone wall. Two storey properties on Love Lane back onto the western and southern boundary of the site. The westerly boundary includes an existing retaining wall along the width of the rear of 43 Love Lane. The application forms indicate that the existing use of the site is a garden area.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the Vale of Clwyd Landscape of Historic Interest and the Denbigh Conservation Area.

1.4 Relevant planning history

- 1.4.1 Of direct relevance to this proposal is the outline planning permission allowed on appeal under code no. 01/2010/ 0116/PO for two semi detached/linked dwellings and the associated formation of access/parking. The site plan is attached at the front of this report, and of note is that the Inspector highlighted in respect of the 'demolition' of the 5 derelict former dwellings that 'that element of the work is not subject to this planning permission' and the description of the development granted planning permission was amended accordingly.

- 1.4.2 The appeal inspector considered that there were two main planning issues relevant to the outline application; whether sufficient information had been provided to assess whether the proposal would preserve or enhance the character or appearance of the Denbigh Conservation Area; and the impact on the living conditions of the occupiers of 51-53 and 43 Love Lane. These are not matters for consideration as part of a Conservation Area application.
- 1.4.3 The plans approved with the appeal decision were an 'indicative site plan and sections as proposed', with two linked, part two storey and single storey dwellings, with a staggered layout. The plans also indicated alterations to existing boundary wall features, with changes to existing boundary walls, with a new parking platform area created to serve the site from the adjoining highway, Tan Y Gwalia. A separate pedestrian access was indicated via an existing pedestrian covered way to/from Love Lane.
- 1.4.4 A previous permission granting conservation area consent (01/2005/1119/CA) for demolition is also an important consideration. This related to the demolition of 5 no. terraced houses. Members may recall that this proposal was considered at the November 2005 Planning Committee, where consent was granted subject to a number of conditions.

1.5 Developments/changes since the original submission

- 1.5.1 Subsequent to the issue of the appeal decision, Welsh Assembly Government issued a letter in April 2011 which attempted to clarify the implications of a Court of Appeal judgement, which quashed previous regulations concerning planning controls over demolition. In effect, the letter highlights that controls regarding demolition in conservation areas have been extended, with the effect of using the previous, limited controls which existed only in those cases involving residential buildings.
- 1.5.2 The agent has requested that a determination is made on the basis of the application submitted.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 The main planning history considered relevant to this application is considered to include the following;

01/2008/0680/PO

Development of 0.03 ha. of land by the demolition of 5 no. derelict cottages and redevelopment of site by the erection of 3 no. dwellings and associated parking and access off Tan Y Gwalia Road (outline application including means of access) - REFUSED 09/09/2008 and APPEAL ALLOWED 3//3/2011

The application was dealt with under delegated powers and the reasons for refusal were;

"1. The submitted proposal lacks detail and the site is located in a sensitive position within the Conservation Area. As such, the application is considered to be contrary to Policy CON 5 of the Denbighshire Unitary Development Plan as the submission has not demonstrated that the scheme will preserve or enhance the character and appearance of the Conservation Area.

2. *The application does not demonstrate that 3 dwellings can be accommodated within the site without resulting in harm to the adjacent properties by way of overlooking and overshadowing due to the constrained nature of the plot and the position of the adjacent residential properties. As such, the application is contrary to Policy GEN 6 of the Denbighshire Unitary Development Plan.*

3. *In the absence of a detailed ecological survey, specifically for protected 'bat' species, and bird nest survey, the Local Planning Authority is unable to determine compliance with Denbighshire Unitary Development Plan Policy ENV 6, SPG 18 and draft TAN 5 (2006), in that the likely impacts of protected species can not be fully assessed alongside appropriate compensation schemes and mitigation proposals”.*

Paragraph 2 of the inspector’s decision letter refers to the application title, and highlights that in respect of the ‘demolition’ of the 5 derelict former dwellings that ‘that element of the work is not subject to this planning permission’ and the description of the development granted planning permission was amended accordingly.

01/2007/0732/PF

Demolition of 5 no. derelict cottages and redevelopment of site by the erection of terrace of 3no. dwellings with associated parking area and new vehicular access - WITHDRAWN 16th January 2008

01/2005/0865/PF

Demolition of 5 no. derelict cottages and redevelopment of site by the erection of terrace of 4 dwellings and formation of new parking area and new vehicular access - REFUSED 14th December, 2005.

The reason for refusal was:-

”The proposal would lead to increased use of a narrow lane with limited width, poor alignment, and inadequate space for turning, parking and manoeuvring of vehicles. The proposal would also be likely to lead to additional on street parking, exacerbating the inadequate highway conditions. The development would therefore be detrimental to the safety and convenience of all highway users and be contrary to criteria (vi) and (vii) of Policy GEN 6, Policy TRA 6, and Policy TRA 9 of the Denbighshire Unitary Development Plan.”
APPEAL DISMISSED, October 2006.

The Appeal Inspector noted two issues at the time – the effect of the proposal on the safety and convenience of users of a nearby highway and secondly the likely impact on the living standards of occupiers of nearby residential properties, especially that of Nos. 51-53 Love Lane. On these issues, the Inspector concluded that the ‘shortcomings of the scheme are of sufficient substance to justify withholding planning permission.

01/2005/1119/CA

Demolition of 5 no. terraced houses – CONSERVATION AREA CONSENT GRANTED – 04/11/2005.

5/1/ 3661LB –Listed Building consent for demolition of row of derelict cottages, Rear of No 43 Love Lane Denbigh - GRANTED -17/06/1979

1/3653 Formation of pedestrian access - GRANTED 4/06/1979

3. RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 10 - Supplementary Planning Guidance
Policy CON 7 - Demolition in Conservation Areas

Supplementary Planning Guidance
SPG 13 – Conservation Areas

GOVERNMENT GUIDANCE
Planning Policy Wales 2011

Technical Advice Notes
12 Design

Circulars
35/95 – The Use of Conditions in Planning Permissions
60/96 Planning and the Historic Environment; Archaeology
61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas
011998 Planning and the Historic Environment ; Directions

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle – case for the demolition in a conservation area, and planning history
- 4.1.2 Other considerations and points raised

4.2 In relation to the main planning considerations:

- 4.2.1 Principle – case for the demolition in a conservation area, and planning history
PPW highlights the objective of preserving or enhancing the character or appearance of a conservation area, and that this could be achieved either by development which provides a positive contribution to the conservation area character and appearance or development which leaves character and appearance unharmed. TAN 12 'Design' provides further guidance for development affecting the historic environment, outlining examples of key issues, including locally distinctive building elements and boundary details, and on the need for specialist and professional expertise to provide historical and architectural judgements. Unitary Development Plan Policy CON 7 - Demolition in Conservation Areas permits demolition within a conservation area, subject to four tests, including the need to demonstrate that the building/structure makes no contribution to the character and appearance of the area, and an acceptable redevelopment scheme is approved. This policy is supported by Supplementary Planning Guidance Note SPG 13 – Conservation Areas. SPG 13, paragraph 7.1 states that 'Development should not detract from the character and appearance of the designated area', and mentions a high standard of design required for development in Conservation Areas.

It is relevant to this application that the Planning Committee report on the 2005 conservation area consent application accepted that the buildings made

no positive contribution to the conservation area and that a suitably designed, replacement scheme would enhance the character of the conservation area. Additionally, the Inspector's decision in 2011 suggests that the site could accommodate a suitably designed scheme involving two dwellings, subject to a number of planning conditions.

The application seeks consent for the removal of approximately 75% of the existing highway boundary wall Tan Y Gwalia. Significantly, the Inspector on the appeal noted that this '*wall is not listed and there is no indication that it is of great age or that it is of historic significanceI do not consider that a break in the boundary wall to provide a vehicular access would result in unacceptable change to the character and appearance of the area. A satisfactory vehicular access could be achieved without having to remove the whole of the boundary wall and could be dealt with as part of reserved matters*'.

In this context, officers consider it would be difficult to justify withholding consent for demolition. The proposal would not conflict with the Unitary Plan, Policies GEN 6 criterion ii) or CON 5.

4.2.2 Other considerations and points raised

The points of objection raise other issues, dealt with during the course of the previous refusals, and during the course of the appeal process in early 2011 and are not material to a demolition consent application.

The Highways Officer will confirm other relevant consents may be required. These can be covered by a suitably worded note to applicant.

Other civil legislation requirements may also apply, for example, the Party Walls Act, which are outside the control and remit of the planning system.

In noting the concerns of the Conservation Officer, it is suggested that a suitable condition can be added to preclude the carrying out of demolition works other than in accordance with the details to be submitted and approved in relation to the separate planning consent, and that demolition should only proceed as part of the implementation of the redevelopment scheme.

5. SUMMARY AND CONCLUSIONS:

5.1 Whilst appreciative of local concerns and representations submitted, officers consider that the planning history, the changes in legislation regarding demolition control, and significantly, the outcome of the Appeal process, are material considerations in the assessment and determination of this proposal, and there are no reasonable grounds to refuse demolition consent. The concerns of the Conservation Officer can be addressed by attaching a suitably worded condition.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No demolition shall be permitted to take place until the Local Planning Authority's approval has been obtained to the detailed plans of the redevelopment, including the access and parking arrangements, and the demolition shall only be permitted to commence once a contract is in place for the redevelopment, and the demolition shall only be carried out as part of the implementation of the redevelopment scheme.
3. **PRE-COMMENCEMENT CONDITION**

No demolition works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during demolition. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.

4. PRE-COMMENCEMENT CONDITION

Prior to the commencement of any demolition a method statement shall be submitted to and approved in writing by the Local Planning Authority as to how demolition will be undertaken, including for the retention of existing site boundary walls.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure demolition works are only carried out as part of the implementation of the planning consent for the redevelopment of the site.
3. In the interests of archaeological investigation and recording.
4. In the interests of the character and appearance of the Conservation Area, highway safety and residential amenity.

NOTES TO APPLICANT:

Protected Species - Bats - and Nature Conservation

You are advised to follow the following, general precautionary measures:

1. If possible, works should be carried out between November and end of March to avoid potential disturbance to breeding bats and/or birds.
2. Slates, ridge tiles/finishers, abutment flashings, door frames and window frames, structural members, lintel bearings, purlins or wall plates where these are involved, are all removed by hand where possible and with care to ensure that no torpid or hibernating bats are injured during the works. Similarly, defects to structural masonry should be lowered to prevent torpid / hibernating bats being injured.
3. If Ivy or vegetation is to be removed from a building, this should be done by hand, inspecting for bats and/or nesting birds.
4. 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.
5. 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. If birds are using the building for nesting and nests cannot be retained when the conversion is undertaken, compensation should be provided by installing suitable artificial nests / nesting platforms.

ITEM NO: 2

WARD NO: Llandrynog

APPLICATION NO: 09/2011/0770/ PF

PROPOSAL: Change of use of redundant farm buildings to 4 No. holiday letting units, change of use of farmhouse to farm manager's house and 1 No. holiday let cottage. Installation of new package treatment plant and formation of passing places on approach roads

LOCATION: Outbuilding at Glan Clwyd Ganol Llandrynog Denbigh

APPLICANT: Mr & Mrs W Thomas

CONSTRAINTS:
PROW
PD Removed

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

CONSULTATION RESPONSES:

ABERWHEELER COMMUNITY COUNCIL-

1. "Object very strongly to revised application.
2. Does not warrant farm manager's house, as this farm was sold in parcels of land.
3. Object to house being divided into two dwellings.
4. The Applicant only owns a small portion of land, which he rents out.
5. Not a viable agricultural unit.
6. The barn conversion for holiday lets is not viable as we are inundated with holiday lets in the area already".

COUNTRYSIDE COUNCIL FOR WALES (CCW)-

No objection.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)-

No objection subject to photo survey condition.

ENVIRONMENT AGENCY WALES (EA)-

No objection.

DCC CONSULTEE RESPONSES-

BIODIVERSITY OFFICER-

No objection, subject to notes to Applicant.

BUILDING CONTROL OFFICER-

No objection.

HEAD OF TRANSPORT AND INFRASTRUCTURE-

No objection subject to conditions relating to the passing places and on site parking.

RESPONSE TO PUBLICITY:

Responses received (in objection):
M Green, Ty'r Aer (via email)
G Davies, Dre Goch Isaf (via email)
M Hillam, Peel Hall, Llandyrnog (via email)

Summary of planning based representations:
Impact on residential amenity, overlooking of neighbouring dwellings.
Visual impact of development, site visible from public footpath.
Highways safety, appropriateness and adequacy of passing places.
Principle, proposal contrary to policy.

EXPIRY DATE OF APPLICATION: 07/09/2011

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 The application proposes the change of a redundant farm building to provide holiday letting units, the change of use of an existing farmhouse to a farm manager's house and holiday let cottage, and formation of passing places all at Glan Clwyd Ganol, Llandyrnog.
- 1.1.2 Four holiday letting units are proposed within the main outbuilding. Each unit in the two storey section of the building would comprise of three bedrooms, with living accommodation on the ground floor. The single storey element of the building would be converted into a two bedroom unit. Amenity areas are proposed for each unit and parking would be provided in the yard area to the north of the block. To facilitate this conversion some alterations are proposed to the building, primarily the installation of some new openings and re-roofing.
- 1.1.3 The existing farmhouse is proposed to be sub-divided to form two units of accommodation. One unit would be used as farm manager's accommodation and one would be used as a holiday let. To facilitate the subdivision limited external alterations are proposed in the form of the installation of french doors on the rear elevation and demolition of a poor quality porch. Stairs would be installed internally in the unit to the west. Amenity areas are proposed for each unit, and parking would be in the yard to the south.
- 1.1.4 Vehicular access would be as existing from the B5429, via an unclassified road to the farm entrance. The application proposes the formation of 5 passing places on the unclassified road. An additional passing place is also proposed on the farm track.
- 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 and policy context. In support of the application a Protected Species Report was also submitted.

1.2 Description of site and surroundings

- 1.2.1 Located to the northwest of Llandyrnog, the Glan Clwyd Ganol complex comprises a large dwelling, a range of brick outbuildings, a concrete milking parlour and two large profile sheeting sheds.
- 1.2.2 Access to the site is off a minor road which runs off the western side of the B5429 Bodfari to Llandyrnog Road. The minor road runs for approximately 1 km coming off the B road at the dwelling Bryn Darw to the north and looping back around to join the B road at Dre-Goch Ganol to the south. The farm track meets the minor road and runs 500 metres west to the farm complex.
- 1.2.3 The land surrounding the site is relatively level agricultural land, which runs down to the banks of the river Clwyd to the west.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, outside of any defined development boundary. A public footpath crosses the east of the site and runs in a north-south direction.

1.4 Relevant planning history

- 1.4.1 There is substantial planning history on this site. Originally permission was granted for the conversion of the of the brick outbuildings to two dwellings in 2009.
- 1.4.2 The farm unit was then subdivided and acquired by the current Applicant in 2010. An application was then made to extend and convert the farmhouse into two units, one for a holiday let and one for manager's accommodation. That application included a substantial extension to facilitate the conversion, which was considered to be unjustified and inappropriate in terms of the details.
- 1.4.3 A subsequent application was made to convert the outbuilding into 4 holiday let units. This application did not meet the policy TSM 15 in terms of the detail and scale of alterations to the outbuilding, amenity considerations and highway safety considerations.
- 1.4.4 It is noted that this application aims to overcome the previous two planning application refusals, by recognising one application should be submitted for elements previously divided into two applications. Pre-application advice has been sought prior to the submission of the application.

1.5 Developments/changes since the original submission

- 1.5.1 None.

2. DETAILS OF PLANNING HISTORY:

09/2009/0470 Proposed conversion of 'redundant' traditional brick range outbuilding to two dwellings, installation of 1 new septic tank & associated works. Granted (under delegated powers) 13/07/2009

09/2009/0471 Proposed conversion of 'redundant' milking parlour building to new dwelling, installation of 1 new septic tank & associated works. Refused (under delegated powers) 13/07/2009

09/2010/0948 Subdivision of existing dwelling to form 1 no. holiday letting unit and 1 no. farm managers unit and erection of two-storey pitched roof extension to rear. Refused (under delegated powers) 11/11/2010 for the following reasons:

1. The proposal involves the extension of the dwelling Glan Clwyd Ganol to create an additional independent unit of accommodation in an open countryside location. In the absence of any essential need for an additional dwelling, it is considered contrary to policies GEN 3, HSG 5 and HSG 6 of the adopted Denbighshire Unitary Development Plan.
2. It is the opinion of the Local Planning Authority that if permitted the proposed two storey rear extension would have an unacceptable impact on the amenity of the occupiers of the unit of accommodation on the east side by virtue of overshadowing and overbearing impact. The proposal is contrary to criterion v) of Policy GEN 6 of the Denbighshire Unitary Development Plan.

09/2010/1299 Change of use of redundant farm buildings to provide holiday letting units and installation of new sewage treatment plant. Refused (under delegated powers)

12/04/2011 for the following reasons:

1. It is the opinion of the Local Planning Authority that the scale of alterations to facilitate the proposed conversion into four holiday letting units would result in a scheme of conversion that fails to respect the traditional character and style of the simple agricultural building, contrary to criterion (ii) of Policy TSM 15 and Supplementary Planning Guidance Note No.16 of the Denbighshire Unitary Development Plan.
2. It is the opinion of the Local Planning Authority that the proposed development would not provide adequate standards of amenity for potential occupiers, owing to the provision of limited amenity space and the relationship to the working farm. Thus, the proposal would be in conflict with criterion (iv) of Policy TSM 15 of the Denbighshire Unitary Development Plan.
3. The highway network accessing the site is of restricted width, with limited passing places. As such it is considered unsuitable to accommodate the increase in traffic likely to be generated by the increase in activity associated with the existing traffic and the conversion of the outbuilding into four holiday letting units. The proposal would be contrary to criterion iii) of Policy TSM 15 and Policy TRA 6 of the Denbighshire Unitary Development Plan.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

- Policy GEN 3 - Development outside development boundaries
- Policy GEN 6 - Development Control Requirements
- Policy HSG 9 - Residential conversion of rural buildings to dwellings
- Policy ENV 6 - Species Protection
- Policy TSM 15 - Self Serviced Holiday Accommodation

3.2 SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance Note No. 16 - Conversion of Rural Buildings
- Supplementary Planning Guidance Note No. 7 (Updated '11) - Residential Space Standards

3.3 GOVERNMENT GUIDANCE

- Planning Policy Wales Fourth Edition 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 Residential amenity
- 4.1.4 Highways safety

- 4.1.5 Ecological impact
- 4.1.6 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 relates to development outside development boundaries and states that development will not be permitted apart from some exceptions, the most relevant in this instance are the conversion and reuse of vacant rural buildings for rural tourism.

Policy TSM 15 permits the development of self-serviced holiday accommodation outside development boundaries through the change of use and/or conversion of existing redundant buildings. The criteria of this policy relate to the building being structurally sound and capable of conversion, the character of the buildings and area being retained, the local highway network being capable of taking the increase in traffic, adequate space being provided within the units for general amenity and the number of units proposed not being an overdevelopment of the site.

In terms of Policy HSG 15, the main outbuilding and farmhouse are 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 buildings and the character and appearance of the countryside; the resulting agricultural and tourism complex would be subdivided and well contained. The units would have adequate curtilages with suitable boundary treatments. Thus the proposals are considered to comply with the principles of the relevant policies. The detailed impacts are considered below.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is policy GEN 6. Policy TSM 15 also refers to the character of the buildings and area, in terms of visual appearance.

The most notable alterations to the main outbuilding are the installation of six new openings on the south east elevation and the installation of rooflights into both roof planes. No major alterations are proposed to the farmhouse.

In Officer's opinion, the scheme of conversion would preserve the large brick outbuilding from further degradation by introducing a positive re-use. It would retain the scale and form of the building with no major alterations to facilitate the conversion, which is in line with the general thrust of policy TSM 15. The alterations to the dwelling would be minimal, therefore it is the opinion of Officer's that there would be no harmful impact on the character of the building or the general area resulting from the proposed subdivision in keeping with policy GEN 6.

4.2.3 Residential Amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development; policy TSM 15 also refers to amenity impacts.

Windows are proposed on all elevations of the holiday letting units and the farmhouse unit, and the first floor windows would all serve habitable rooms. There is a substantial amount of amenity space proposed for each of the uses and units, as can be seen from the site plan at the front of the report.

Having regard to the general layout of the site and spacing between the main outbuilding and the farmhouse, it is considered the proposal would not raise any conflicts with policy in terms of the amenity of existing or proposed occupiers.

Whilst the overall intensity of use of the site would be greater than that involved in the conversion to two four bedroom dwellings, as permitted in 2009, it is considered that the use would not be an overdevelopment of the site, or result on any significant harm to the amenity of surrounding occupiers, the nearest being over 200 metres from the agricultural complex.

4.2.4 Highways

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

The application includes the provision of passing places on the minor road from the B5429 to the site. Parking would be provided on site for each unit of holiday accommodation and the farm manager's unit.

In noting the Community Councils concerns, it is acknowledged that the minor road serving the site is narrow. However, Highway Officers have not objected to the current proposal, subject to the provision of these passing bays at points on the minor road, which are within the applicants control or that of the highways authority. These passing places would supplement existing "natural" passing points, in locations identified by the Applicant in conjunction with Highways Officers. The passing places would need to be completed prior to occupation of any of the units. Therefore it is suggested a planning condition be attached to ensure this.

The public footpath on the eastern side of the site would not be affected by the development and a note can be attached to ensure it is not obstructed when works commence.

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 evidence of bat activity in the outbuilding. Birds were also found to nest in the building.

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 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. 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. A note to applicant stressing the importance of attaining a licence from WAG is

proposed as well as a condition relating to the conversion works and maintenance of the detached outbuilding, which is proposed to be retained as a positive conservation method.

Therefore it is considered the proposal would not conflict with the policy criteria of ENP 2.

4.2.6 Other matters

The comments of the Community Council are duly noted. Whilst respecting their views it must be pointed out that there is no requirement in the conversions policy for an Applicant to prove there is a need for the use of the farmhouse as farm manager's accommodation or conversion to holiday lets.

The DAS refers to a subdivision between the 'working farm' and the holiday letting complex. The working farm is presently 70 acres. The Agent is of the view that the working farm, together with the income from 5 holiday lets, will provide significant work and income for the farm manager.

It is understood the farmhouse was originally built and occupied for many years as two dwellings, although the last use has been as a single dwelling, which is of substantial size and in need of refurbishment.

5. SUMMARY AND CONCLUSIONS:

5.1 With respect to the observations raised 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. **PRE-COMMENCEMENT CONDITION**

Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in strict accordance with those approved details:

- i) Renovation plans and details demonstrating mitigation plans for the detached outbuildings (referred to as out-houses in the Protected Species Survey submitted in support of the submission).
- ii) Indicative timeframe of implementation of proposed renovation works, which should be prior to the conversion works being undertaken on the masonry barn.
- iii) Details of proposals to ensure long term security and consequent ecological functionality of the detached outbuilding.

8. **PRE-COMMENCEMENT CONDITION**

The passing places shall be located, laid out and constructed in accordance with the approved plans before any commencement of development on site.

9. Facilities shall be provided and retained within the site for the parking of vehicles in accordance with the approved plans, and shall be completed prior to the development being brought into use.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the 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 residential and/or visual amenity.
7. In the interest of safeguarding the conservation of protected species.
8. In the interests of highway safety.
9. To provide for the parking of vehicles clear of the highway.

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.

You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of building works.

A copy of the standard informative note relating to the Public Right of Way is attached to this Certificate.

The ecology report recommends that the loss of the masonry barn as a night feeding roost for bats is mitigated by retaining the outbuildings in the southern part of the site (referred to as out houses) and adapting them to allow direct flight access for bats. Roofs should be finished traditionally with no roof lights and any openings should be closed off, other than that left for access by bats / birds.

This can be done by either:

Reducing door height within the frame to leave a 300mm gap above the door or forming a purpose made opening in the side walls of the building. The openings should be approx 300mm square and be set a minimum of 1.5m from the ground.

The preferred method must be chosen and shown on the plans submitted to comply with condition no. 10. It must also be demonstrated how these outbuildings will be retained as bat roosts in the long term.

The ecological survey also found evidence of nesting birds in the masonry barn and recommends that the mitigation for bats will also be sufficient for the nesting birds.

The reasonable avoidance measures detail below should be followed:

1. Works should be carried out between November and end of March to avoid potential disturbance to breeding bats and/or birds.
2. Slates, ridge tiles/finishers, abutment flashings, door frames and window frames, structural members, lintel bearings, purlins or wall plates where these are involved, are all removed by hand where possible and with care to ensure that no torpid or hibernating bats are injured during the works. Similarly, defects to structural masonry should be lowered to prevent torpid / hibernating bats being injured.
3. If Ivy or vegetation is to be removed from a building, this should be done by hand, inspecting for bats and/or nesting birds.
4. 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.
5. 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. If birds are using the building for nesting and nests cannot be retained when the conversion is undertaken, compensation should be provided by installing suitable artificial nests / nesting platforms.
6. If any bats are found, work must stop and CCW or a licensed bat worker must be contacted immediately.

ITEM NO:	3
WARD NO:	Llanarmon Yn Ial / Llandegla
APPLICATION NO:	15/2011/0651/ PF
PROPOSAL:	Change of use of 1.80 hectares of land to form extension to southern boundary of caravan park to accommodate 50 static holiday caravans, together with environmental improvements and landscaping
LOCATION:	Land south of and including Parc Farm Caravan Park Graianrhyd Road Llanarmon-Yn-Ial Mold
APPLICANT:	Mr G L Evans
CONSTRAINTS:	PROW Ancient, Semi Natural Woodland
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:

LLANARMON YN IAL COMMUNITY COUNCIL-

Objection (10 page statement provided- summary quoted)

1. "There is no evidence of the underlying need or demand for these further 50 caravan units to justify approving this site extension.
2. There are no controls that would prevent the current planning permission for 355 units being revisited and implemented within the current site boundary.
3. Given there is a high proportion of vacant pitched on the current site (10-10% vacant or 30-40 pitches) then these should be utilised first before an extension to the site is sought.
4. The application site is not well related to the existing caravan park, and represents an inappropriate incursion into open countryside and AOB/AONB designate.
5. This application does not simply represent the completion of a previous permission as there is no automatic presumption to extend the present site area onto new land in order to accommodate the residual caravans from a separate planning permission on a separate piece of land.
6. The proposal cannot be said to be "small scale" as 50 units represents an increase of 17% on the current site capacity and at almost 2 hectares the extension is a significant area of land.
7. Given the current site's location within a sensitive landscape area, its present scale which already has an overbearing impact on the community, and the lack of any justification of need or demand for the additional units, in sustainability terms the balance of consideration should favour a precautionary approach to respecting the environmental limits and conserving the natural environment.
8. This is in line with the sustainability principles embodied with Planning Policy Wales which seeks to protect the natural environment from inappropriate and unnecessary development.
9. The fact that the site is within the proposed extension of the AONB is a material consideration and as such the application fails to satisfy the tests in policy ENV 2 particularly as with no justification of need for the extension, the

planning balance is in favour of preserving the AONB landscape (see also para 5.5 and 5.6 of this response).

10. The application due to its inappropriate scale, location and impact fails the tests of policy TSM 10 as set in detail in para 5.7 of this response”.

AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE (AONB JAC)-

“The JAC notes that this application does not involve an increase in the overall permitted number of units at this existing large caravan park which is within the proposed AONB Extension Area. It is also noted and welcomed that the application includes a commitment to relinquish the possibility of developing static caravans in the more conspicuous previously approved but currently undeveloped northern part of the site which will be retained as landscaped open space, and that further environmental improvements are planned across the site.

In this context and having regard to the extensive existing tree cover on and around the site and the local topography, the JAC accepts that the application site can be seen as a logical extension to the existing caravan park. Other than from the public footpath which passes through the existing caravan park, the proposed extension is relatively well screened from both nearby and distant viewpoints and, having regard to the benefit of retaining the northern part of the site as open land, the JAC has no observations to make on the development in principle.

However, the JAC would emphasise the need for the planning authority to ensure that the northern area remains undeveloped in perpetuity through condition and/or a further S.106 agreement, and to ensure that robust arrangements to conserve, manage and supplement the existing tree cover which screens the site are also put in place in the long term. If necessary, this should include a review of the current TPO to ensure that it remains fit for purpose.

It is also recommended that ‘environmental green’ caravan units with dark grey coloured roofs would be an appropriate choice of unit for this site. The JAC would also comment that any external lighting should be restricted and carefully controlled to minimise light pollution and subsequent loss of tranquillity in this relatively ‘dark’ landscape. Only appropriately timed low level, low output lighting units should be employed.

Finally, the JAC supports the applicants’ agreement to a condition restricting the caravans to holiday use only and to limit occupation to the currently permitted season for the existing site.”

CLWYD BADGER GROUP-

Records show potential for badgers to use site for foraging, hence a survey should be carried out.

COUNTRYSIDE COUNCIL FOR WALES (CCW)-

The Case Officer has informally advised that CCW are satisfied with the submitted information. Formal comments to follow.

ENVIRONMENT AGENCY WALES (EA)-

No objection.

LLANARMON & DISTRICT CONSERVATION SOCIETY-

Observations on application include; querying justification for the development, impact on AOB and future AONB designation.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES-

BIODIVERSITY OFFICER-
No objection, subject to notes to Applicant.

HEAD OF TRANSPORT AND INFRASTRUCTURE-
No objection.

TREE CONSULTANT (FWAG)
No objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:
Judge Ian Trigger, Alyn Bank, Llanarmon Yn Ial, CH7 4QX

Summary of planning based representations:
Visual amenity, harmful to the appearance and character of the area which is an AOB.
Potential use, concerns over full time occupancy of site.

EXPIRY DATE OF APPLICATION: 21/07/2011

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 Permission is sought for a 1.8 hectare extension to the Parc Farm Caravan Park to allow for the siting of a 50 static holiday caravans. The proposals do not involve an increase in the overall numbers of caravans which are currently permitted on the site (355 Static caravans, 20 touring caravans), but a reorganisation of the location of caravans within the (extended) site.
- 1.1.2 The extension is proposed on an open area of land between woodland, abutting the southern boundary of the site and includes an existing 'informal' recreation space/ playing field.
- 1.1.3 Also included in the application is the provision of 6 environmental improvement areas within the existing site. The environmental improvements range from landscaping to relinquishing any further development on the northern section of the existing site.
- 1.1.4 The new caravans would be a mix of single and twin units. Full details of the proposed static caravans have not been submitted although reference is made to single pitch roofs with dark grey felt effect roofs.
- 1.1.5 The application is accompanied by a detailed design and access statement (DAS), which comments on the relevant headings and provides a policy context for the development. In support of the application a basic landscape assessment and visual survey has been carried out. An ecology report has also been submitted.

1.2 Description of site and surroundings

- 1.2.1 Parc Farm is a long established large static caravan park located south east of the village of Llanarmon.

- 1.2.2 The 19 hectare site comprises a mix of caravans and associated hardstandings, club house and ancillary buildings, service roads, landscaping and woodland.
- 1.2.3 At present there are 305 static caravans on the site, although the existing permission allows for 355 static caravans and 20 touring pitches.
- 1.2.4 Access is off a minor road close to the junction with the B5430. The minor road serves the application site, and some neighbouring dwellings.
- 1.2.5 The location plan at the front of this report indicates the relationship between the site and neighbouring residential properties, which are mainly located around the entrance.
- 1.2.6 This main development area is limestone grassland surrounded by broadleaved woodland.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within an Area of Outstanding Beauty (AOB), which is proposed for inclusion in the AONB extension, currently being considered by the Welsh Government. A public footpath runs along the boundary of the proposed extension area, and the existing southern boundary of the site. Part of the existing site is also a designated Ancient Woodland.

1.4 Relevant planning history

- 1.4.1 The static caravan site has operated at least prior to the 1960's. It is understood historically it had an unrestricted planning permission, and numbers were controlled by the site licence.
- 1.4.2 In 1995, permission was sought for the re-siting of caravans and an amended layout. This permission limited the number of static caravans on the site to 355 and touring pitches to 20.
- 1.4.3 Subsequent applications have been made on the site to vary the season of occupancy of the static caravans and also to development of some of the ancillary services on the site.

1.5 Developments/changes since the original submission

- 1.5.1 Following the initial consultation additional information was sought relating to protected species and the visual/ landscape assessment.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 25/14001 Proposed re-siting and layout of 355 static caravans and 20 touring pitches (touring or motorised caravans or tents). Granted 18/12/95

15/0046/97/PS Variation Of Condition 4 On Application 25/14001 Occupancy March to October to allow Occupancy March to January. Granted 20/03/1997

15/2004/1615 Variation of Condition No. 1 on planning permission Ref. No. 15/46/97/PS to provide for 10½ month occupation between 1st March in any one year and 14 January in the following year. Granted 24/03/2005

15/2008/364 Demolition of existing swimming pool enclosure building, removal of temporary portacabin, erection of new indoor swimming pool and associated facilities and single storey link building with rest area/viewing gallery, laundry and fitness room. Granted 04/06/2008.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy GEN 3 - Development Outside Development Boundaries

Policy GEN 6 - Development Control Requirements

Policy ENV 2 - Development Affecting the AONB / AOB

Policy ENV 6 - Species Protection

Policy TSM 10 - Extensions of/Improvements to existing static caravan and chalet sites

Policy TRA 6 - Impact of New Development on Traffic Flows

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG No. 20 Static Caravan and Chalet Development

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 Visual and landscape impact

4.1.3 Impact on highway infrastructure

4.1.4 Impact on residential amenity

4.1.5 Ecology

4.1.6 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located outside of any defined development boundary, where policy GEN 3 applies. Criteria vi) of policy GEN 3 allows for suitable development in the open countryside which is in connection with rural tourism. It is considered that the current proposal falls within this category.

Policy TSM 10 specifically relates to the expansion of existing static caravan sites, and allows for modest extensions to existing caravan parks provided that the proposal; improves the range, facilities and quality of accommodation in the area, the proposal makes a significant and permanent improvement to the quality, appearance and environment of the site, and its immediate surroundings, the proposal results in a reduction in the impact on the surrounding landscape / townscape, particularly the AONB / AOB, the proposal is acceptable in scale relating to the existing site and locality, and does not take up land or property protected or identified for other purposes in other policies in the plan and the proposal does not have any unacceptable impact on residential amenity, landscape, agricultural, nature conservation and traffic considerations.

For the purposes of policy, 'modest' is regarded as not greater than +10% of the existing land area / curtilage of the site. It is noted that the proposed extension would involve a 1.8 hectare extension of the 19 hectare site,

therefore Officers are of the opinion that the proposal would involve a 'modest' extension of the site.

It is considered that the proposal is acceptable in principle, subject to a detailed assessment of its impacts.

4.2.2 Visual and landscape impact

Policy ENV 2 'Development Affecting the AONB / AOB' requires that the proposals must demonstrate that there would not be a detrimental impact on the landscape and would not prejudice future designation as an area of outstanding beauty. This requirement is repeated in Policy TSM 10 'Extensions of/Improvements to existing static caravan and chalet sites'.

The extension of the existing static caravan site would abut its southern boundary. The extended area roughly comprises two fingers of land between woodland, part of which is used as a recreational area at present. Substantial landscaping is proposed in this area, and to supplement existing tree and shrub cover. Other environmental improvements around the existing static caravan site are focused around the northern end of the site, including the access. These would include substantial landscaping, part of which would preclude further static caravan development by the site entrance.

Llanarmon Community Council express concerns over the landscape and visual impact of the proposals. Considering the location of the site in the AOB and AONB extension area, the AONB Committee have been consulted on the application. They have raised no objection to the proposal subject to the inclusion of conditions to ensure the enhancement works are undertaken and no further static caravans are sited on the north of the existing site. Owing to the allocation of part of the existing site as ancient woodland, the Consultant Tree Officer has also considered the proposal and raises no objections to the proposal and the landscaping scheme, and has commented on the appropriateness of the landscaping proposals. CCW have requested additional information relating to the landscape impact of the proposal, and having considered the submitted details the Case Officer has advised that they are satisfied with the proposal.

In respecting the comments of Llanarmon Community Council, given the well contained nature of the site, the existing tree cover to the south and west, and the land levels to the east, the development area to the southern boundary appears to have more of a connection to the existing development than the surrounding open countryside. It would be well related to the existing caravan site, and this combined with the landscaping and enhancements proposed would result in a development that would assimilate into the existing landscape. Indeed the landscaping enhancements proposed on the northern end of the site are likely to have a positive impact on the area immediately to the north of the site, and would improve the general amenity of this area. There is unlikely to be a detectable visual harm to the local landscape and AOB area. The proposal is therefore considered compliant with the requirements of Policy ENV 2 and TSM 10 with regard to its impact upon visual amenity and the character of the AONB.

4.2.3 Impact on highway infrastructure

Policy TRA 6 seeks to ensure that new development does not have a detrimental impact upon the safe and free flow of traffic on the public highway.

Permission exists on the site for 355 static caravans. No additional units are proposed in this proposal. The extended area includes an access road and parking for each unit.

The Head of Transport and Infrastructure raises no objection to the proposal.

It is therefore concluded that the proposal would not have a detrimental impact upon the highway network of the area, and would not result in adverse impacts on highway safety. The proposal complies with Policy TRA 6.

4.2.4 Impact upon residential amenity

Policy GEN 6, Development Control Requirements includes criteria which seek to protect the amenity of local residents.

There are dwellings in the locality of the site, predominantly around the main access point. As present the site could be used lawfully for 355 static caravan units. This level of activity has been consented to through existing permissions.

Given there is no increase in numbers of static caravan units proposed in the development, and the fact that the application would preclude the siting of static caravan units on the northern end of the site, close to adjacent dwellings, it is considered there would be no significant detrimental impacts on residential amenity resulting from the proposal, and there would be no conflict with the basic amenity requirements of Policy GEN 6.

4.2.5 Ecology

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

The site is located in an open countryside location where there is potential for the existence of protected species. It is also located close to the Alyn Bank County Wildlife Site.

Consultation with CCW and the County Council's Biodiversity Officer has not generated any objections. A Badger, Bird and Reptile survey has been submitted in support of the application. These surveys showed no evidence of protected species on the development area, although some species may be present in the surrounding area.

Based on the consultation responses it is considered that the proposal is unlikely to have any adverse affect upon the wildlife conservation value of the area or adjacent wildlife site, and hence the proposal accords with the requirements of Policy ENV 6.

4.2.5 Other Matters

The comments of Llanarmon Community Council on the main planning considerations are noted. The majority of the points raised have been taken into account in the above. With respect to the views on sustainability issues and justification, it must be re-iterated that this application proposes no increase in numbers of static caravans. As policy makes no reference to specific justification for extending or improving existing static caravan sites it would be difficult to resist the proposal on this ground.

5. SUMMARY AND CONCLUSIONS:

5.1 Policy TSM 10 allows for extensions to caravan parks provided they improve the appearance and impact of the site on the character of the area. It is concluded that the proposal is compliant with policy TSM 10 and ENV 2, subject to suitable conditions including confirmation of the maximum number of caravans to be permitted within the extended site. This condition would also address the concerns of the Llanarmon Community Council over the potential increase in numbers of static caravans on the existing site.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The approved planting scheme and landscape enhancements shall be implemented in their entirety no later than the first planting season following the commencement of the use of the land for the 50 caravans.
3. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of development, full details of the static caravans (including colour and finish) hereby approved shall be agreed in writing with the Local Planning Authority, and only those details shall be implemented, and the caravans shall be maintained in that colour in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
4. The units shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The owner of each unit and the site operator shall maintain an up-to-date register of the names of the owners and occupier of each caravan on the site, their main home addresses, the dates each caravan has been occupied, and by whom. The information shall be made available for inspection at all reasonable times on written request from the local planning authority.
5. No more than 355 static caravans and 20 touring caravans shall be permitted at any one time within the site edged red on the 1:2500 scale site plan received by the Local Planning Authority on the 27th May 2011, and no static or touring caravans shall be permitted to be stationed at any time within the area hatched in black on that plan, to the west of Parc Farmhouse.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of visual amenity and the character of the AOB.
3. In the interest of visual amenity and the character of the AOB.
4. To enable the Local Planning Authority to monitor the site for compliance with adopted planning policies.
5. To ensure the Local Planning Authority retains control over the number of caravans in the interest of visual and residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Llandyrnog

APPLICATION NO: 18/2010/1503/ PO

PROPOSAL: Development of 0.08 ha of land by erection of a detached two-storey dwelling house (Outline application including access and layout)

LOCATION: Land rear of Golden Lion Inn Llandyrnog Denbigh

APPLICANT: Mr Merfyn Parry

CONSTRAINTS: Public Right Of Way

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

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

'Whilst members do not have any objection to the principle of the development on this land they question the use of footpath 62 known locally as Hwylfa as vehicular access and would not want the safety of pedestrians to be compromised'.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

No archaeological potential on the site.

WELSH WATER / DWR CYRMU

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

-HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection, subject to conditions.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 16/03/2011

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 Outline planning permission including access and layout is sought for the development of land to the rear of the Golden Lion Public House in Llandyrnog.
- 1.1.2 The site is approximately 0.08ha. Access is proposed via a track / footpath which runs to the northwest and enters the B5429 by the White Horse Inn.

1.1.3 The site layout plan submitted shows a dwelling sited centrally on the plot with parking and turning to the north east. The plan indicates 'no right turn on exit from the application site', i.e. it suggests access should be solely from the track running northwest to the White Horse Inn.

1.1.4 The application submission includes the following documents:

- Design and Access Statement, which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
- Information on how this proposal aims to address the previous refusal reason on the site.

1.2 Description of site and surroundings

1.2.1 The site is located on land to the rear of the public house, the Golden Lion. The application refers to the existing use of land being a car-park and storage area.

1.2.2 It is a flat site, bounded to the north by a row of Yew Trees in the grounds of the adjacent St Turnog's Church. To the west is the rear of the public house and attached Golden Lion Cottage. South of the application site are the garden areas of the adjacent terrace of dwellings.

1.2.3 The site is accessed from a narrow track which runs from the B5429 road at the White Horse Inn and links to the Llangwyfan Road adjacent to Brondyffryn Terrace to the south.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Llandyrnog.

1.4 Relevant planning history

1.4.1 A previous application has been made on the site for the development of one dwelling in 2008. This application was refused for the highway reason set out below. An earlier application to establish the principle of residential development on the site to the south (land to the rear of Brondyffryn Terrace), this application was also refused in 2005. The decision was upheld on appeal by the Planning Inspectorate. The Inspector advised that he felt there was 'no compelling reason to grant permission for a development that would be reliant upon the use of a junction at which, in my opinion the visibility is so poor that highway safety is significantly compromised'. He concluded that 'the proposal would compromise highway safety and the free flow of traffic on Llangwyfan Road and would be contrary to Policy GEN 6 and Policy TRA 6 in the development plan'.

1.5 Developments/changes since the original submission

1.5.1 Following their initial consultation, CPAT requested an 'Archaeological Pre-Assessment' on the proposal. This has been carried out to the satisfaction of CPAT.

1.6 Other relevant background information

1.6.1 The application is being considered by Planning Committee on the request of Cllr Gwilym Evans, to allow consideration of highways and visual impacts.

2. DETAILS OF PLANNING HISTORY:

2.1 18/2008/0423 Development of 0.08 ha of land by the erection of a detached dwelling (outline application including access). Refused (under delegated powers) 27/05/2008 for the following reason:

'There is restricted visibility at the existing access and increased use would increase the likelihood of danger to other road users. The site is approached from the County Road by means of a narrow unmade track, which is considered substandard in width and junction layout to serve as a means of access to further residential development. The proposal would therefore be contrary to criteria (vi) and (vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan'.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy Gen 1 Development within Development Boundaries

Policy Gen 6 Development Control Requirements

Policy HSG 3 Housing Development in Main Villages

Policy TRA 6 Impact of New Development on Traffic Flows

Policy TRA 9 Parking and Servicing Provision

Policy CON 11 Areas of Archaeological Inspection

3.2 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 Visual and landscape impact

4.1.3 Amenity impact

4.1.4 Highway safety impact

4.1.5 Archaeology

4.1.6 Sustainable buildings

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of the proposal accords with Policy GEN 1. The site is located within the development boundary of Llandyrnog, as such the development of the land for residential purposes is considered acceptable subject to compliance with the general development control criteria as set out in Policy GEN 6. Policy GEN 6 must be applied to assess the capability of the plot to accommodate a dwelling, and the main issues considered under this policy are set out below.

4.2.2 Impact on visual amenity

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

The application is submitted for outline permission, with access and layout only included at this stage.

Although it is not possible to assess the visual impact of the proposal at this point, it is considered that the site can accommodate a dwelling without appearing cramped and out of character with its surroundings. With respect to the comments received by the Local Member a full assessment of the visual impact on St Turnog's Church could only be made in a reserved matters application.

4.2.3 Impact on residential amenity

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

Indicative plans show that a dwelling can be accommodated on the site with adequate amenity space, parking and turning.

In the absence of detailed plans, a full assessment cannot be made of the impact on the amenity of adjacent occupiers, however on the basis of the indicative plans and site area, it is considered that a dwelling could be accommodated on the site without significant harm to residential amenity. The proposal would not result in an overdevelopment of the site. The acceptability of the detailed plans would need to be assessed on their merits at reserved matters stage.

4.2.4 Impact on highways safety

Policy GEN 6 and TRA 6 and TRA 9 require consideration of access and highway safety issues.

The application proposes access to the site via a track / footpath to the north which meets the B5429 on its eastern side by the White Horse public house in the village centre. The indicative design of the access is such that vehicles would exit the site in a northwest direction. A sign is also proposed to advise drivers of 'no right turn' at this junction.

The Agent has advised that the Applicant has a right of way to use this track / footpath to access the site. The existing use of the land appears to be an informal parking area, and it is noted that a static caravan, container and camper van were sited on the land when the Case Officer's site visit was carried out.

Highways Officers have considered the proposal and raise no objection on the basis of the existing use of the site i.e. onto the Llangwyfan Road and the possibility of attaching a condition to preclude right turns out of the site. The Rights of Way Officer has advised that providing the applicant has the relevant rights of way to access the site via the track / footpath the Council can exercise no legal control over its use.

Officers consider the background history is a relevant matter here. The previous application to develop this site and the neighbouring site have been resisted by the Council, on the basis of the potential use of the junction to access the track / footpath onto Llangwyfan Road which has poor visibility and limited width. Whilst it is noted the current proposal intends occupiers to not use this route, the means of preventing this are questionable. Officers consider a planning condition to prevent the use of Llangwyfan Road would not be practicable or enforceable, as users with no prior knowledge of the site may still access the site from the Llangwyfan Road end of the track/lane, and whilst they may have to make an awkward manoeuvre to enter the site, they may be able to reverse or turn on the open land opposite the entrance to the site.

It is therefore with respect to the comments received from the Highways Officer, that Officers do not feel it is responsible to ignore the planning history on this site and in the general area. Therefore Officers still consider there are policy conflicts relating to access and highway safety and that the proposal does not comply with criteria (vi) and (vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan.

4.2.5 Archaeology

Policy CON 11 requires consideration of the archaeological impacts of development prior to the decision being made.

An archaeological pre-assessment was requested by CPAT owing to the location of the site close to the medieval core of the village. This assessment was carried out and the results have been considered by CPAT who accepted the findings.

It is considered the information provided demonstrates that the proposal would not impact on an area of archaeological significance.

4.2.6 Sustainable buildings

Planning Policy Wales requires that all new dwellings meet Code Level 3 of the Code for Sustainable Homes and achieve at least 1 credit under ENE 1.

Although a full Code for Sustainable Homes Assessment has not been submitted with the planning application which demonstrates the Code requirements can be met, the DAS includes a section on how the proposal would comply with PPW requirements. A condition could be attached to control this and the reserved matters application would need to demonstrate how particular features would be accommodated.

It is considered the information provided demonstrates that the proposal could meet the relevant sustainable buildings policy requirement.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The site is located within the village development boundary. Planning policy directs development to sites within development boundaries and previously developed land. As this application is for outline permission only, the detailed impacts cannot be fully considered, however Officers are of the opinion that the access arrangements are not satisfactory and therefore recommend refusal of outline planning permission.

RECOMMENDATION: REFUSE –for the following reason:-

1. The site is approached from the County Road by means of a narrow unmade track, which is considered substandard in width and junction layout to serve as a means of access to further residential development. There is also restricted visibility at the existing access from the track/ footpath onto Llangwyfan Road and in the absence of a means to totally preclude use of this junction, by persons seeking to access the site, the potential increased use would increase the likelihood of danger to other road users. The proposal would therefore be contrary to criteria (vi) and (vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO: 5

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: Public Right Of Way

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

Members will recall that this application was deferred at the last meeting to allow a site visit to take place. A report of the site visit will be circulated as part of the Late Representations report..

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, 14th 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, 29th April 2008 and DISMISSED ON APPEAL 2nd 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 3rd July 2002.)

Policy GEN 3 – Development Outside Development boundaries

Policy GEN 6 – Development Control requirements

Policy HSG 9 – Residential conversion of rural buildings to dwellings

Policy ENV 6 – Species Protection

3.2 Supplementary Planning Guidance

SPG 16 – Conversion of Rural Buildings

3.3 GOVERNMENT GUIDANCE

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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:-

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

