

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 21st December 2011 at 9:30am.

PRESENT

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

ALSO PRESENT

Head of Planning, Regeneration and Regulatory Services, (G. Boase), Principal Solicitor (Susan Cordiner) Development Control Manager (P Mead), Principal Planning Officer (I Weaver), Team Leader (Support) (G Butler), Customer Services Officer (J Williams), and Translator (Catrin Gilkes).

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors I.W. Armstrong, J.B. Bellis, B. Blakeley, J Butterfield, J.A. Davies, P. Dobb, I.A. Gunning, D. Hannam, D Owens.

2 DECLARATION OF INTEREST

Councillors R Bartley & C.H, Williams declared an interest in application 01/2011/1309/PF (Former Autoworld, Smithfield Road, Denbigh)

Councillor C.H. Williams declared an interest in application 27/2011/1049/PFSP (Abbey Grange Hotel, Llantysilio, Llangollen).

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 16th NOVEMBER 2011

Resolved that the minutes of 16th November 2011 be confirmed for accuracy

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 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 proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-*

Application No: 01/2011/1309/PF

Location: Former Autoworld Site, Smithfield Road, Denbigh

Description: Demolition of existing buildings and erection of Youth Enterprise Centre along with 6 No. 1-bed self-contained flats for rent and construction of new vehicular access.

Councillors R Bartley and Cefyn Williams declared an interest in the following application and left the Chamber during consideration thereof.

Late Letters of representation were reported from:
Environment Agency Wales;
Denbighshire County Council Pollution Control Officer.

Public Speakers: Mair Rogers (applicant)

Mrs Rogers gave a brief overview of the work of Denbigh Youth Enterprise:

The proposed building will contain 6 apartments for 16-24yr olds facing homelessness, allowing them to live independently and gain necessary skills. The Youth Enterprise also provides training for basic skills such as confidence building. The building will also contain a Youth Centre and an area for formal training.

Local people have been consulted and feedback has been taken into account.

Councillor M LI Davies felt the design was modern and wondered if it would fit in.

Councillor Colin Hughes (local member) said the site was presently an eyesore and locals wanted it to be tidied up. His one concern was a proposed wall which appeared to block the windows of the nearest property. Principal Planning Officer (Ian Weaver) said the modern design would not detract from the area although the site is only just outside the Denbigh Conservation Area. The nearby fire station is a functional 60s building and opposite is a supermarket. It would be conditioned that materials are to be approved before building starts, and the neighbour's interest is protected.

Proposals:

**Councillor D I Smith proposed permission be Granted.
This was seconded by Councillor G C Evans.**

On being put to the VOTE:

16 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to the following Additional Conditions and new Note to Applicant

Additional Conditions

26. Notwithstanding the submitted details, the detailing of the levels around the perimeter of the site shall ensure that,
 - a) the perimeter shall be higher than the adjacent road level
 - b) the 300mm high dwarf wall shall be extended along the boundary of Maes Hyfryd and at the southern corner of the site (junction of Maes Hyfryd and Smithfield Road) where ground levels are below the proposed finished floor levels of 91.14m AOD.
 - c) There are no flood flow paths created from off site to the development.

Reason: To ensure adequate mitigation measures to protect the development from flooding.

New Note to Applicant

7. In relation to the landscaping/planting scheme, you are advised that the Local Planning Authority consider it essential that the trees to be introduced between the buildings and Smithfield Road are specimens of a minimum of 5 metre height in order to have an immediate impact on the locality.
8. In relation to condition 26 of this permission, you are advised to contact the Case Officer to discuss the detailing of the boundary walls and levels, in particular to ensure impacts on adjacent residential property are kept to a minimum.

Application No: 04/2011/1143/PF

Location: Thistledown Barn, Ty Cerrig, Betws Gwerfil Goch, Corwen

Description: Conversion and repair of barn for use as holiday cottage/serviced accommodation and installation of a new septic tank

Late letter of representations were reported from:
Betws Gwerfil Goch Community Council

Public Speakers: For: Dr. Vicky de Hoxar

Dr. de Hoxar introduced herself as a retired GP who is now offering a respite service and gave examples of people who have benefited from it. The barn conversion would complement the Bed & Breakfast business already established.

Councillor M LI Davies asked about the amount of reconstruction needed and whether it was allowed under the policy. Councillor C.H Williams was not concerned about the planning issues but wondered if the name of the property could be changed.

Principal Planning Officer Ian Weaver replied to Councillor Davies' question - some reconstruction work is inevitable and the Tourism policies allow for some new construction work. He advised committee which walls on the plan were new and referred to photographs to illustrate the amount of reconstruction.

Proposals:
Councillor P Owen proposed permission be Grant
This was seconded by Councillor A Pennington

On being put to the Vote:
18 voted to Grant
0 voted to Refuse
0 Abstained

PERMISSION WAS THEREFORE GRANTED
Subject to Amended Note to Applicant

Delete the first 3 lines of Note to Applicant. No. 1 Note should commence "Any alterations....."

Additional Note to Applicant

You are advised that the planning permission granted relates solely to a Holiday Cottage falling within Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended, and for no other use.

Item 3

Application No: 12/2011/0858/PF T

Location: Land at Cilgoed, Derwen, Corwen

Description: Erection of 1 no. 500kw wind turbine at 78 metres ground to blade tip height, construction of a new vehicular access and track and erection of associated substation control building

Public Speakers:

Speaker Against: John Hopkinson

Mr John Hopkinson urged the committee to refuse permission as he doubted the community benefit and felt it was merely a diversification to increase farm income. He also felt as the mast was 70m high it would dominate the landscape and given permission would set a precedent.

Speaker In Favour – J.C. Jones

Mr J C Jones spoke in favour of the development, emphasising the community benefits it would bring. He felt that a single turbine would not have a significant effect on the area, nor have a cumulative effect. He thought it was wrong to suggest it would lead to a proliferation of similar turbines.

General Debate:

Councillor D I Smith had no objection as such but complained of the lack of clear National or Local Guidance. He felt that WAG should take a lead. He also asked for the definition of “community”.

Councillor L Morris was of the opinion that the countryside would be spoilt by this development and felt that farmers should farm the land and not produce energy.

Councillor C Hughes suggested it was farming that created the landscape. If not for farmers the land would be used for heavy industry.

Councillor B Feeley felt that as this is outside the TAN8 area, the authority should abide by the guidance given. She did not think it was suitable for community use.

Councillor T R Hughes knew the site and thought it was one of the better ones, as there were few living nearby.

Councillor M LI Davies thought the committee could not object to diversification. Farms diversify with holiday lettings or Bed & Breakfast and that is allowed. He thought one more turbine will not make any difference but asked if a condition could be imposed to ensure the community benefits.

Paul Mead introduced Neil Walters, Renewable Energy Planning Officer, who explained the policy situation. The Unitary Development Plan does not cover this type of development. The emerging Local Development Plan offers some advice but as it is yet to be adopted this advice cannot be used. National Policy covers the Strategic Site Area but it is up to local authorities to set criteria outside it. This site is outside the SSA. Mr Walters felt that the scale

of this development is too harmful. The applicant has put it forward as a community scheme but officers have not been convinced.

However "community benefit" is not something that could be conditioned, it would be necessary to sign a 106 Agreement. Councillor M LI Davies asked if a dictionary definition of "community" could be used.

Mr Walter replied that the applicant had used the phrase "community scheme" but had not defined it.

Proposals:

Councillor L Morris proposed that permission be Refused.

This was seconded by Councillor J Thompson-Hill

On being put to the Vote:

4 voted to Grant

14 voted to Refuse

1 Abstained

PERMISSION WAS THEREFORE REFUSED

Application No.: 12/2011/1017/PR

Location: Land between Benedict House and Tan y Llan,
Derwen, Corwen

Description: Details of access, appearance, layout and scale of dwelling submitted in accordance with Condition No. 1 of Outline Planning Permission Code No. 12/2008/0692/PO (Reserved matters excluding landscaping)

There was no debate on this item.

Proposals:

**Councillor M LI Davies proposed the application be Granted
This was seconded by Councillor Julian Thompson-Hill**

On being put to the Vote:

18 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to Amended Condition

Delete Condition 3 (not required as the applicants have reserved the landscaping details of the site for future approval).

Application No.: 20/2011/1219/PR

Location: Land at (part garden of) Wenallt, Llanfair Dyffryn Clwyd, Ruthin

Description: Details of layout, scale and appearance of dwelling and landscaping submitted in accordance with condition no. 1 of outline planning permission code no. 20/2011/0678

Late letter of representation were reported from:
Mr K Perry, The Bryn, Llanfair DC

**Public Speakers: Against: Keith Perry (neighbour)
For: Peter Matischok (Agent)**

Mr Keith Perry spoke against the application. Mr Perry is a neighbour of the site and explained that the neighbouring properties had been consulted on the original outline application and 4 had objected. A further outline application was submitted with a smaller garden area but the neighbours did not object as they were under the impression it was the same application. The first was withdrawn and the second, with no objections, was granted by Officers. He did not want the area to be spoilt by the modern design of this proposal, other properties were of traditional design. Mr Perry's house dated back to 1830 and was modernised 20 years ago.

Mr Peter Matischok (Agent) spoke in favour. Mr Matischok reiterated that this application was for the detailed approval of the dwelling following the granting of outline planning permission. The proposal complies with policy and is within the village development boundary. Highways have approved an extension to the 30mph limit to cover the frontage of this site. The layout allows for ample amenity space and is orientated to avoid overlooking. The style is modern. There is a mix of styles in the area so it would not detract from other properties. Landscaping is to be retained and more will be added to screen the site. Any further extensions would need planning permission and would be determined by Officers or committee. The builder is local and has won awards for his designs.

Councillor H Evans (local member) advised that he had asked for this application to be determined by committee so local residents have confidence in the decision.

Councillor P Owen was not impressed with the design, he thought it was not in keeping with the countryside.

Councillor M LI Davies also felt the design was "South of England" and wondered if there was going to be an issue with overlooking of neighbouring properties.

Councillor B Feeley thought design was subjective.

Ian Weaver (Principal Planning Officer) referred to the consultation exercise which he considered was adequate for the application said was sufficient but the department would look at the issues mentioned with a view to improving the service in future. There had been confusion with the first application - the site area submitted was just over 0.1ha and therefore had to include affordable housing. A second application was then submitted with a slightly smaller site, bringing it below the affordable housing threshold. The authority had consulted neighbours on both. He said there would be differing views on design but there were a number of different styles in the area and the style of the proposed property is not inappropriate. A balcony in itself would not justify a refusal. In this case it is not overlooking the existing properties.

Councillor M LI Davies asked if someone sitting to one side of the balcony could overlook neighbours. Ian Weaver considered that landscaping was an adequate screen.

Proposals:

**Councillor D I Smith proposed permission be Granted
This was seconded by Councillor T R Hughes**

On being put to the Vote:

18 voted to Grant

1 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No.: 27/2011/1049/PF SP

Location: Land adjoining Abbey Grange, Hotel, Llantysilio, Llangollen

Description: Installation of ground mounted solar photovoltaic panels array comprising 250 solar panels in three rows

Councillor C H Williams declared an interest in the following application and left the Chamber during consideration thereof.

Councillor L Morris said she was not against this application. She thought the scheme was well thought out and would have a minimal impact on the landscape.

Proposal:

Councillor L Morris proposed permission be Granted

This was seconded by Councillor G C Evans

On being put to the Vote:

18 voted to GRANT

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 7

Application No.: 30/2011/1054/PF

Location: Land at Trefnant Isa fronting Ffordd Pen y Maes, Parc Grosvenor, Trefnant, Denbigh

Description: Erection of 1 no. dwelling and construction of a new vehicular access (site area 0.08ha)

Late letters of representation were reported from:
J Ryding, Ty Nant, 6 Parc Bach, Trefnant

Public Speaker:

For: Matt Jones (Tarmaster Jones, Agent) introduced himself as an experienced Chartered Architect who was passionate about design. He was aware of previous problems on the site, but was of the opinion that unused land such as this should be brought into use. There were Great Crested Newts in the area, but the design of the roof allowed the Newts to continue to move around the site. He felt that innovative, good quality, sustainable development would prove to be the historic buildings of the future.

The stability of the land had been checked.

He asked which is better - an empty overgrown site which will encourage fly-tipping and therefore compromise the wildlife habitat or a well designed building which will sustain the ecology of the site.

General Debate:

Councillor M LI Davies (local member) said this was an untidy piece of land and referred to the photo display, showing the adjoining property, Trefnant Isa, which was old and built in red brick. The new proposal is for a modern design. He wondered if the stability of the slope would be compromised if it was disturbed during building works. He was concerned about the welfare of the Great Crested Newts. He wondered if the land would be able to support the houses at the top of the slope.

Councillor R W Hughes referred to the Officers' note about the Local Development Plan. She felt that as the LDP is not yet adopted, the comments the Officers make about disregarding the LDP policies for now were valid.

Paul Mead (Development Control Manager) said there is a mixture of houses in the area, Trefnant Isa is an old property adjacent to the site and there is modern housing nearby. There have been several attempts to develop this plot and the innovative design submitted was designed to safeguard the wildlife. The slope is steep but not as steep as some areas which have been developed successfully. The building itself will provide stability to the slope once it is built. Time has been taken to ensure Biodiversity legislation is addressed. The Local Development Plan does not become a statutory document until it is adopted, therefore until then the committee should

consider all applications in terms of the existing Unitary Development Plan Policies.

Proposal:

**Councillor R W Hughes proposed that permission be Granted
This was seconded by Councillor D I Smith**

On being put to the Vote:

19 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to Additional Note to Applicant

Additional Note to Applicant

You are advised that the design of the dwelling hereby approved, and the layout of the site is a fundamental basis of this permission. It is therefore, likely that any possible future amendments as re-designs may not gain the support of the Local Planning Authority.

Item 8

Application No.: 30/2011/1146/PS

Location: **Bodunig Inn, High Street, Dyserth, Rhyl**

Description: Variation of Condition No. 3 of planning permission code No. 42/2011/0652 to allow the use of the shelter until 0100hrs

Councillor P Owen (local member) explained that the Bodunig Inn is on the High Street. If smokers do not use the shelter on the side of the property, they go outside the front door and smoke on the street. He felt there was more potential for disturbance to residents at the front of the property.

Paul Mead explained the duplication of legislation in this case. The smoking shelter was given planning permission early in 2011. Because of the proximity to housing, a condition was imposed to close the shelter at 11.00pm. This application seeks a variation to allow use up to 1.00am. Officers recommend refusal because of the potential disturbance. Under Licensing laws, the sides of the shelter have to be open to allow smoke to dissipate and this appears not to be the case here. This will need to be dealt with by the Licensing Section.

Councillor A Pennington referred to a number of complaints received and thought it was bad practice to smoke outside an entrance door. He offered to bring it up at Licensing Committee.

Councillor P Owen also thought smokers should be discouraged from smoking on the street because of the danger from passing traffic.

Proposal:

**Councillor M LI Davies proposed permission be REFUSED
This was seconded by Councillor T R Hughes**

On being put to the Vote:

2 voted to GRANT

16 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE REFUSED

Subject to New Note to applicant

New Note to Applicant

You are advised to contact officers of the Planning and Licensing section to discuss issues relating to the detailing and use of the smoking shelter.

Application No.: 45/2011/0717/PC

Location: 58 Brighton Road, Rhyl

Description: Retention of car parking area for a temporary period of 5 years for use by staff of adjoining Council Offices

Councillor D A J Thomas asked if all 127 spaces would be available to staff. He thought that some space should be allocated to visitors and that the public should be able to use the 10 spaces in front of the building which were not behind the barrier.

Councillor M LI Davies suggested changing Condition 3 to restrict staff parking to the rear of the building.

Paul Mead explained that the building known as St. Winifred's had been demolished and the car parking area in question is on the site of the old building.

The question of whether to open the area for public parking was not a planning matter, it was up to the managers of the premises.. However, if planning permission was granted he would raise the matter with Property Services.

In answer to Councillors' questions, Paul Mead replied that there would be 127 spaces altogether; there were visitors' spaces in front of the building which will be retained.

Graham Boase (Head of Planning) explained that the application was in retrospect, and that permission was required to use the land as a car park. He offered to discuss the issue of parking for visitors or public with the site manager.

Proposal:

Councillor J Thompson-Hill proposed permission be Granted

This was seconded by Councillor M LI Davies

On being put to the VOTE:

19 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

6 ENFORCEMENT REPORT

Application No.: 45/2010/0095

Location: 33/35 Water Street, Rhyl

Infringement: Removal of original timber windows and replacement with modern style uPVC windows in a Conservation Area

Graham Boase (Head of Planning) explained that in this case, the renovations had been of a high standard, but the owner had failed to take officers' advice to insert timber windows.

Councillor M LI Davies felt the window installers should be required to replace them as in his opinion they should have checked if permission was required, and whether or not the building was in a Conservation Area.

The Head of Planning stated that it was not possible to serve notice on the window company.

Councillor R W Hughes felt action should be taken to act as a deterrent.

Councillor L Morris thought it might be "overkill" to make them replace the windows as there was a variety of styles in the area.

The Head of Planning advised that as this property was in the Conservation Area, the details and materials had to be traditional. He thought that the regeneration of Rhyl was trying to install some quality into the area. The owner had been told not to use uPVC windows. There is a right of appeal and the owner can put the case to the Inspector.

Councillor P Owen wondered if there were similar restrictions on plastic gutters or fascia boards. He also asked about the number of uPVC windows installed as part of the Rhyl Envelope Scheme.

The Head of Planning explained that the Envelope Scheme did not cover the Conservation Area. However, there were no regulations relating to plastic gutters or fascia boards in Conservation Areas.

On being put to the VOTE:

13 voted TO take Enforcement Action

5 voted NOT TO take Enforcement Action

0 Abstained

It was therefore **RESOLVED**: That authorisation be granted for the following:

- (i) Serve an Enforcement Notice to secure the replacement of the new uPVC windows with windows of a design and material meeting the approval of the Local Planning Authority.
- (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

Period for compliance 4 months

THE MEETING CLOSED AT 12.00

WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

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

General introduction

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

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

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

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

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

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

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present to constitute quorum and to allow an item to be considered and vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

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

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

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

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

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

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

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

On all other applications, the Chair will permit the local member(s) to speak first, should he/she wish to do so.

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

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

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

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

The voting procedure

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

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

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

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

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

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

PLANNING COMMITTEE

VOTING PROCEDURE

Members are reminded of the procedure when casting their vote to grant or refuse a planning application. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

+	to GRANT permission
-	to REFUSE permission
0	to ABSTAIN from voting

**DENBIGHSHIRE COUNTY COUNCIL
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ITEM NO: 1

WARD NO: Denbigh Central

APPLICATION NO: 01/2011/1417/ PF

PROPOSAL: Change of use from Class A1 shop to Class B1 constituency office

LOCATION: 37 High Street Denbigh

APPLICANT: Bayrange Ltd. John Shakespeare

CONSTRAINTS: Town Heritage Area
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

The Town Council understands that 37, High Street is within a designated retail area and that any application submitted for change of use would be against Denbighshire's local planning regulations for Denbigh. I am instructed to bring this to the attention of the planning committee and that the Town Council would make no further comment.'

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

CONSERVATION OFFICER - Does not support the conversion, as the use tends to result in loss of economic value to the town, often requiring the main shop windows to be blanketed off to provide privacy internally, reducing the main shopping street frontage. Notes that other properties more suitable for this use are available in the town centre.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 08/02/2012

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal seeks to change the use of vacant, former retail premises (an A1 class use) to constituency office use, which is classed as a 'B1 Class Use' under the current Use Classes Order. The forms refer to the office providing access to the local Assembly member.

- 1.1.2 The application submission indicates that the site was last used for retail purposes in May 2011, and includes a retail floorspace of 50m². No changes are proposed to the floor layout, which includes a store room area, and toilet facilities, to the rear of the main 'shop' area. It is indicated that the proposed change of use will provide 2 full time employees and hours of operation are unknown at this stage. The plans indicate an existing residential flat on the upper floor levels, above the vacant retail shop. No external changes are proposed as part of the current planning application.
- 1.1.3 The submitted Access statement identifies the pedestrian access details to the site, and mentions the proximity of adjacent public car parking areas, highlighting that the ground floor area is accessible via level access from the existing highway/footpath.

1.2 Description of site and surroundings

- 1.2.1 37 High Street is a three storey building, positioned within a row of commercial properties, on the westerly side of the town centre, with direct access to the back row highway. No 35 High Street is an established estate agent, with No 39 a café. Across the road to the site lies Boots the chemist and the Old Vaults public house. To the rear of the site runs the pedestrianised Back Row Lane.
- 1.2.2 A number of listed buildings lie in the immediate locality. Other uses in the surrounding High Street include Siop y Clwyd book shop at No. 32 and a bakers and confectioners at 29. Further to the south are a Take Away, Estate Agent and food premises.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site is located within a designated town centre and a primary shopping frontage in the Unitary Development Plan and a Conservation Area.
- 1.3.2 The Conservation Area appraisal identifies the site as within the High Street part of the designation, which is noted for a terraced collection of commercial and retail uses, with the principal buildings being two or three – storey, with their location and associated curtilage essentially characterising the area, rather than outstanding architectural detail. It notes the early establishment of the High Street, but that the majority of the buildings are either Victorian or earlier structures which became 'Victorianised'. In relation to problems in the conservation area, vacant shops; graffiti; and dilapidation of key buildings are listed as some of the issues.

1.4 Relevant planning history

- 1.4.1 Development at properties adjoining the application site are considered of some relevance in this case, with planning permissions having being granted in the past for non A1 uses, namely a café and estate agents, at No 39 and No 35.
- 1.4.2 The café at No 39 was assessed on the basis of the Glyndwr District Local Plan in 1997. Officers recommended that planning permission be granted for the property to be use as a tea room on the basis that the use, at the time, would not threaten the basic shopping facilities of the town and would not affect the character and appearance of the conservation area. No 35 was granted permission in 2000 for use as a professional services office, an A2 use.

1.5 Developments/changes since the original submission

- 1.5.1 The case officer has sought further information from the Council's Conservation Officer, Town Clerk and prospective tenants in relation to the

possibility of a temporary permission, and ideas for a suitable window display area.

- 1.5.2 The applicant has advised there have been unsuccessful attempts to rent the property as an A1 retail shop and details are to be provided prior to consideration of the application by the Committee.

2. DETAILS OF PLANNING HISTORY:

2.1 None identified.

2.2 Adjoining sites

35 High Street

Code No. 01/1999/0788 Change of use of vacant shop (A1) into financial and professional services (A2)

GRANTED 27/01/2000 at the 26 January 2000 Planning Committee meeting.

39 High Street

Code 01/643/97/PF Change of use from retail premises to tea room - GRANTED 4 September 1997 at the 3 September 1997 Planning Committee.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements

Policy CON 5 – Development within conservation areas

Policy RET 1 – Town and District Centres

Policy RET 5 – Principal Shopping Frontages in Town Centres: Non A1 Uses

3.1 Supplementary Planning Guidance

No 13. Conservation Areas

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales 2011

TAN 4 – Retailing and Town Centres

Circular 1/98 Planning and the Historic Environment

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle of the use in the location, in the Denbigh Town Centre

4.1.2 Impact on the character and appearance of the conservation area.

4.1.3 Inclusive access

4.2 In relation to the main planning considerations:

4.2.1 Principle – of the use in the location, in the Denbigh Town Centre

Policy RET 1 identifies town and district centres as the main locations for retail and commercial uses, together with other proposals which would maintain or enhance their vitality and viability. Other proposals are listed as pedestrian and /or environmental improvements; traffic management, servicing and car parking improvements, and public transport, cycling and walking improvements. Policy RET 5 aims to re-enforce this approach, with a presumption against the change of use of ground floor shopping accommodation to non – shopping uses. The principal objective of this policy is to avoid an over concentration of non Class A1 (Retail) uses, with the policy

criteria identifying the need to avoid a clustering or concentration of non A1 uses and a continuous frontage of three or more non A1 uses, or no more than one in three non A1 uses within the principal shopping frontage, and that all proposals with the principal shopping frontage must have a shop front and window display and not create a blank or bland feature. The policy justification mentions that town centre services should complement and add to the retail function.

The proposal would involve the loss of a vacant retail use and the introduction of a B1 constituency office. The proposal would therefore create a row of three non A1 uses on this particular street frontage, with the existing uses involving an A3 and A2 use. The adjoining uses on either side of the current application site are long standing ones, following the grant of the relevant planning permissions. On this basis the proposals are in conflict with RET 5. The applicant has indicated that marketing attempts to let the unit as a retail shop have been unsuccessful.

To balance conflict with policy, in assessing the potential economic impact of the loss of an A1 use on the shopping facilities of the town, the Council's Economic Development Officer confirms that the change of use would not be against any regeneration strategy in force or being considered for Denbigh in the future. In acknowledging the policy conflict and comments submitted by the Town Council, Officers would suggest that it may be difficult to argue for the retention of every vacant retail property in the High Street as A1 retail shop premises, particularly given the economic climate. Planning Inspectors have also applied a degree of interpretation to this policy, in assessing appeals for certain non A1 retail uses in the town centre. An example of this approach was a decision on appeal at 4 Bridge Street in 2008, where the Planning Inspector permitted a Class A3 use in a Class A1 retail shop.

The main emphasis of planning policy is to ensure a mixed and vibrant High Street. The general character of Denbigh town centre is one of mixed A1, A3 and B1 uses, and it may be argued that the use of the property for a B1 use would not impact adversely on the existing shopping and High Street facilities and 'experience'. In order to address conflicts with planning policy, the applicant has been asked to consider the possibility of a temporary permission, as this would fit in with the likely time period for the use of the property, and allow it to revert to a retail use. The applicant has indicated agreement to the potential for a temporary permission.

In this regard, Officers consider that, given the type of use proposed in this case, that there are arguments to allow some flexibility towards the interpretation of the policy, with the property being vacant for just under a year, which would allow the principle of the proposal to be considered as acceptable on a temporary basis.

Taking all the issues into account, Officers would suggest that the option of a temporary use would be worthy of support as it would not have a significant adverse impact on the vitality and viability of the town centre. A condition could also be included which would require details of a window display area. This would need to be agreed in consultation with the Council's Conservation Officer, as the site lies within the Denbigh Conservation Area.

4.2.2 Impact on the conservation area.

Policy CON 5 – Development within Conservation Areas, as supplemented by Supplementary Planning Guidance Note 13 Conservation Areas seeks to

preserve or enhance the character Conservation Area. This would include the potential effect on the vibrancy and vitality of the Conservation Area.

There are no external alterations proposed to the existing property in connection with the proposed change of use. The concern of the Council's Conservation Officer relates to the desire to retain the retail characteristics of the main shopping street, formerly the marketplace which is within the Conservation Area, given the amount of public and private finance which has been invested through the Townscape Heritage Initiative.

Case law has established that one of the ways the objective of preservation can be achieved is by leaving character and appearance unharmed. Having regard to the limited scale of use proposed, and whilst acknowledging the Conservation Officer's comments, Officers would not consider the temporary change of use would lead to adverse implications on the existing character and appearance of the designated conservation area, to support a case to refuse the proposal.

4.2.3 Inclusive access for all

The requirement for Access Statements is outlined in TAN 12, TAN 18 and GEN 6 which sets out the need to provide for safe and convenient accesses for all needs.

The Access document submitted shows a basic approach to inclusive design and considered to meet the key objectives of the national guidance.

SUMMARY AND CONCLUSIONS:

- 4.2.4 Officers would consider that, on the basis of a temporary permission, the proposed use would be acceptable in this vacant retail shop, which would not impact adversely on the diversity and vibrancy of the town centre retail core and the character of the conservation area.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, this permission relates to the use of the building as a constituency office only and no other use within Class B1 of the Town and Country Planning (Use Classes) Order 1987.
3. The use hereby approved shall cease within 2 years of the date of this decision.
4. Prior to the commencement of the use hereby approved a permanent window display area shall be provided in accordance with such details as may be submitted for the written approval of the Local Planning Authority, and the agreed details shall be retained thereafter for the lifetime of the permission hereby granted, unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to monitor the impact of the use.
4. In the interests of the character and appearance of the High Street and Conservation Area.

NOTES TO APPLICANT:

You are advised to discuss the potential for relocating to another site prior to the expiry of this temporary planning permission with the Council's Economic Development Officers.

In relation to condition no 4 attached to this permission you are advised to discuss the possibility of an acceptable scheme with the Council's Conservation Officer prior to submitting the formal details to the Local Planning Authority.

ITEM NO: 2

WARD NO: Ruthin

APPLICATION NO: 02/2011/1041/ PF

PROPOSAL: Erection of terrace of 3 No. dwellings on 0.0536 hectares of land, and construction of new vehicular accesses

LOCATION: Land used for garage block Maes Hafod Ruthin

APPLICANT: Mr Bryn Davies Cymdeithas Tai Clwyd

CONSTRAINTS: PROW

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL
'No objections'.

WELSH WATER / DWR CYRMU
No objection.

FARMING AND WILDLIFE ADVISORY GROUP (FWAG)
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

AFFORDABLE HOUSING OFFICER
The Case Officer has advised the proposals are fully supported.

HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objection, subject to conditions requiring footpath diversion and completion of parking spaces.

RESPONSE TO PUBLICITY:

Representations received from:
L Howatson and I Lewis, 67 Maes Hafod, Ruthin (by email).

Summary of planning based representations:
Residential amenity- overbearing impact, loss of light to neighbouring dwellings.
Visual amenity- loss of tree would have a detrimental impact on area.
Use of land- loss of a play area.
Highway safety- intensification of use would result in danger to pedestrian/ children using playground.
Need- enough Tai Clwyd Housing in Ruthin.

EXPIRY DATE OF APPLICATION: 07/11/11

REASONS FOR DELAY IN DECISION (where applicable):

- Timing/ receipt of representations.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of 3 no. dwellings and construction of new accesses on 0.05 hectares of land at Maes Hafod in Ruthin.
- 1.1.2 A single terrace of 3 dwellings is proposed. The terrace would be sited centrally on the plot with amenity areas to the west (rear) and dropped kerbs to off street parking to the east (front). See the plan at the front of the report for proposed drawing.
- 1.1.3 Each dwelling would comprise of living accommodation on the ground floor and two bedrooms at first floor level.
- 1.1.4 The site plans shows that the existing trees on the site would be removed and replaced with two new trees in the front garden area of plot 1 and plot 3. Bin storage and a small shed are proposed in the garden/ amenity area of each dwelling.
- 1.1.5 An existing public footpath which crosses the site is proposed to be re-directed along the southern boundary of the site to facilitate the proposal.
- 1.1.6 The application submission includes the following documents:
 - Design and Access Statement (DAS) which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
 - The DAS also refers to the development being for 100% affordable housing Cymdeithas Tai Clwyd are the applicant and intend to develop the site.
 - Information on how this proposal aims to achieve Code Level 4 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is located on land to the west of the Maes Hafod Estate in Ruthin. The site was formerly occupied by council owned garages. These have since been removed, and only a wall remains on site.
- 1.2.2 It is a flat site, mainly comprising of the old vehicle hardstandings. There is a grassed area to the east (in front of the wall). There are two Sycamore trees in this area.
- 1.2.3 It is located in a primarily residential area to the west of Ruthin Town Centre, with open agricultural land to the west. There are dwellings to the east and south and children's play area to the north.
- 1.2.4 There is a mix of dwelling types in the area, including semi-detached two storey brick built dwellings opposite the site, brick and render terraces to the north and south and single dwellings in the wider area.

1.2.5 Access to the site is from the estate road serving Maes Hafod which runs off of A525.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Ruthin. A public footpath crosses the site.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 Since the submission of the original application in September, an arboricultural survey and updated DAS were submitted.

1.6 Other relevant background information

1.6.1 The application is being considered by Planning Committee as Denbighshire County Council own the application site.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy GEN 1 Development within Development Boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 3 Housing Development in Main Villages

Policy HSG 10 Affordable housing within development boundaries

Policy TRA 6 Impact of New Development on Traffic Flows

Policy TRA 9 Parking and Servicing Provision

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 8 Access for All

SPG 21 Parking provision in new developments

SPG 22 Affordable housing in new developments

SPG 26 Residential Space standards

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4

TAN 12 Design

TAN 22 Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Amenity impact

4.1.4 Highway safety impact

4.1.5 Sustainable buildings

4.1.6 Affordable housing

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of residential development on the plot accords with Policy GEN

1, as the site is located within the development boundary of Ruthin. Within development boundaries 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. This site is not part of the allocated play area REC 1 area, as this area lies to the north of the site.

Policy GEN 6 must be applied to assess the detailed impacts of this full planning application, and the detailed issues are considered under this policy as 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.

A terrace of three dwellings is proposed, with gables to the front and rear. Materials proposed are brick and render. To the south and north are terraced dwellings. The southern dwellings are finished in brick, the northern dwellings are finished in render.

The application proposes the felling of two mature Sycamore trees on the site. The tree survey submitted with the application refers to the trees as self set, multi-stem trees and states that they are in poor condition. Two replacement specimen trees are proposed in the front gardens of the application site.

There are no landscape designations in the area which preclude the development of the site in the manner proposed or require a higher standard of design or quality of materials.

In Officers' opinion the nature of surrounding development and detail of the proposal means the dwellings can be accommodated on site without detriment to the visual amenity of the area.

It is not considered the proposal would conflict with GEN 6 criteria relating to visual amenity.

4.2.3 Impact on residential amenity

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

The plans show that the dwellings can be accommodated on the site with adequate amenity space, and parking/turning. Windows are proposed on all elevations, at ground and first floor level.

There would be a distance of 20 metres from the front elevation of the proposed dwellings across the road to the front elevation of the dwelling to the east, and 10 metres to the side elevation of the dwelling to the south.

In view of the siting of the proposal in relation to adjacent dwellings, it is considered that the proposal would not result in a significant loss of amenity for adjacent occupiers by virtue of loss of light or overlooking.

It is not considered the proposal would conflict with GEN 6 criteria relating to residential amenity.

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 proposal includes parking areas for the three dwellings to the east of the site, in front of the dwellings. To access the parking areas additional dropped kerbs would be installed off Maes Hafod, to the south of the existing access.

Highways Officers have raised no objection to the proposal subject to the inclusion of planning conditions to control the details of the access and retention of the parking and turning areas.

Considering the previous use of the site was garaging and more recently a parking area, it is unlikely that the proposals would result in significantly more traffic movements than the previous uses. This combined with the nature of the development, i.e. three two bedroom dwellings is unlikely to have a significant impact on traffic volumes on Maes Hafod.

It is not considered there are policy conflicts relating to access and highway safety and that the proposal complies with Policy GEN 6, Policy TRA 6 and Policy TRA 9.

4.2.5 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.

A full Code for Sustainable Homes Assessment has been submitted with the planning application which demonstrates the Code requirements can be met. The proposal is actually set to achieve Code Level 4 and achieve 3 credits under ENE 1 which goes over the minimum standard required by the policy.

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

4.2.6 Affordable housing

The requirement to consider the provision of affordable housing in new development within settlements is set out in Policy HSG 10 of the Unitary Plan, and is detailed further in SPG 22 Affordable Housing in new developments.

The submission confirms that the scheme would be developed by Cymdeithas Tai Clwyd, as there is an identified need for affordable housing in the Ruthin Area. The Affordable Housing Officer has advised verbally that proposals are fully supported as all units would be affordable.

The proposals are creating a 100% affordable provision so pose no conflict with current policy on provision in SPG 22.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered acceptable under the relevant policies and 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 development shall not begin until the mechanism for securing the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with

the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type and tenure of the affordable housing provision to be made;
- ii. the arrangements for the management of the affordable housing by the Registered Social Landlord;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

5. PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

6. Construction of the dwellings hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for each individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

7. The dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate', in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

8. Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

9. Prior to the commencement of the use hereby permitted, the written approval of the Local Planning Authority shall be obtained in respect of the siting and design of the vehicular access and footway crossing to the site and the access and footway crossing shall be constructed strictly in accordance with the approved details.

10. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

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 there are adequate arrangements to secure the provision and retention of affordable housing.
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 visual amenity.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. In order that in the interests of highway safety the Local Planning Authority may control the matters referred to.
10. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

NOTES TO APPLICANT:

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

SEWERAGE

Conditions

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

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

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

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

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

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

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

WATER SUPPLY

The developer is advised to contact our New Connections Design Department, Players Industrial Estate, Swansea, SA6 5BQ, to discuss this prior to the commencement of any site work. Telephone 01792 841000 for further information on this matter.

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

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

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980. You are advised public footpath No. 10 (Ruthin Community) crosses the application site. A footpath diversion order must be applied for prior to the commencement of development and you are advised this process may take up to 9 months to complete. You are advised to contact the Public Rights of Way Unit to discuss the matter further.

ITEM NO: 3

WARD NO: Ruthin

APPLICATION NO: 02/2011/1419/ PR

PROPOSAL: Details of the access, appearance, scale, landscaping and layout of 2 No. dwellings submitted in accordance with Condition No. 1 of Outline planning permission Code No. 02/2007/0867/PO

LOCATION: Land rear of 27 Well Street fronting Wynnstay Road Ruthin

APPLICANT: Mr & Mrs Ian & Bethan Roberts

CONSTRAINTS: 250m Of Landfill Site

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL:

“Previous comments submitted in 2007 remain pertinent. Design not in keeping with other street fronted properties within the Conservation Area of the town”.

2007 Comments;

“Object for the following reason: Semi-detached properties set back from the street line are out of character and of poor design for this prominent site. Design is akin to a suburban or estate residential property and not in-keeping with the predominant street fronted properties within the Conservation Area of the town. Set back of development from the street / pavement line leaves little free space around the building at the back.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

CONSERVATION ARCHITECT

No objection subject to appropriate detailing of canopies over front doors.

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection subject to condition requiring works for car parking to be completed prior to occupation and retained thereafter.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 23/02/2011

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

- 1.1.1 The application contains the ‘reserved matters’ details relating to planning permission 02/2007/0867/PO, for the erection of 2 no. semi-detached dwellings on 0.02ha of land to the north of 27 Well Street, Ruthin. The outline permission was granted in December 2008 with all matters reserved.

- 1.1.2 The application includes details of access, layout, scale, appearance and landscaping in accordance with condition no.1 of the above permission.

1.2 Description of site and surroundings

- 1.2.1 The site is an undeveloped plot of land to the rear of 27 Well Street and fronts onto Wynnstay Road. To the north of the site is the car park to the Co-operative Supermarket and to the east is the garden area of the residential property Chapel House.
- 1.2.2 There is a mix of residential and business properties in the locality. The site is within the designated Ruthin Conservation Area and Town Centre Boundary.
- 1.2.3 Residential development in the locality is characterised by properties set directly onto or very close to the street.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located with the Ruthin development boundary, Ruthin Conservation Area and Ruthin Town Centre as defined in the adopted Denbighshire Unitary Development Plan.

1.4 Relevant planning history

- 1.4.1 Outline planning permission was granted at Planning Committee in December 2008 for the development of the land for residential purposes.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The application is brought to Planning Committee due to the objection of the Town Council

2. DETAILS OF PLANNING HISTORY:

- 2.1 Outline application for the residential development of 0.02 ha of land granted permission 17/12/2008.

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 1 – Development within development boundaries
- Policy GEN6 – Development control requirements
- Policy CON 5 – Development within Conservation Areas
- Policy RET 1 – Town and District Centres
- Policy TRA 6 – Impact of New Development on Traffic Flows
- Policy TRA 9 – Parking and Servicing Provision

SUPPLEMENTARY PLANNING GUIDANCE

- SPG Note 7 – Residential Space Standards
- SPG Note 13 – Conservation Areas
- SPG Note 24 – Householder Development Design Guide

3.2 GOVERNMENT GUIDANCE

- Planning Policy Wales (February 2011)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Residential amenity impact
- 4.1.3 Visual and landscape impact
- 4.1.4 Highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

4.2.2 Residential amenity impact

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

To the east of the site is the garden area of the dwelling Chapel House. The rear garden area of Chapel House is set at a lower level than the application site and is screened by existing boundary planting. It is proposed this boundary would be marked by 1.8m high concrete post and timber fencing.

There would be a potential for overlooking from the first floor window of unit 1 to the rear garden area of Chapel House. Given the respective distances between the properties it is suggested this can be addressed by condition requiring the window serving the bedroom to be moved onto the gable end. Otherwise officers do not consider the development would give rise to any unacceptable residential amenity issues.

4.2.3 Visual and landscape impact

Policy GEN 6 requires that development respects its site and its surroundings. Policy CON 5 requires that development either preserves or enhances the character or appearance of the Conservation Area.

The proposed dwellings would occupy a prominent site within the Conservation Area and therefore the detailing of design must be appropriate in relation to existing buildings in the locality. The design as submitted has been advised through pre application correspondence with the Conservation section. The Conservation Officer has advised that the proposed scheme is acceptable in relation to its impact on the Conservation Area.

Whilst fully accepting the Town Council's comments, as the detailing of the development has been considered acceptable by the Conservation Architect it is considered that the proposals would have an acceptable visual impact and comply with the requirements of Policy GEN 6 and Policy CON 5. A condition would be necessary to control the external wall materials to ensure the selection is appropriate in this location

4.2.4 Highway safety

Policy TRA 6 requires that proposals do not unacceptably affect the safe and free flow of traffic. Policy TRA 9 requires that development offers adequate standards of parking, manoeuvring and servicing facilities.

The Highways Officer considers that the proposed development would have an acceptable impact on the highway network subject to the detailing of the footpath crossing, and that parking facilities are retained in line with the details submitted.

Taking into account the above it is considered that the proposals are acceptable in relation to the requirements of Policy TRA 6 and Policy TRA 9 and would have no adverse impact on the local highway network.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered, with regard to the details of the development that the proposals are acceptable, and the application is therefore recommended for approval.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. Prior to the development being brought into use, full details of the proposed vehicular footway crossing shall be submitted to and approved in writing by the Local Planning Authority and will be completed in accordance with the details thereby approved prior to the development being brought into use.

2. Prior to the development being brought into use, parking facilities shall be completed in accordance with the approved plans and shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

3. **PRE-COMMENCEMENT**

Full details of the proposed wall and roof materials, and the colour/finish to be used on the window frames and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

4. **PRE-COMMENCEMENT**

Notwithstanding the submitted plans, the elevational and floor plan detailing of unit 1 shall not be as shown, but shall be in accordance with such revised plans as are submitted to and approved in writing by the Local Planning Authority prior to the commencement of work thereon, to eliminate the first floor bedroom window on the rear elevation.

5. **PRE-COMMENCEMENT**

Notwithstanding the submitted details, the canopies above the front doors on both units shall not be as shown, but shall be constructed in accordance with fully detailed plans at a scale of 1:20 or 1:50 that shall be submitted to and approved in writing prior to the commencement of the development and shall be erected prior to the first occupation of the dwelling.

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

1. In the interest of highway safety.
2. In the interest of highway safety and free flow of traffic.
3. In the interest of protecting the character and appearance of the Ruthin Conservation Area.

4. In the interest of residential amenity.
5. In the interest of protecting the character and appearance of the Ruthin Conservation Area.

NOTES TO APPLICANT:

In connection with condition 4, prior to the submission of any further details, you are advised to contact the Development Control case officer to discuss ideas for the fenestration.

ITEM NO: 4

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2007/1363/ PO

PROPOSAL: Demolition of main hall (11 no. flats) and development of 0.33ha of land by the erection of replacement building containing 11 no. flats and erection of 6 no. dwellings within grounds and alterations to existing vehicular access (outline - all matters reserved for further approval)

LOCATION: Land at Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr R Cox

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

LLANBEDR DC COMMUNITY COUNCIL -

Conclusions – “The community council is unanimously and strongly opposed to this planning application. Not only is the application for development well outside both the present and likely future UDP areas, but it seems to transgress a number of DCC planning guidelines. If we are to have a cohesive housing development plan in the community we wish it to follow existing and ordered policies rather than sporadic rural development. Much of the architect’s supporting evidence is not relevant to this application and his plans are not accurate. We are concerned about the environmental effects within the AONB. In short, **we call for an outright rejection of this outline planning application.** It is both disingenuous and inappropriate for this part of the Vale of Clwyd.”

CLWYD POWYS ARCHAEOLOGICAL TRUST

Requires a condition to be imposed which ensures detailed archaeological work is carried out on the site prior to commencement of development.

DWR CYMRU/WELSH WATER

Requires conditions to be imposed to ensure protection of the sewerage system.

WELSH HISTORIC GARDENS TRUST

Object to the proposal

RUTHIN AND DISTRICT CIVIC ASSOCIATION

Object to the 6 new dwellings but not to the replacement of the hall.

COUNTRYSIDE COUNCIL FOR WALES

No objections in principle subject to appropriate licenses being sought for protected species issues.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Head of Highways and Infrastructure

No objection subject to conditions dealing with the management of construction traffic and cycle storage areas.

Conservation Architect

Concerns about the impact of the 6 new dwellings, however, no real problems with the demolition and re-build of hall.

Footpaths Officer

Objected to re-routing of footpath 37

Landscape Officer

No objection to replacing the hall but object to the buildings in the garden.

County Archaeologist

Requires detailed archaeological investigations on site prior to commencement of works as per CPAT response.

Biodiversity Officer

Surveys would be required to ensure species protection

JAC/AONB COMMITTEE

"The JAC notes that the hall is not listed but regrets that the proposals involve the demolition and replacement of a building which adds to the character of the AONB and is part of its history. The JAC would prefer to see a complete refurbishment of the existing building rather than redevelopment. This could include demolition of unsightly existing extensions. The proposal for 6 new dwellings in such a prominent and highly sensitive part of the AONB is unacceptable to the JAC and cannot be justified as an exception to existing planning policies. The JAC also has concerns over the loss of tree cover and the impact on the historic park and garden."

RESPONSE TO PUBLICITY:

Letters of representation received from:

Guy Morgan, 9, Maes Celyn, Llanbedr D.C. Huw McKee
Mrs. S. Hughes, Angorfa, 11, Maes Celyn, Llanbedr D.C.
Wendy Banks, 5, Maes Celyn, Llanbedr D.C.
A. P. Glanville, 39, Cathedral Road, Cardiff
Commodore JEV Madgwick, 6, Tan y Bryn, Llanbedr D.C.
Mr. J. J. McMillan & Dr. K. J. Evans, Ty Nan, 15, Maes Celyn, Llanbedr
Mrs Linda Hornsby, Ty Gwennold, Maes Celyn, Llanbedr DC, LL15 1YRT
Anderson, Aynho, 4 Tan y Bryn, Llanbedr DC, LL15 1AQ
Rev'd Alastair Shufflebotham, 5 Tan y Bryn, Llanbedr DC LL15 1AQ
P S & A M Williams, Tenalls, 19 Tan y Bryn, Llanbedr DC, LL15 1AQ
Susan Smith, The Coach House, Llanbedr Hall
David and Hilary Livesay, 3 Bryn Coed, Llanbedr Hall, Ruthin
J Martindale, 2 Maes Celyn, Lanbedr DC
AP Ravenscroft, Redwoods, Llanbedr DC

Summary of Planning Based Representations

- i) Proposal is contrary to adopted policies
- ii) Concern over impact upon AONB
- iii) Concerns over impact upon footpath
- iv) Concerns over highway safety
- v) Lack of affordable housing
- vi) Potential precedent for future infill development

EXPIRY DATE OF APPLICATION: 23/01/2008

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1. Summary of proposals:

- 1.1.1. Outline planning permission is sought to demolish the main Llanbedr Hall building and erect a replacement hall building. As part of this outline proposal it is further proposed to erect 6no. detached dwellings in the grounds some 95m to the north west of the hall itself.
- 1.1.2. All matters have been reserved for further approval but an indicative layout plan is included at the front of this report.
- 1.1.3. An application for an alternative type of residential development on this site is also included within this agenda.
- 1.1.4. This outline proposal has been held in abeyance for a number of years whilst extensive negotiations had been undertaken with the site owner, Officers, Members and the community over a possible alternative scheme. These discussions have not resulted in a scheme which Officers feel they can support and so it falls to determine the outline scheme as submitted.
- 1.1.5. The application was accompanied at the time with a structural report of the condition of the main hall, a feasibility report from Strutt and Parker on the capability of the main hall to be re-used and some archaeological information.

1.2. Description of site and surroundings

- 1.2.1. Llanbedr Hall is a late Victorian building set in landscaped grounds. The front part of the hall is constructed in buff brick with red brick detailing and a steeply hipped slate roof. The front part of the hall incorporates corner tower, gabled and dormer features. The rear part of the hall is a predominantly two storey rendered structure with slate pitched roof. The hall benefits from substantial formal landscape gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the back drive to the main hall.
- 1.2.2. The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Preservation Order.
- 1.2.3. To the south-west of the main hall is a walled garden area containing a former boiler room and glass house. There are public footpaths which run through and adjoin the site.

1.3. Relevant planning constraints/considerations

- 1.3.1. The site lies outside any defined settlement boundary as set out in the adopted Unitary Development Plan. The site is not allocated or protected for any use in the Plan. The site does lie within the Area of Outstanding Natural Beauty (AONB) and is subject to a Tree Preservation Order. Public Footpaths 14 and 37 run through and abut the site generally. Old St. Peter's Church, which is a Listed Building is located to the west of the site close to footpath 37.

1.4. Relevant planning history

- 1.4.1. There has been a complex planning history to the Llanbedr Hall site. For the purposes of the assessment of the current planning application this can be summarised as follows. The commercial use of the Hall as a restaurant ceased sometime before 2004. This resulted in an application to convert the restaurant into 2 self contained dwellings which was granted in 2005.
- 1.4.2. In 2006 DCC approved a planning application for the conversion and alterations of existing flats and restaurant to create 20no. self contained flats. **This permission has now lapsed.**
- 1.4.3. In 2007 the owner of the hall submitted a Planning Appeal under section 78 of the Town and Country Planning Act 1990 in relation to two conditions relating to highway/access matters. This appeal was allowed and the conditions were duly varied.
- 1.4.4. The current application to demolish the hall and replace it with a new hall and 6no. detached dwellings was submitted to the Council in November 2007. Officers had made it clear to the applicant that it would not look favourably on the proposal and a report recommending refusal on the scheme was produced in late 2008.
- 1.4.5. Subsequently the owner developed a separate application ref: 16/2009/0941/PF which sought permission to demolish the hall and replace it with a number of detached dwellings in the grounds. This application is the subject of a separate report within this agenda. It was because of the discussions and assessment of the more recent application that the outline scheme, the subject of this report, was held in abeyance. The owner has held further detailed meetings with Officers on the acceptability or otherwise of both schemes which remain undetermined. Officers do not feel that there is any merit in holding any application in abeyance further.

1.5. Developments/changes since the original submission

- 1.5.1. There have been no amendments made to the originally submitted outline proposal since its submission. It is important to note, however, that the Council served a Prohibition Order on the owner of Llanbedr Hall in May 2009 prohibiting the use of the hall for multi-occupation/human habitation. This Order did allow the owner to use the ground floor owner's accommodation for his own use at that time. The owner appears to have been using the ground floor as a single residential unit since 2009.
- 1.5.2. It is also important to note the significant discussions, negotiations and amendments made to the full planning application for the demolition of the main hall and erection of 9no. detached houses which will be assessed separately within this agenda.

1.6. Other relevant background information

- 1.6.1. Members should note that extensive discussions have taken place with the site owner in order to try to facilitate an acceptable development proposal at this site. These discussions have extended to the existing residents close to Llanbedr Hall and the Community Council.

2. DETAILS OF PLANNING HISTORY

2.1 There are a number of relevant planning applications of relevance listed below:-

16/2004/1450/PF – Change of use from restaurant to 2no. self contained dwellings – GRANTED by Committee on 26th January 2005

16/2006/0872/PF – Conversion and alterations of existing flats and restaurant to 20no. self contained flats and construction of associated parking areas. – GRANTED by Committee 10/10/2006 – Now Expired

Appeal – 2042164/WF – against Conditions 6 and 9 on the above permission relating to highway matters. ALLOWED – 30/07/2007

16/2011/0691/PF Conversion and extension of the former garages into 1 no. dwelling with a designated bat roost in the roof void – GRANTED by Committee 28/9/11

16/2009/0941/PF - Demolition of Llanbedr Hall and replacement with 9 No. detached family houses set into the gardens, and refurbishment, extension & change of use of adjacent garages to provide 1 No. dwelling under extensive roof-space which will be fitted out as a substantial refuge for bats – TO BE DETERMINED (On this Committee Agenda – recommended for REFUSAL)

3. RELEVANT POLICIES AND GUIDANCE

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

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

Policy STRAT 1 -	General
Policy STRAT 5 -	Design
Policy STRAT 6 -	Location
Policy STRAT 7 -	Environment
Policy STRAT 13-	New Development
Policy GEN 1 -	Development Within Development Boundaries
Policy GEN 3 -	Development Outside Development Boundaries
Policy GEN 6 -	Development Control Requirements
Policy ENV 2 -	Development affecting the AONB
Policy ENV 6 -	Species Protection
Policy ENV 7 -	Landscape/Townscape Features
Policy ENP 4 -	Foul and Surface Water Drainage
Policy HSG 6 -	New dwellings in the open countryside
Policy HSG 8 -	Replacement dwellings in the open countryside
Policy TRA 6 -	Impact of New development on traffic flows
Policy TRA 9 -	Parking and Servicing Provision

3.2. Supplementary Planning Guidance

SPG 2 Landscaping
SPG 6 Trees and Landscaping
SPG 18 Nature Conservation and Species Protection
SPG 21 Parking Standards
SPG 22 Affordable Housing in new Developments
SPG 26 Residential Space Standards

3.3. GOVERNMENT GUIDANCE

TAN 5 Nature Conservation and Planning
TAN 6 Planning for Sustainable Rural Communities

TAN 12 Design
TAN 18 Transport
TAN 22 Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS

4.1. The main land use planning considerations are considered to be:

- 4.1.1. Principle of residential development proposed
- 4.1.2. Visual and landscape impacts (AONB)
- 4.1.3. Residential amenity
- 4.1.4. Highways/access issues
- 4.1.5. Ecology
- 4.1.6. Design and Access/Sustainability issues

4.2. In relation to the main planning considerations:

4.2.1. Principle of residential development proposed

The site lies outside any defined settlement boundary. The adopted Unitary Development Plan looks to encourage sustainable development and concentrate new development into existing development boundaries. There are exceptions within the plan which would allow for development in open countryside locations subject to strict criteria. One such exception would be the replacement of a “dwelling” with another (Policy HSG 8). The applicant argues that there is justification to replace the existing hall in this open countryside location and seeks to do so by providing a replacement hall but also 6no. new dwellings to the north-west corner of the existing grounds of the hall.

Before looking at the tests in HSG 8, however, it should be noted that the Policy appears to have been written with the replacement of single dwellings in the open countryside in mind and not single buildings with possible multiple residential units therein.

- i) The first criterion of Policy HSG 8 states that the existing building should have lawful use rights as a permanent dwelling. Historically, it is likely that the Hall would have been a single dwelling. Officers do not question that it has been used previously as flats and that a permission existed for further flats therein, but, the query must remain as to whether this constitutes a lawful use as a “dwelling” as set out in the wording of the Policy.
- ii) The second criterion of the Policy allows for replacement of a dwelling where the existing dwelling is not of architectural or historic importance. The applicant has submitted a structural engineer’s report which claims that the building is in a poor state of repair. Whilst the hall itself has been assessed by the Council’s Conservation Architect as not being of any special architectural or historic importance, this does not mean that the building in itself is of no architectural or historic merit.
- iii) The third criterion of the policy allows replacement of a dwelling where the existing cannot be reasonably renovated, converted or extended without major or substantial reconstruction. As mentioned, a structural engineer’s report suggests that this is the case. This appears to conflict with the basis of the 2006 submission to convert and extend the hall to create 20 no. flats.
- iv) The Policy goes on to suggest that unless the dwelling is of a low standard in terms of design and appearance the replacement dwelling should not be substantially different to the existing in terms of its siting, scale, form, design and materials. If the hall is

a dwelling in the context of the Policy, one would have to assess whether it is of a low standard in terms of design and appearance. Whilst it is accepted that the building is not of specific architectural or historic importance it is not considered that it is of a low standard in terms of design and appearance. The criteria suggest that the principle against which the policy should be applied is that a replacement dwelling/structure should try to mirror what it is replacing in terms of design and appearance. It is considered in this instance that what is being proposed (a replacement hall with 6no. dwellings in the grounds) does not adhere to the principles of this criterion.

- v) The next criterion states that the replacement dwelling should not have an unacceptable effect on the landscape by virtue of its siting, scale, design and materials. Having regard to the impact the existing hall building has on its landscape in terms of its siting, scale, design and materials one can argue that the siting of a replacement hall in the grounds could have an acceptable impact upon the landscape. As the application has been made in outline form Officers are unable to assess the possible impacts of a replacement hall structure. It is considered, however, that this could be designed and located so as not to have any significant impact on the landscape or character of the area. The 6no. dwellings, however, would introduce an alien form of development to the site and, as mentioned before, would not be a form of development the replacement dwellings Policy was designed for.
- vi) Finally the Policy goes on to say that a replacement dwelling should be located on the site of the existing dwelling, and only in exceptional circumstances should an alternative location be considered. Not only is the "replacement" product of a radically different nature to the existing but it is clearly not being sited on the site of the existing building. The dwellings proposed are detached from the existing hall site and located some distance away. The policy goes on to mention that, in exceptional circumstances, where an overall environmental improvement can be shown an alternative location for the replacement can be considered. Officers do feel, based on the comments of the JAC AONB Committee that an overall environmental improvement could arise from the development, but the scheme would spread built form in the open countryside to the general detriment of the character of the area.

In conclusion, Officers feel that the principle of replacing the hall in the manner proposed is unacceptable and in conflict with key tests in Policy HSG 8. Furthermore, in failing the tests set out in Policy HSG 8 the proposal would clearly be in conflict with Policy GEN 1 which seeks to restrict any new development outside development boundaries.

4.2.2. Visual and Landscape Impact

As the application has been made in outline form with all matters reserved for further approval it is difficult to assess the actual impacts of a replacement hall or the 6no. dwellings to the north-west of the site. However, having regard to the comments of the JAC AONB it is considered that the principle of expanding built form in the manner proposed by introducing 6no. new dwellings in this open countryside location is not something that they can support. Officers do not feel that they would be able to justify a refusal reason on the basis of the

comments of the JAC due to the lack of design details available with an outline scheme, however, their comments emphasise the concerns around sporadic development in the AONB and open countryside generally.

4.2.3. Residential amenity

As the application was made in outline form without information on how close buildings may be to existing properties in the Llanbedr Hall complex it would be impossible to gauge any potential impacts thereon. The indicative layout positions the replacement hall on the site of the existing hall, however, the 6no. new dwellings proposed to the north-west of the main hall would potentially move built form closer to existing properties at this part of the site. Without the relevant details on sizes and scale, however, Officers could not warrant a refusal reason based on any impacts upon residential amenity.

4.2.4. Highways/access issues

It would be proposed to use the existing routes into the Llanbedr Hall site to serve the proposed development. Highway engineers have previously assessed the proposed plans and have raised no concerns subject to conditions. These conditions seek to ensure vehicular access to the site should be made available via the existing routes from the B5429 and Bwlch Pen Barras. Further, details of passing places on the front drive, as was agreed in the previous appeal (2007), would need to be agreed as would parking areas within the site for the development. It is not considered that there are any highway issues which would warrant refusal of this application. These would be dealt with in a reserved matters application in any case.

4.2.5. Ecology Issues

This particular application was not submitted with any ecological reports or supplementary information. It is understood that there are bats and birds which would need to be taken into account in any potential demolition of the hall. There has been a separate scheme for the conversion of a nearby garage unit into a single residential unit. Within the roof void in that scheme is proposed an alternative bat roost. Whilst this scheme and the garage conversion cannot be considered inter-dependent Officers feel that it would be difficult to justify refusal on this particular application on the basis of ecological concerns alone. A planning condition could be imposed to ensure any protected species are dealt with as part of any permission.

4.2.6. Design and Access/Sustainability Issues

The application was submitted prior to the change in legislation in Wales which required Design and Access statements to be submitted with such schemes. The application includes information on inclusive access but did not have regard to standards of environmental sustainability in terms of design principles. Again, given when the application was submitted it would be difficult to justify refusal of this scheme on the basis of the lack of design and sustainable build information.

5. SUMMARY AND CONCLUSIONS

- 5.1. The application has been held in abeyance for over 4 years in the hope that an alternative scheme (presented within this agenda) could have been made acceptable in Policy terms. As the applicant has failed to amend either of the schemes at this site in order to meet the adopted policies and guidance it was felt appropriate to report both to this committee with recommendations to refuse.

This proposal, whilst made in outline form, does propose to replace the main hall with

an alternative type of replacement residential scheme. Whilst a replacement hall may be acceptable in principle, in itself, the additional 6 dwellings which are proposed in the grounds would not. These would represent new dwellings in the open countryside, outside any development boundaries contrary to national and local planning policy principles. They are not proposed as affordable units, they do not adjoin a settlement boundary or represent infilling.

Officers could not justify refusal reasons based on the lack of submitted information on ecology impacts, design impacts or sustainability principles given that changes in legislation and guidance which now require such details to be included with applications were not in force when the application was submitted.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The proposed erection of 6no. dwellings in the open countryside without any identified need or justification is contrary to Policies STRAT 6, GEN 3, GEN 4, HSG 5 ,HSG 6, HSG 8 and HSG 11 of the Denbighshire UDP. These policies seek to prevent sporadic and unsustainable development in the open countryside unless it would represent infilling, an agricultural need has been established or the proposal is for affordable housing for local needs adjacent to main village or village boundaries.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2009/0941/ PF

PROPOSAL: Demolition of Llanbedr Hall and replacement with 9 No. detached family houses set into the gardens, and refurbishment, extension & change of use of adjacent garages to provide 1 No. dwelling under extensive roof-space which will be fitted out as a substantial refuge for bats

LOCATION: Land at Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr Rod Cox

CONSTRAINTS: Tree Preservation Order
PROW
AONB

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

CONSULTATION RESPONSES

LLANBEDR DC COMMUNITY COUNCIL –

Objected to the originally submitted scheme (Sept 2009) within a 4 page letter. In summary, the objections related to the principle of development outside a development boundary, impact on the AONB, loss of trees, concerns over vehicular access and construction traffic, drainage concerns and the negative impact upon the amenity of existing residents.

However, the Community Council had subsequently sent in a response via e-mail dated 8th April 2011 which concluded “The community council then agreed that the latest plan submitted by Mr Cox was the best option with none of our Community Council being totally against the plan.”

CLWYDIAN RANGE AONB JOINT ADVISORY COMMITTEE –

“The JAC reaffirms its view that although Llanbedr Hall is not Listed it is regrettable that the proposals involve demolition and replacement of a building which nevertheless adds to the character of the AONB and is part of its cultural heritage. The building has been neglected by the owners for many years and the JAC would prefer to see the renovation and refurbishment of the existing building rather than demolition and redevelopment. The JAC also maintains that the economic case for demolition and redevelopment has still not been conclusively demonstrated. The applicants continue to suggest that the proposals should be considered under the replacement dwellings policy, but the JAC maintains its view that replacing a single building with nine substantial new dwellings spread over a much larger area of countryside is not compatible with this Policy. The development would, in effect, create a new housing estate outside a defined settlement contrary to well established policies protecting the AONB and open countryside in general from unnecessary development. It would significantly change the character and appearance of this largely undeveloped site to the detriment of the rural setting and the JAC objects to the principle of the development. The revised application also appears to involve the loss of more TPO trees than the previous scheme.”

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT) – No objection subject to a condition to ensure further archaeological investigation in accordance with the submitted report.

NORTH WALES FIRE AND RESCUE SERVICE – Access to dwellings is satisfactory based on the submitted information. Further information with regard hydrants and water supplies to be provided.

RAMBLERS CYMRU – Object on the grounds that the development is outside the development boundaries, will impact upon the AONB and is contrary to policy on replacement dwellings.

DWR CYMRU/WELSH WATER – No objection subject to conditions to ensure foul and surface water drained separately from site.

NORTH WALES POLICE – No response received

CAMPAIGN FOR THE PROTECTION OF RURAL WALES – Object as the scheme conflicts with open countryside policies, impacts upon the AONB and the existing hall should be retained.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Head of Highways and Infrastructure – No objection subject to conditions to deal with use of existing accesses from B5429 and Bwlch Pen Barras with no obstructions for residents or visitors, passing places being provided on the front drive prior to any works starting and parking being available for residents.

Footpaths Officer – No objection subject to detailed notes added to any permission to deal with the protection of the Right of Way

Conservation Architect - Commented that the design of the dwellings was improved on the original submission plans but would not comment on the principle of the layout.

Biodiversity Officer - I have no further objections to this development provided that all the details outlined in the most recent bat management report are followed. Provided these are undertaken I do not believe there will be a detrimental effect on the favourable conservation status of the bat species present and therefore the 3 tests of the habitats regs can be satisfied.

County Archaeologist – No objection subject to:-

- a full photographic record being made of the existing Hall, inside and out, which would include all architectural and decorative details. This record which would be tied into plans of the house, would be lodged with the Local Authority and with the Royal Commission on Ancient and Historic Monuments Wales.
 - a detailed examination and record being made of possible early walls and features within the existing structure prior to demolition and examination and recording of the footprint of the demolished Hall and cellars once these areas become accessible.
 - an archaeological watching brief being carried out during all initial ground disturbance phases in the area of the proposed undercroft garage and any other service trenches
- any garden features affected should be thoroughly surveyed and recorded by competent archaeological surveyors prior to any restoration/alteration.

Community Safety Officer – No objections

Tree Consultant – No objections

RESPONSE TO PUBLICITY

The original ‘courtyard’ scheme of dwellings was revised to the current layout in October 2010. A full re-consultation exercise was carried out and the responses below are those made on the current scheme.

In objection:-

J Thelwall, 39 Kingsmuir Road, Mickleover, Derby Derbyshire.
Hayley Morgan, 3 Y Llys, Llanbedr Hall, Ruthin
Kerry James Planning on behalf of Mr McQueen, Cedar Gardens, Llanbedr Hall
Cdn Planning, 1 Connaught House, Riverside Business Park, Benarth Road, Conwy

Summary of planning based objections:-

Principle of such residential development is contrary to Policy
Impact upon the character and appearance of the AONB
Concerns about the loss of the Hall, insufficient justification.
Impact on the trees, loss of trees.
Concerns about the inadequacy of the vehicular access to the site.
Drainage concerns.
Impact on immediate neighbours.

In Support:-

Chris and Clare Trump, 6 Y Llys, Llanbedr Hall, Ruthin
Mr and Mrs D Livesey, Bryn Coed, Llanbedr Hall
Mr and Mrs J Butler, Bellendean, Llanbedr Hall
Ms Ailsa Ravenscroft, Redwoods, Llanbedr Hall
Ms S Smith, Coach House, Llanbedr Hall

Summary of support reasons:-

Immediate neighbours have welcomed the opportunity to contribute towards the siting and design of the scheme. They support the current proposals subject to no further infilling.

REASONS FOR THE DELAY IN DECISION

- Several revisions made to the scheme along with many meetings between Officers and applicant.

PLANNING ASSESSMENT

1. THE PROPOSAL

1.1 Summary of proposals

- 1.1.1 This is a full planning application for the demolition of Llanbedr Hall, its replacement with 9no. detached residential dwellings and the conversion of a former garage unit to create a single dwelling with bat roost above. The application proposes to use an existing vehicular access to the Hall with a revised driveway detail submitted to serve the proposed dwellings.
- 1.1.2 The plans which are being assessed as forming this application show the intention to develop 9no. detached dwellings dispersed around land to the west and north of the existing Hall. These 9no. detached dwellings are proposed in two house types (standard and variant 01) which would be set into the ground at varying levels across the site. In detail these dwelling types are described as follows:-

- **Standard House Type** – detached 5 bedroom dwelling constructed on essentially three levels. Lower level to contain integral 2 car garage with lounge and kitchen/dining area. Level 1 to contain 5 bedrooms, a balcony and access up on to a grassed roof terrace third level. Maximum height from ground to roof around 8m.

Built in local stone, lime render with larch timber cladding under a slate roof. Incorporating solar water and photovoltaic heating panels. Adjustable louvers/timber shutters for solar and thermal heating control.

- **Variant 01 House Type** – essentially the same design but without the integral garage.
- **Detached garages for units 1 and 2 joined**– flat roof to height of 3.5m built in stone with rendered walls to match dwellings. 11m x 6m.
- **Detached garage for Unit 3** – single detached garage of same design as above. 5.5m x 6m with flat roof height of 3.5m.
- **Detached garage for Unit 9** – Single detached garage using same materials as above. 5.5m x 6m with sloping roof to tie in with original Hall wall.

1.1.3 The relevant site and elevational plans are included at the front of this report.

1.1.4 Along with the proposed 9no. detached dwellings it is also proposed to convert an existing garage building to the east of the main Hall to create an additional single residential unit with bat roost above. **It should be noted that in the intervening period between the last planning application being deferred from Committee and now, a separate planning application has been assessed and granted for the conversion of the detached garage unit at the site.**

1.1.5 The relevant plans have been submitted with a number of additional documents. These are listed below:-

- Revised Design and Access Statement (received 21st May 2010)
- Structural Report on Llanbedr Hall
- Archaeology Report
- Tree Report
- Ecology Report
- Bat Report

1.2 Description of Site and Surroundings

1.2.1 Llanbedr Hall is a late Victorian building set in landscaped grounds. The front part of the hall is constructed in buff brick with red brick detailing and a steeply hipped slate roof. The front part of the hall incorporates corner tower, gabled and dormer features. The rear part of the hall is a predominantly two storey rendered structure with slate pitched roof. The hall benefits from substantial formal landscape gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the back drive to the main hall.

- 1.2.2 The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Preservation Order.
- 1.2.3 To the south-west of the main hall is a walled garden area containing a former boiler room and glass house. There are public footpaths which run through and adjoin the site.

1.3 Relevant planning constraints/considerations.

- 1.3.1 The site lies **outside** any defined settlement boundary as set out in the adopted Unitary Development Plan. The site is not allocated or protected for any use in the Plan. The site does lie within the Area of Outstanding Natural Beauty (AONB) and is subject to a Tree Preservation Order. Public Footpaths 14 and 37 run through and abut the site generally. Old St. Peter's Church, which is a Listed Building is located to the west of the site close to footpath 37.

1.4 Relevant Planning History

- 1.4.1 There has been a complex planning history to the Llanbedr Hall site. For the purposes of the assessment of the current planning application this can be summarised as follows. The commercial use of the Hall as a restaurant ceased sometime before 2004. This resulted in an application to convert the restaurant into 2 self contained dwellings which was granted in 2005.
- 1.4.2 In 2006 DCC approved a planning application for the conversion and alterations of existing flats and restaurant to create 20no. self contained flats. This permission has now lapsed.
- 1.4.3 In 2007 the owner of the hall submitted a Planning Appeal under section 78 of the Town and Country Planning Act 1990 in relation to two conditions relating to highway/access matters. This appeal was allowed and the conditions were duly varied.
- 1.4.4 The owner of the hall subsequently applied to DCC to demolish the hall, build a replacement hall and erect 6no. dwellings to the north-west corner of the grounds. This application was made in Outline and will be reported to Members within this agenda.
- 1.4.5 The current application has undergone extensive negotiations with the applicant and a number of revisions outlined below.

1.5 Developments/changes since the original submission

- 1.5.1 The current planning application was originally for the demolition of the Hall and its replacement with 9no. dwellings built in a courtyard layout to the immediate north of the hall. A public consultation exercise was undertaken on this scheme and the applicant was advised that, given the size and location of the units in proximity to existing nearby dwellings, there could be an unacceptable impact upon these residents.
- 1.5.2 The applicant then entered into further discussions with Officers and the Community over a revised layout. The current dispersed layout is the one which was put forward for this assessment. There have been specific

design alterations for the dispersed layout with different architects used by the applicant.

- 1.5.3 The application was deferred from Planning Committee on 13th April 2011 at the request of the applicant and then Officers. This was to enable further discussions to take place on the scheme. Officers can report that over 30 hours of Officer time has been spent since April 2011 attempting to negotiate and assist the developer to develop a scheme which may be deemed acceptable in Policy terms. To date no such scheme has been forthcoming.

2. DETAILS OF PLANNING HISTORY

- 2.1 16/2004/1450/PF – Change of use from restaurant to 2no. self contained dwellings – GRANTED by Committee on 26th January 2005
- 2.2 16/2006/0872/PF – Conversion and alterations of existing flats and restaurant to 20no. self contained flats and construction of associated parking areas. – GRANTED by Committee 10/10/2006
- 2.3 Appeal – 2042164/WF – against Conditions 6 and 9 on the above permission. ALLOWED – 30/07/2007
- 2.4 16/2007/1363/PO – Demolition of main hall (11no.flats) and development of 0.33ha of land by the erection of replacement building containing 11no. flats and erection of 6no. dwellings within grounds and alterations to existing vehicular access (outline – all matters reserved for further approval) – AWAITING DETERMINATION
- 2.5 16/2011/0691 – Conversion and extension of the former garages into 1 no. dwelling with a designated bat roost in the roof void – GRANTED by Committee – 28/9/2011.

3. RELEVANT POLICIES AND GUIDANCE

The main planning policies and guidance are considered to be:

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

Policy STRAT 1	-	General
Policy STRAT 5	-	Design
Policy STRAT 6	-	Location
Policy STRAT 7	-	Environment
Policy STRAT 13	-	New Development
Policy GEN 1	-	Development Within Development Boundaries
Policy GEN 3	-	Development Outside Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy ENV 2	-	Development affecting the AONB
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape/Townscape Features
Policy ENP 4	-	Foul and Surface Water Drainage
Policy HSG 6	-	New dwellings in the open countryside
Policy HSG 8	-	Replacement dwellings in the open countryside
Policy HSG 9	-	Residential Conversion of Rural Buildings to Dwellings
Policy TRA 6	-	Impact of New development on traffic flows
Policy TRA 9	-	Parking and Servicing Provision

3.2 Supplementary Planning Guidance
SPG 21 Parking Standards

3.3 GOVERNMENT GUIDANCE
TAN 12 Design
TAN 18 Transport

4. MAIN PLANNING CONSIDERATIONS

4.1 The main land use planning issues on this full planning application are considered to be:

- 4.1.1 Principle of replacing a block of flats with detached dwellings in the open countryside
- 4.1.2 Highways/access arrangements
- 4.1.3 Visual amenity (impact on AONB)
- 4.1.4 Residential amenity
- 4.1.5 Design and Access/Sustainability issues

4.2 In relation to the main planning considerations:

4.2.1 Principle of development against adopted policy criteria

The fundamental issue on which this application must be assessed is whether the principle of replacing a building in the open countryside, which has been used as flats, with detached dwellings, fits with the general aims of the Unitary Development Plan.

In order to do this one must first establish the existing lawful use of the main hall. As set out in the section titled "Relevant planning history" it is clear that there was a planning permission to convert and extend the hall to create 20no. self contained flats. However, this permission has now lapsed (The last known use of the building is pre-2009 when Council tax records showed the use to be flats (1-10) with a restaurant. Since that time the property has been registered as a single dwelling with the applicant as the sole occupant.

Officers' view is that in planning terms the lawful use of the building should be considered as part residential/part commercial in terms of the previous use as flats and restaurant.

In addressing the most appropriate adopted policy against which to assess the proposal as submitted, it is to be noted that the applicant seeks permission to **replace** the existing hall with 9no. detached dwellings. The 'conversion' element of the proposal has subsequently been dealt with in a separate planning application. Policy HSG 8 relates to the **replacement** of dwellings in the open countryside and the criteria of this policy are examined in the following sections.

Before looking at the tests in HSG 8, however, it should be noted that the Policy appears to have been written with the replacement of single dwellings in the open countryside in mind and not single buildings with possible multiple residential units therein.

- i) The first criterion of Policy HSG 8 states that the existing building should have lawful use rights as a permanent dwelling. Historically, it is likely that the Hall would have been a single dwelling. Officers do not question that it has been used previously as flats and that a permission existed for further flats therein, but, the query must remain as to whether this constitutes a lawful use as a "dwelling" as set out in the wording of the Policy.

- ii) The second criterion of the Policy allows for replacement of a dwelling where the existing dwelling is not of architectural or historic importance. The applicant has submitted a structural engineer's report which claims that the building is in a poor state of repair. Whilst the hall itself has been assessed by the Council's Conservation Architect as not being of any special architectural or historic importance, this does not mean that the building in itself is of no architectural or historic merit.
- iii) The third criterion of the policy allows replacement of a dwelling where the existing cannot be reasonably renovated, converted or extended without major or substantial reconstruction. As mentioned, a structural engineer's report suggests that this is the case. This appears to conflict with the basis of the 2006 submission to convert and extend the hall to create 20 no. flats.
- iv) The Policy goes on to suggest that unless the dwelling is of a low standard in terms of design and appearance the replacement dwelling should not be substantially different to the existing in terms of its siting, scale, form, design and materials. If the hall is a dwelling in the context of the Policy, one would have to assess whether it is of a low standard in terms of design and appearance. Whilst it is accepted that the building is not of specific architectural or historic importance it is not considered that it is of a low standard in terms of design and appearance. The criteria suggest that the principle against which the policy should be applied is that a replacement dwelling/structure should try to mirror what it is replacing in terms of design and appearance. It is considered in this instance that what is being proposed (9no. dispersed detached dwellings in the grounds) does not adhere to the principles of this criterion.
- v) The next criterion states that the replacement dwelling should not have an unacceptable effect on the landscape by virtue of its siting, scale, design and materials. Having regard to the impact the existing hall building has on its landscape in terms of its siting, scale, design and materials one can argue that the siting of 9 no. large detached dwellings in the grounds would have an unacceptable impact upon the landscape. This assessment has been reinforced by the comments of the JAC AONB committee.
- vi) Finally the Policy goes on to say that a replacement dwelling should be located on the site of the existing dwelling, and only in exceptional circumstances should an alternative location be considered. Not only is the "replacement" product of a radically different nature to the existing but it is clearly not being sited on the site of the existing building. The dwellings proposed are large, detached and dispersed within the grounds. The policy goes on to mention that, in exceptional circumstances, where an overall environmental improvement can be shown an alternative location for the replacement can be considered. Officers do feel, based on the comments of the JAC AONB Committee, that an overall environmental improvement could arise from the development, but the scheme would spread built form in the open countryside to the general detriment of the character of the area.

In conclusion, Officers feel that the principle of replacing the hall in the manner proposed is unacceptable and in conflict with key tests in Policy HSG 8. Furthermore, in failing the tests set out in Policy HSG 8 the

proposal would clearly be in conflict with Policy GEN 1 which seeks to restrict development outside development boundaries.

Principle of conversion of garage

As mentioned previously the conversion of the detached garage unit has been granted planning permission under the reference 16/2011/0691/PF.

4.2.2 Highways/access issues

It is proposed to use the existing routes into the Llanbedr Hall site to serve the proposed development. Highway engineers have assessed the proposed plans and have raised no concerns subject to conditions. These conditions seek to ensure vehicular access to the site should be made available via the existing routes from the B5429 and Bwlch Pen Barras. Further, details of passing places on the front drive, as was agreed in the previous appeal (2007), would need to be agreed as would parking areas within the site for the development. It is not considered that there are any highway issues which would warrant refusal of this application.

4.2.3 Visual amenity/impact on the AONB

The JAC have commented that they are concerned by the loss of the hall building itself saying that it adds to the character of the AONB. They feel that the economic case for demolition has not been conclusively demonstrated. They go on to say that the development of the dwellings in the manner proposed would fundamentally change the character and appearance of this largely undeveloped site to the detriment of the rural setting. This, it is considered, is in direct conflict with Policy ENV 2 of the UDP which seeks to ensure the natural beauty of the area is conserved and enhanced.

The dwellings would be dispersed around the open frontage to the hall and would appear large and overly dominant in the landscape. Whilst the design is of interest, no amount of screening from existing trees would hide the impact of the size and scale. This would result in a visual intrusion in the open countryside which would fail to conserve or enhance its natural beauty.

4.2.4 Residential amenity

The dwellings proposed would be sited a sufficient distance from existing properties so as not to cause significant detriment to residential amenity levels. The use of existing driveways which would be realigned in parts would serve to reduce any direct neighbour impacts and the amenity afforded to the proposed new dwellings in terms of space standards would also be acceptable.

4.2.5 Design and Access/Sustainability Issues

Guidance within TAN 12 Design, TAN 18 Transport and TAN 22 Sustainable Buildings oblige applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan STRAT 1 and 13 to ensure that sustainable development principles are embodied in schemes.

The application is accompanied by a Design and Access Statement and details how the dwellings are to be built to sustainable principles. Officers

consider that, based on when the original application was submitted (before the change in legislation relating to the Code for Sustainable Homes), the approach to design, access and sustainability are acceptable in this instance. However, it should be noted that no information has been submitted with this scheme to show how the requirements of Planning Policy Wales in terms of the Code can be met.

5. SUMMARY AND CONCLUSIONS

- 5.1 The application has been the subject of much deliberation, community consultation and amendment. The proposed scheme of 9no. detached dwellings as a replacement to the main hall is not considered to be acceptable in principle based on the adopted policies of the Unitary Plan which deal with development proposals outside development boundaries and replacement dwellings in the countryside.
- 5.2 The key issue here is whether Planning Policy (national and local) should allow the replacement of a hall of flats with a number of detached dwellings in the garden area of the hall. Officers' view is that the Policy could and should only allow for the replacement of the existing residential building with something similar and in that location. The wider use of the garden area to create residential buildings which would create a much greater development footprint and building volume than the existing hall is not something which Officers can support.
- 5.3 The size and scale of the dwellings proposed would result in an unacceptably intrusive form of development within the AONB harming the open character in this location and failing to conserve or enhance the natural beauty of the area.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority that the replacement of the hall in the manner proposed is in direct conflict with tests iv, v, and vi of Policy HSG 8 of the adopted Denbighshire Unitary Development Plan. Insufficient justification has been provided to show that the replacement of the hall with a substantially different type of dwelling in terms of its siting, size, scale, form, design and materials is acceptable and would not have an unacceptable effect on the landscape, and the scheme fails to show that an overall environmental improvement will be achieved.
2. It is the opinion of the Local Planning Authority that the residential dwellings proposed would have an unacceptable impact on the character and appearance of the site and the Area of Outstanding Natural Beauty in which it is located by reason of their size, scale and form. The proposal would neither conserve nor enhance the natural beauty of the area, in direct conflict with Policy ENV 2 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2012/0038/ PF

PROPOSAL: Erection of extension to existing agricultural building

LOCATION: Penlan Ruthin Road Llandegla Wrexham

APPLICANT: Mr D S Faulkner

CONSTRAINTS: PROW
AONB

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

CONSULTATION RESPONSES:

LLANDEGLA COMMUNITY COUNCIL:
Response to be reported.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

AONB COMMITTEE:
No objections.

FOOTPATH OFFICER:
Response to be reported.

BIODIVERSITY OFFICER:
Response to be reported

OTHER CONSULTEES:

COUNTRYSIDE COUNCIL FOR WALES:
Response to be reported.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 11/03/2012

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Permission is sought for the extension of an existing agricultural shed at Penlan Farm, Llandegla.
- 1.1.2 The existing shed measures approximately 26.5 metres by 9 metres and is 5 metres high to the ridge. The extension would extend the ridge line in a westerly direction by approximately 12 metres. It would also extend the southerly side elevation by 6 metres.
- 1.1.3 It is proposed to match the existing materials; which are dark blue aluminium profile cladding and fibre cement sheet roof.
- 1.1.4 The agent has confirmed that the extension is required due to stock increases and that:
 - the existing building used for lambing and storage is no longer big enough;
 - the extension will allow his client to have all his ewes inside the building over the lambing season;
 - the lean to extension will provide enough room to fix small pens for the sheep and lambs to stay in for the days after birth;
 - due to the location of the farm it is highly important that these sheep are kept inside as over recent years, stock have been affected by the winter snow and frost and;
 - the building will be used for hay and machinery storage outside of the lambing season.

1.2 Description of site and surroundings

- 1.2.1 The site is located in the open countryside some 170 metres north of the A525, some 2km east of Llandegla village.
- 1.2.2 There is an existing farm complex at the site, including a range of barns, outbuildings and a dwelling house.
- 1.2.3 The immediate area to the south of the complex is grazing land, whilst to the north is an area of woodland, and beyond that open moor land.
- 1.2.4 The nearest dwellings to the site are Tafarn Y Garth (630 metres to the west), and Tyn Y Mynydd (500 metres to the east).

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within an Area of Outstanding Natural Beauty (AONB). The site is also within 90 metres of the Berwyn and South Clwyd Special Area of Conservation (SAC) and the Llandegla Moor Site of Scientific Special Interest (SSSI).
- 1.3.2 A public footpath runs through the main farm yard.

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The application is reported to planning committee because the applicant is the partner of a member of the planning section's staff.

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy GEN 3 – Development Outside Development Boundaries

Policy EMP 13 – Agricultural Development

Policy ENV 2 – Development Affecting the AONB

Policy ENV 4 – International/National Sites of Nature Conservation Value

Policy TRA 10 – Public Rights of Way

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales 4 (February 2011)

TAN 6 – Planning for Rural Sustainable Communities

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Functional Need

4.1.3 Visual and landscape impact

4.1.4 Impact on SAC/SSSI

4.1.5 Impact upon Public Footpath

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located outside of any defined settlement boundary where the governing policy is Policy GEN 3. GEN 3 generally precludes against development in the open countryside, with 7 exceptions. One of these exceptions is development in connection with agricultural enterprises. Policy EMP 13, Agricultural Development relates specifically to development proposals such as this and contains specific tests. It is therefore considered that the proposal is acceptable in principle, subject to the specific tests being met. These are considered below.

4.2.2 Functional Need

Amongst other criteria, Policy EMP 13 requires agricultural development to be a necessary functional requirement of the existing agricultural enterprise.

The applicant has submitted details of his enterprise within the DAS and has provided additional information as requested to support the application. It covers the nature of the existing enterprise and the need for this additional building. The building is needed to accommodate an increase in stock and to provide improved facilities during lambing season. Out of lambing season the building will provide additional storage for hay and implements. It is noted that there are no redundant buildings on site to accommodate this need.

It is considered that there is a genuine need for a building of this nature to serve the enterprise, and that no other satisfactory alternatives exist within the site. In terms of need it is considered that the proposal meets the relevant criteria of Policy EMP 13.

4.2.3 Visual and landscape impact

Policy EMP 13 contains criteria which require proposals for new agricultural development to not have an unacceptable impact upon the character and

appearance of the countryside or the local environment. It expects such proposals to avoid prominent and conspicuous locations and be well related to the existing farm complex. Policy ENV 2 requires that development should not harm the character of the AONB.

The proposed extension would be seen partially from the A525 at a distance of around 170 metres. Owing to the topography only part of the roof would be seen. It would also be seen against the backdrop of the other buildings within the complex. The proposed extension would also be visible to people using the public footpath through the site. However, the extension is predominantly on the opposite side of the existing building to the public footpath, and so its impact would be limited. The overall design, form, scale and choice of materials are considered to be in keeping with the existing building and complex.

With regard to the requirements of Policy EMP 13 it is considered that proposal is not in a prominent or conspicuous location and is designed as such as not to be harmful to the character and appearance of the countryside or the local environment. In terms of an assessment of the impact upon visual and landscape amenity (AONB), it is considered acceptable and compliant with the relevant planning policies.

4.2.4 Impact on SAC/SSSI

Policy ENV 4 seeks to protect the integrity of sites of European nature conservation value (SACs), and the nature conservation value of Sites of Special Scientific Interest by resisting development that would harm the identified nature conservation value of that site.

The site in question is located approximately 90 metres from the Berwyn and South Clwyd Special Area of Conservation (SAC) and the Llandegla Moor Site of Scientific Special Interest (SSSI). The nature conservation value of these sites is predominantly related to habitat.

Given the nature of the proposal and its intended use, alongside its siting and relationship to the SSSI and SAC, it is not considered that there would be any harm to the integrity of either site's nature conservation value. The proposal is not considered to conflict with the aims of Policy ENV 4 and is therefore acceptable in terms of impact upon the SSSI and SAC.

4.2.5 Impact upon Public Footpath

Policy TRA 10 seeks to ensure that proposals for new development adequately incorporate any rights of way.

The proposed extension would be located approximately 40 metres south of a public footpath which runs through the farm complex.

Given the distance between the site and the public footpath it is unlikely that the extension will have an impact upon the right of way. However, it is considered prudent to attach a note to applicant to advise of the requirement to ensure that the right of way remains clear of obstruction during the construction phase. The proposal is considered acceptable in terms of its impact upon the public right of way, and compliant with Policy TRA 10.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposal complies with adopted planning policies and it is therefore recommended that planning permission be granted.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.

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.

NOTES TO APPLICANT:

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.

ITEM NO: 7

WARD NO: Trefnant

APPLICATION NO: 30/2011/1280/ PF

PROPOSAL: Erection of 8 no. dwellings and associated works

LOCATION: Land adjacent to The Trefnant Inn Trefnant Denbigh

APPLICANT: Mr Ritson Thomas Hillcrest Cars

CONSTRAINTS: Listed Building
250m Of Landfill Site
Conservation Area

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

CONSULTATION RESPONSES:

TREFNANT COMMUNITY COUNCIL

"The members repeat their previous observations as follows:

-Only 2 of the 8 proposed dwellings are for affordable housing. This does not meet the 30% requirement.

-Members are concerned about the density. Also a significant area of the listed building curtilage (the garden) has been included in the development.

- The junction onto the highway has very poor visibility. The sideline on the plans is incorrect as it does not show the wall that restricts the visibility. The members are extremely concerned about this issue, especially as the junction is close to the local school. If cars are parked on the road then you cannot see to exit the site."

ENVIRONMENT AGENCY:

No objections

COUNTRYSIDE COUNCIL FOR WALES:

Following the submission of additional protected species information and agreeable commuted sum terms to improve habitat for Great Crested Newts in the area, CCW raise no objections to the proposal.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

CONSERVATION ARCHITECT:

No objections subject to conditions regarding finishing details. The Conservation Officer has advised the Case Officer that he does not consider the proposal would have a significant impact upon the character of the adjacent listed building through the subdivision of the land.

BIODIVERSITY OFFICER:

No objections; the applicant should be made aware of the need to follow best practice guidance in relation to protected species. The provision of a commuted sum to improve habitat within the vicinity of Trefnant is acceptable in this instance.

AFFORDABLE HOUSING OFFICER:

Confirms that there is a need within Trefnant for affordable 3 bed houses, and agrees with the provision of 2x3 bed houses in this scheme.

LAND DRAINAGE UNIT:

No objection.

HEAD OF HIGHWAYS AND INFRASTRUCTURE:

No objections subject to conditions and advisory notes. Some concern expressed regarding the feasibility of the proposed method of surface water drainage.

STRATEGIC REGENERATION MANAGER:

The proposed development would enable the public house to continue to provide both a garden and on site parking for the benefit of its customers. This could help to secure the viability of the business at a time when licensed premises face increasingly difficult trading conditions.

VALUATION AND PROPERTY MANAGER:

It is not considered that the development of this apparently under used piece of land will affect the viability of the public house.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr. E. Davies (e-mail)

Mr. N. Williams, Gwylfa, Denbigh Road, Trefnant

E.P. & M.A. Carey, The Chase, 2, Bryn Dyffryn, Trefnant

Ms. A. Roberts, The Old Post Office House, Trefnant (e-mail)

Summary of planning based representations:

Residential Amenity:

Impact upon residential amenity by loss of privacy, light, and additional noise.

Highway Impact:

The highway infrastructure could not cope with the additional vehicles.

The access is not suitable for the proposed level of use.

The access is too close to the traffic lights, and does not have sufficient visibility in a westward direction.

The loss of car parking spaces for the public house would result in parking problems elsewhere in the village.

Ecological Impact:

The development could have a negative impact upon protected species, and may have a detrimental impact upon mature trees within the site.

Drainage:

The drainage systems in the area could not cope with the additional load.

Visual Amenity:

The proposal would appear visually intrusive adjacent to a listed building (The Trefnant Inn) and nearby conservation area.

EXPIRY DATE OF APPLICATION: 06/03/2012

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Permission is sought for the erection of 8 dwellings and associated works on 0.35ha of land adjacent to the Trefnant Inn, Trefnant. 2, three bed dwellings are proposed to be affordable, and would be sold as Low Cost Home Ownership.
- 1.1.2 The associated works include alterations to the existing access onto the B5428 and the creation of a pedestrian link to the village centre, which can be seen on the site plan at the front of the report.
- 1.1.3 The proposed dwellings would be a pair of two storey semi detached and 6 detached houses, offering a mix of bedroom numbers.
- 1.1.4 The application is accompanied by a Design and Access Statement, a Code for Sustainable Homes pre-assessment report, and an Ecological Assessment.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the southern edge of the village of Trefnant, adjacent to the Trefnant Inn, which is a grade II listed building. Along the eastern boundary of the site is the A525. Access to the site is from the northern side, off the B5428. The access point to the site is approximately 40 metres west of the traffic lights in the centre of Trefnant.
- 1.2.2 Development in the surrounding area is generally residential, with a mix of designs and materials. There are also commercial and community uses within the vicinity; a public house, newsagents, fish and chip shop, village hall and primary school.
- 1.2.3 The site has been used, in part, as informal parking for the patrons of Trefnant Inn. The remainder of the site is scrub/grassland which appears to have no formal use.
- 1.2.4 The site boundaries are generally defined by existing planting – some mature native species such as ash and oak trees and hedgerows. The boundary to the north-west is a 3 metre high leylandii hedge. The boundary along the A525 is a combination of low stone wall and hedgerow.
- 1.2.5 To the south of the site is the dwelling The Chase (approximately 10 metres from the south western tip of the site boundary) whilst to the north is the dwelling Hafan Wen (approximately 7 metres from the northern boundary of the site).

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Trefnant, and abuts the southern edge of the village's conservation area. There is no specific use allocation on the site in the Unitary Plan.

1.3.2 Immediately to the north of the site is the Trefnant Inn, a grade II listed building.

1.4 Relevant planning history

1.4.1 The site has been subject to three previous planning applications for residential development; one in 2003, another in 2004 and the most recent in 2011. On the first two occasions the applications were withdrawn owing to insufficient information being available as to the likely impacts upon protected species. The most recent application for 11 dwellings was refused by committee, on the grounds of highway safety, impact upon viability of the public house, impact upon character and setting of the listed building and insufficient open space being provided within the site.

1.5 Developments/changes since the original submission

1.5.1 Since the original submission was made in October 2011, the application site area has been amended. Originally the red line included the public house, and its associated car park and beer garden. The public house, car park and beer garden has since been sold off and is no longer within the control of the applicants. The red line and other documents have been amended to reflect this and were submitted to the Planning Authority on 11th January 2011.

1.6 Other relevant background information

1.6.6 The previous application (30/2010/0584/PF) as detailed below was for 11 dwellings. The current application is for 8 dwellings. The fundamental implication of this is that there is no longer any requirement for Public Open Space to be provided (the trigger point for which is 10 dwellings) as part of this application, and the requirement for affordable housing units to be provided is also reduced (see section 4.2.7).

2 **DETAILS OF PLANNING HISTORY:**

2.1.1 30/2010/0584/PF - Erection of 11 no. dwellings and associated works. REFUSED 27th July 2011 for the following reasons:

"1. The Local Planning Authority consider the highway implications of a development of 11 dwellings would be unacceptable, as the site would be served by a single modified access onto the B5428 in a location in close proximity to the village school and a busy major junction with the A525. There would be substandard visibility in the westerly direction for drivers of vehicles exiting the site and entering the B road, there is no footway on the southern side of the B road on the western side of the access, occasions when there is queuing traffic at the lights, there is unrestricted parking along the B road resulting in parked vehicles either limiting visibility further, or forcing vehicles to travel in the opposite carriageway, and the arrangements for the manoeuvring and standing of delivery vehicles for the Trefnant Inn are unacceptable. The proposals are considered likely to give rise to conditions prejudicial to the safe and free flow of traffic on the B road and within the site, detrimental to the interests of drivers of vehicles, and to pedestrians, and are contrary to Policy TRA 6 of the Denbighshire Unitary Development Plan, and to guidance in Welsh Assembly Government's Technical Advice Note 18 - Transport.

2. The Local Planning Authority consider the proposals would have an unacceptable impact on the character and setting of both The Trefnant Inn, a

Grade 2 Listed Building, and the Trefnant Conservation Area, in particular arising from the density of the development and the presence and detailing of the units in the beer garden which forms part of the curtilage of the listed building. The proposals are considered contrary to Policies CON 1, CON 5, and CON 6 of the Denbighshire Unitary Development Plan, and guidance in Welsh Office Circular 61/96 - Planning and the Historic Environment.

3. The Local Planning Authority consider the loss of the beer garden and the limited parking provision to be retained in connection with the running of The Trefnant Inn would have an adverse impact on the attractiveness of the Inn as a destination for visitors and impact on the viability of the business, threatening the future operation of the village's only public house. The proposals are considered contrary to Policy RET 12 of the Denbighshire Unitary Development Plan which seeks to resist development which may result in the loss of existing facilities.

4. The Local Planning Authority consider the proposals to offer a commuted sum payment in lieu of on site provision of open space is unacceptable given the nearest recreation area is on the eastern side of the A525, the main north-south arterial road serving the Vale of Clwyd, and would oblige children to cross that road to access it. The proposals are considered contrary to Policy REC 2 of the Denbighshire Unitary Development Plan and guidance in the Council's Supplementary Planning Guidance Note 4 - Recreational Public Open Space, which require in developments of this size the provision of open space of benefit to occupants and accessible to the development, where feasible."

30/2004/0704/PO - Development of 0.26 ha of land by erection of 6 dwellings and formation of new vehicular access through public house car park (outline application). WITHDRAWN 29th July 2005.

30/2003/0645/PO - Development of 0.24 ha of land by erection of 5 No. dwellings and construction of new vehicular access (Outline application). WITHDRAWN 16th October 2003.

3 RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

- Policy STRAT 15 - Housing
- Policy HSG 3 - Housing Development in Main Villages
- Policy GEN 1 - Development within Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy CON 1 - The Setting of Listed Buildings
- Policy CON 6 - Development Adjacent to Conservation Areas
- Policy HSG 10 - Affordable Housing within Development Boundaries
- Policy TRA 6 - Impact of New Development on Traffic Flows
- Policy TRA 9 - Parking & Servicing Provision
- Policy ENP 4 - Foul and Surface Water Drainage
- Policy ENV 6 - Species Protection
- Policy CF 1 – Community Facilities
- Policy RET 12 – Local Shops and Post Offices

3.2 SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance 21: Parking Requirements in New Developments
- Supplementary Planning Guidance 22: Affordable Housing in New Developments

Supplementary Planning Guidance 24: Design Guide For Householder Development
Supplementary Planning Guidance 25: Residential Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales (Edition 4 February 2011)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
Technical Advice Note 12 – Design (2009)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 22 – Sustainable Buildings (2010)
W/O Circular 61/96 – Planning and the Historic Environment

4 MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity - conservation area and setting of listed building
- 4.1.3 Impact on residential amenity
- 4.1.4 Highways, Access and Parking
- 4.1.5 Ecology
- 4.1.6 Drainage
- 4.1.7 Affordable Housing
- 4.1.8 Design and Access/Sustainability Code/Access for All
- 4.1.9 Viability of Public House, Local Shops and Post Office

4.2 In relation to the main planning considerations:

4.2.1 Principle.

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 15 and GEN 1. These policies seek to make provision for new housing in a range of locations, concentrating development within the boundaries of defined settlements. HSG 3 seeks to direct most housing developments outside main centres, to main villages, including Trefnant. The site is within the development boundary of Trefnant, where the principle of new housing development would be acceptable subject to consideration against other policies and a detailed assessment of the potential impacts.

4.2.2 Impact on visual amenity – Conservation Area and setting of listed building.

Policy GEN 6 includes criteria which aim to safeguard the visual amenity of areas. In this location, adjacent to a conservation area and listed building, the requirements of Policies CON 6 and CON 1 are also relevant. These policies add additional emphasis to the need to safeguard the visual appearance and character of the area.

Concern has been raised that the proposal would detrimentally impact upon the setting of the listed building through the subdivision of its curtilage. This matter has been raised with the County Council's Senior Conservation Architect. From examining the physical condition and the planning history of the site, it is concluded it would be hard to construct an argument to suggest that the development of this land would be detrimental to the curtilage of the listed building, especially given the retention of the beer garden and car park.

It is considered that the building types would sit appropriately within the village fabric and wider conservation area. The proposed materials are considered complimentary to the character of the area. Additional details would be required regarding boundary treatments and final fenestration details. It is considered that these details can be adequately dealt with through the imposition of conditions. The visual impact upon the adjacent

listed building has been considered. The retention of the beer garden with the Trefnant Inn results in a significant gap between the listed building and the development. The proposed estate road and car park to the rear of the public house also serves to create space around the listed building. It is considered that the space around the listed building allows the building to be viewed within its own context, and it would not appear to be boxed in by the proposed development. In terms of visual impact upon the listed building, it is not considered that the proposal would result in a detrimental impact. The density of development is considered acceptable having regard to the site constraints relating to access, the listed building, and conservation area.

With regard to the submitted details, and the requirements of Policies GEN 6, CON 1 and CON 6, it is considered that the proposals would be acceptable in terms of impact upon the visual amenity of the area and the adjacent conservation area. It is not considered that proposal would have a negative impact upon the setting of the Trefnant Inn, a grade II listed building.

4.2.3 Impact on residential amenity

There is a general requirement to ensure that new development does not detrimentally affect the amenity of neighbouring properties by way of, amongst other things, over dominance and loss of privacy. This requirement is embodied within Policy GEN 6. Additional guidance on how this can be achieved is contained in Supplementary Planning Guidance Notes 24 and 25. Policy GEN 6 also requires new residential development to provide a reasonable amount of amenity space for future occupants.

The layout of the site has been designed having regard to the siting of existing development which surrounds the site. This demonstrates that adequate separation distances between existing and proposed properties, would be achieved. The house types proposed have also been designed to minimise the impact on neighbouring properties, with main windows located on principal elevations to avoid overlooking. The properties have been orientated to provide greater levels of security and amenity to enable benefits to both current and proposed inhabitants. The development provides properties with acceptable amenity levels including front and rear amenity areas, and off street parking, and it considered that an acceptable level of amenity would be afforded to future occupiers of the dwellings. In this respect, the development is considered to be acceptable in terms of Supplementary Planning Guidance and the general amenity considerations in Policy GEN 6 of the Unitary Development Plan.

Any scheme of this size will clearly have some degree of impact upon the levels of amenity currently experienced by existing residents, who have been used to a vacant area of land for some years. However, having regard to the above points and the compliance with SPG and the criteria of Policy GEN 6, the amenity impact would not be such as to warrant refusal of the application.

4.2.4 Highways, Access and Parking

Policies TRA 6 Impact of New Development on Traffic Flows, TRA 9 Parking & Servicing Provision and GEN 6 Development Control requirements, only permit proposals for development where there is adequate parking and servicing provision and there would not be a detrimental impact upon the safe and free flow of traffic on the highway.

The proposal would utilise an existing access onto the B5428, which currently serves the public house car park. The B5428 is subject to a 30mph speed limit in this location. The proposed layout of the access would achieve

visibility splays of 35m to the north east towards the traffic lights, and 32m southwest offset 2.4 metres into the site. These details have been agreed in principle by the Highway Officers based on guidance contained in TAN 18 and Manual for Streets 2.

Concern has been raised by local residents and the Community Council that the access is not adequate for the proposed level of development. However, in the absence of an objection from the Head of Transport and Infrastructure, the existing use of the access, and the nature of the highway in this location, it is considered that a refusal on highway grounds alone would be difficult to sustain.

Whilst acknowledging concerns that the loss of parking for the public house would result in parking problems elsewhere within the village, reference is made to the adopted parking standards which require 1 parking space per 4m² floor space, which equates to 16 spaces being required. Indicative plans suggest that there would be room for some 20 parking spaces for the pub. However, due to recent changes in ownership, the laying out of the public house car park is now beyond the control of this application.

Additional alterations to the existing access would include the improvement of the pedestrian links between the site entrance and the village centre by way of re-grading and resurfacing the existing public footpath. This is considered likely to bring about benefits for the community.

Overall, it is considered that the proposal is acceptable in terms of its impact upon highway safety, and meets policy requirements for the provision of parking. It is however considered necessary to impose a planning condition requiring the submission of full detailed plans for the proposed access and footpath works in the interest of securing a high quality and safe form of development.

4.2.5 Ecology

Policy ENV 6, Species Protection, aims to ensure that proposals for new development do not detrimentally harm any protected species, or their habitat.

The site in question is within an area which is known to potentially support great crested newts. Indeed, previous applications for the development of this site have been withdrawn owing to insufficient information to determine impacts. The agents for the current application have investigated this matter and state in the submitted Design and Access Statement that whilst there is a population of great crested newts within the wider area, none have ever been found on this site. This statement is supported by the submitted ecological report which concludes there were no protected species within the site. However, the site is within a high pond density landscape, known to support great crested newts. Following negotiations with CCW the applicant has agreed to pay a commuted sum of £2500 per dwelling to improve existing great crested newt habitat within a 1km radius of Trefnant.

In considering the grant of planning permission the Council must consider whether the disturbance of a protected species is required for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment." It is noted that adequate mitigation methods/commuted sums 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 population species concerned. The proposal is considered to meet the Habitat Regulations tests.

With regard to the potential presence of transitory great crested newts in the locality, it is also considered prudent to advise the developers of the need to follow best practice procedures in case newts are found on the site during construction. This would require the cessation of works and CCW to be contacted immediately.

On the basis of the information submitted, it is considered that the development of this site is unlikely to result in a detrimental impact upon protected species and is therefore compliant with policy ENV 6 Species Protection.

4.2.6 Drainage

Policy ENP 4, Foul and Surface Water Drainage, only permits development where it is demonstrated that satisfactory arrangements can be made for the disposal of foul sewage and surface water.

As part of the application, details of the proposed method of disposal of foul and surface water have been submitted. The functionality of these details has been queried by the Highway Officer, and some local residents. The concerns relate primarily to the adequacy of the private gully system to which surface water is proposed to be channelled, and the capacity of the highway surface water system to cope with the potential additional surface water. These concerns have been relayed to the agent, who has responded that there are a number of alternative options available. One such option would be to take the surface water between plots 2 and 3 and connect to the highway surface water system which runs south of Cartref Coch, through County Council land.

With regard to the disposal of foul sewage, it is noted that Welsh Water have not raised an objection to the proposal and that the scheme as submitted is acceptable subject to no surface water being drained into the foul water system.

It is considered, that given the small size of the site, and the various potential routes for disposing of surface water run off, that the scheme is acceptable. However, final details of the proposed method of disposing of surface water will be required. It is noted that the Environment Agency, Welsh Water and Land Drainage Unit have not raised an objection to the scheme. The proposal is therefore considered compliant with Policy ENP 4 and acceptable in terms of drainage.

4.2.7 Affordable Housing

The requirement for provision of affordable housing in connection with housing developments within development boundaries is set out in Policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1 hectare or more and/or where more than 3 units are proposed. In this instance 8 dwellings are proposed in total, 30% of which are required to be affordable.

With respect to the Community Council comment upon the amount of affordable housing required, paragraph 5.2(e) of the Affordable Housing Supplementary Planning Guidance Note states that “when applying 30% (or

other negotiated %) to a particular site and calculating the required figure there will be a rounding up if the figure is 0.5 or over and rounding down if less than 0.5." In this instance 30% of 8 is 2.4, and therefore the number of dwellings required to be 'affordable' should be rounded down to 2.

The applicants have confirmed the intention to make 2 of the units available for affordable purposes. These would be 3 bed dwellings on plots 7 and 8 on the proposed site layout. The proposal has been examined by the Affordable Housing Officer who has confirmed that the waiting list need for affordable houses in Trefnant is for 2/3bed houses.

The provision and amount of proposed affordable housing is therefore considered acceptable and can be secured through a Section 106 obligation. The proposal complies with the requirements of HSG 10 and SPG 22.

4.2.8 Design and Access/Sustainability Code/Access for All

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

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions are proposed to ensure the development is carried out in accordance with the requirements of Sustainability Code.

4.2.9 Viability of the Public House, Local Shops and Post Office

Policy RET 12 seeks to ensure that development does not result in the loss of existing facilities such as local shops, post offices and public houses.

Concern has been raised that the proposed development would have a detrimental impact upon the viability of the public house by the loss of part of the beer garden and a reduction in the number of car parking spaces.

Whilst the basis of this argument is understood, refusal of permission can only be considered where there is clear evidence that viability would be compromised by the development proposed. In order to address this concern, the County Council's Valuation and Property Manager and Regeneration Officer have been consulted. They have responded that the loss of part of the beer garden is highly unlikely in this instance to have such an impact as to warrant refusing the application, given the lack of clear evidence that the existing garden is well used and central to the attractiveness of the pub as a destination. Given that the garden is adjacent to a main road in a busy village centre, officers respectfully suggest the garden's presence is not a key factor in the running of the business.

Consideration of the parking requirements for the Public House have been discussed in section 4.2.4 above, and again it is concluded that sufficient parking would remain as not to detrimentally impact upon the viability of the public house. It should also be noted, that given the recent sale of the public house, part of the beer garden and associated car park, the amount of space

which can be used by the Public House is now beyond the control of the Local Planning Authority.

In addition, the impact of the proposal upon other existing local services should be considered. Trefnant village has a range of services within its centre including a post office, shop/off Licence, hair dressers and café. There is no evidence to suggest that an additional 8 dwellings in close proximity to these services would have any other impact other than potentially providing additional custom for them. It is considered that the proposal would serve to meet the aims of RET 12 and is therefore acceptable in terms of its impact upon local services.

5 SUMMARY AND CONCLUSIONS:

5.1 The site is within the development boundary and has no specific policy designation. The proposals are considered to show a suitably designed development, and subject to control over detailing, it would be acceptable adjacent to a listed building and conservation area. The density of development would not lead to unacceptable relationships with existing properties and the spaces between existing and proposed dwellings, garden areas proposed and the general layout meet policy criteria and supplementary guidance/standards for residential development. The alterations proposed to the access are considered acceptable with sufficient off street parking to be provided within the site. Drainage arrangements are considered acceptable subject to the agreement of final details. The proposed dwellings meet the requirements of the Code for Sustainable Homes.

5.2 The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure

- (a) The provision of 2 affordable housing units and the retention of these units for affordable purposes
- (b) The payment of a commuted sum of £2500 for improvement/maintenance of great crested newt habitat within 1km radius of Trefnant village.

The Certificate of Decision would only be released on completion of the legal obligation, and on failure to complete within the time period. The application would be represented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this Committee.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. Facilities shall be provided and retained within the site for the loading, unloading parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

4. PRE-COMMENCEMENT CONDITION

Full details of the internal estate road, the new footway adjacent to the Trefnant Inn and associated highway works as indicated on the approved plan shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details to be approved shall include the detailed design, construction, street lighting, and drainage. The approved highway improvement works shall be fully constructed in accordance with the approved details before any dwelling is occupied.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in any dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

6. 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.

7. 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.

8. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

9. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

10. PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development, full details of the method of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be fully constructed in accordance with the approved details before any dwelling is occupied.

11. The fenestration detailing shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted and approved in writing by the Local Planning Authority.

12. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes [Level 3] and achieve a minimum of [6 credits] under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009]. The development shall be carried out entirely in accordance with the approved assessment and certification.

13. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

14. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
5. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
9. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
10. To ensure the proper drainage of the site and to minimise the risk of pollution.
11. To ensure the details are satisfactory in relation to the character and appearance of the building
12. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
13. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
14. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Documents:-

- i) Highways notes 1,2,3,4,5 and 10
- ii) New roads and street works act 1991 Part N form
- iii) DCC Specification for road construction
- iv) DCC general notes for highway lighting installations
- v) DCC General requirements for Traffic signs and road markings

You are advised that there is the potential for a number of protected species to become present on the site during the course of clearance and construction. You are requested to follow best practice guidance in respect of this, and should any protected species be discovered during work, then all work must cease and the Countryside Council for Wales be contacted immediately.

ITEM NO: 8

WARD NO: Bodelwyddan

APPLICATION NO: 40/2011/1515/ PF

PROPOSAL: Relocation of existing Accident & Emergency Department to new facility including refurbishment and extension of existing building with first-floor addition of theatre space and second-floor plant space, associated landscaping works and new ambulance drop-off

LOCATION: Glan Clwyd Hospital Rhuddlan Road Bodelwyddan Rhyl

APPLICANT: Betsi Cadwaladr University Health Board Head of Estates Development/Project Manager

CONSTRAINTS:

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

CONSULTATION RESPONSES:**BODELWYDDAN TOWN COUNCIL**

No comments received at time of preparing the report.

ENVIRONMENT AGENCY WALES

The Agency raise no objections to the application. Mitigation measures should be investigated to protect development from high groundwater levels, and a SUDS drainage approach should be adopted in relation to surface water run off. Risks to controlled waters are not significant. Arrangements for waste disposal arising from construction works need to be addressed by condition.

DWR CYMRU/WELSH WATER

No response received.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**HEAD OF HIGHWAYS & INFRASTRUCTURE**

No objections to the proposals, subject to provision of an updated Travel Plan (to be covered by condition).

RESPONSE TO PUBLICITY:

None received at the time of preparing the report.

EXPIRY DATE OF APPLICATION: 21/02/2012**PLANNING ASSESSMENT:****1. THE PROPOSAL:****1.1 Summary of proposals**

1.1.1 The application relates to a number of proposals within and around the existing main building complex at Glan Clwyd hospital in Bodelwyddan.

1.1.2 The main elements of the scheme are:-

- the relocation of the hospital's existing Accident and Emergency (A & E) department, involving a new purpose built A & E unit at ground floor level in a 3 storey high block on the south west corner of the main building complex;
- provision of new operating theatre space on the first floor of the new building;
- location of plant and extraction equipment on the 'second' floor (roof) level;
- a new ambulance 'drop off' point in association with the proposed A & E unit, involving alterations to existing access and parking arrangements immediately to the south of the main building complex; creation of a dedicated A & E parking area, ambulance parking area and a priority route for ambulances;
- the addition of external cladding on the elevations of the main building;
- the provision of additional air handling plant at roof level, including on the main building;
- associated landscaping works.

The plans at the front of the report show the proposed layout and details of the elevational treatment of the buildings.

1.1.3 The application is submitted by The Design Buro Ltd., as agents for the Betsi Cadwaladr University Health Board.

1.1.4 The existing A & E facility is located at ground floor level on the south east corner of the main building, with its entrance close to the main front hospital entrance. It is shown on the proposed plans as providing future staff support and outpatients facilities.

1.1.5 The application contains a number of plans and supporting documents, including a Design and Access Statement, detailed reports on Acoustics, Archaeology, Drainage, Flood Risk, Waste Management, a Travel Plan, Lighting, and Geotechnics. The main points of relevance to the application are:-

- the proposals are in line with the policies of the Unitary Plan;
- the Glan Clwyd Hospital is the main regional health facility serving Denbighshire and parts of North Wales;
- the plans form an integral part of the Glan Clwyd Hospital Redevelopment Project, which includes a range of upgrades and redevelopment; full removal of asbestos materials, and improved fire compartmentation. The Glan Clwyd masterplan has been developed with other agencies following review of current services and the most effective way of delivering an efficient quality service;
- the existing A & E department has become outdated and unfit for use, is not large enough for the through flow of patients and internally has become dated and dilapidated;
- hospital wide asbestos issues have provided a unique opportunity to relocate the department and improve the location, access and facilities found within what is referred to as the 'Emergency Quadrant';
- the extension and relocation of the A & E department allows for the maximisation of space and the right amount of accommodation for the needs of users and patients;

- the development would also create a better quality and more discrete ambulance access, and the arrival and parking of an increased number of ambulances;
- the development will fit in with proposals to restrict delivery vehicle access through the 'second' entrance into the site, leaving the main entrance for A & E and visitors; in connection with which there are further proposals to improve signage and information points;
- the design and scale of the new buildings would sit comfortably with the other hospital buildings, including the introduction of new cladding and windows to brighten the image of the complex;
- in terms of sustainability, the building would achieve the BREEAM very good performance rating, in accord with Welsh Government requirements;
- two small enclosed areas are proposed for staff and visitor use, along with the introduction of an avenue of trees and shrub cover;
- plant noise would be controlled to relevant requirements applicable to this type of development;
- the site is not in a recognised flood zone, and the proposals do not aggravate or increase the risk to flooding to the existing site or surrounding properties;
- the site shows no substantial evidence of archaeological features.

1.1.6 The application forms indicate the gross internal floorspace proposed is 6100 square metres, and that it is not envisaged there would be any change in employee numbers in connection with the development.

1.2 Description of site and surroundings

1.2.1 The new building would be attached to the south west corner of the main hospital block, which rises up to 5 storey height, but drops down to 2 and single storey height around the periphery of the complex. It would link into single storey buildings currently in use as bulk stores, the ground floor mortuary, and staff quarters. There is an existing medical records store immediately to the west, and a substation and the students' hostel further to the south west. Houses at Ffordd Parc Castell are some 100 metres to the south west, beyond the students hostel.

1.2.2 The area which would be reconfigured to provide the access and parking in connection with the A & E facility is currently occupied by a number of 'temporary' buildings, is partly in use for staff parking, the service access to the stores and mortuary, and an open area with trees which contains a drainage ditch.

1.3 Relevant planning constraints/considerations

1.3.1 The Glan Clwyd Hospital site lies within the development boundary of Bodelwyddan in the Unitary Development Plan. Policy GEN 1 of the plan is a general settlement and development policy applying to proposals within development boundaries and seeks to locate new development within such boundaries.

1.4 Relevant planning history

1.4.1 There is a long history of applications relating to the development of the hospital complex. Ones in recent years have been geared to the implementation of the hospital masterplan and include a new outpatient's clinic, and a new pathology/Mortuary/Energy Centre/Bulk stores building,

granted permission in late 2011.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 Members may recall raising general questions when considering the abovementioned pathology/mortuary application at the November 2011 Committee, over the parking situation at the hospital. The Head of Planning and Regulatory Services has written to the hospital Trust to convey those comments. At the time of drafting this report, whilst no response has been received, officers are satisfied that the current application raises no additional issues in relation to the parking situation and that it should be dealt with on its merits. Any response received from the Trust prior to Planning Committee will be reported in the late representations sheet.

2. DETAILS OF PLANNING HISTORY:

2.1 Most Recent applications:-

40/2011/1157/PF

Erection of new Pathology and Bulk Stores Building, Mortuary, Energy Centre, and Associated Accesses, Parking, Service Yards, Landscaping, and Drainage Arrangements and Temporary Contractors Site Huts and Car Parking (Partly in Retrospect) – GRANTED – 16 November 2011 at Planning Committee.

40/2011/0111/PF

Erection of two-storey building to provide outpatients' clinic on ground floor with ancillary office accommodation at first floor to the front elevation of the hospital and retention of existing car park at rear – GRANTED – 2 February 2011 at Planning Committee.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy STRAT 1	-	General
Policy STRAT 6	-	Location
Policy STRAT 13	-	New development
Policy STRAT 16	-	Community facilities and benefits
Policy GEN 1	-	Development within development boundaries
Policy GEN 6	-	Development control requirements
Policy CF1	-	Community Facilities – general
Policy ENP 4	-	Foul and surface water drainage
Policy TRA 6	-	Impact of new development on traffic flows
Policy TRA 9	-	Parking and servicing provision

3.2 Supplementary Planning Guidance

SPG 2 - Landscaping in New Developments

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 2011

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Drainage
- 4.1.5 Highways/parking
- 4.1.6 Sustainability
- 4.1.7 Inclusive design

Other matters

None.

4.2 In relation to the main planning considerations:

4.2.1 Principle

The Strategic policies of the Unitary Plan and GEN 1 seek to concentrate new development in existing settlements, subject to the consideration of environmental impacts. CF1 is specific to the provision of new and improved community facilities, and permits these provided they are located to serve the local population, accessible to non car users, and are within development boundaries.

The proposals to reorganise and upgrade key facilities relating to the functioning of the hospital are considered to be compatible with the general principles of the Unitary Plan's strategic policies, GEN 1 and CF1. The site is within the Bodelwyddan development boundary, and a long established main hospital. The detailed environmental impacts are reviewed in the following sections of the report.

4.2.2 Visual amenity

Considerations relating to the visual amenity impacts of development are contained in Policy GEN 6 of the Unitary Plan, where (i) – (iv) tests require due regard to issues of scale, siting, form, design, density and intensity of use of land, the impact on the locality, public views into, out of, or across a settlement; and whether development takes account of site contours/levels and avoids prominent skylines.

The Design and Access Statement outlines the approach to the design, scale and appearance of the buildings, which are set in the context of the significant existing Hospital complex, but incorporate a modern approach to use of materials and colours. The nearest residential properties are some 100 metres away at Ffordd Parc Castell.

In officers' opinion, the proposals are acceptable in terms of visual impact. The new A & E and operating theatre building would appear wholly in scale with the massive existing main building complex, and the design would be compatible with the 'modern' theme now being introduced into that building, and the recently approved new Pathology/Mortuary on land to the west. The proposed new building would not be visible to the majority of dwellings at Ffordd Parc Castell to the south west, given the actual position of the respective developments and intervening vegetation and buildings.

4.2.3 Residential amenity

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

In this case at the closest point, the nearest dwellings at Ffordd Parc Castell are approximately 100 metres away from the walls of the proposed A & E building. No objections have been received to any potential impact on the amenities of occupiers in this area.

In relation to the physical relationship with nearby dwellings, at the distances involved it is not considered there would be any adverse impacts from overlooking or overshadowing. Service plant/equipment on the roofs of the proposed buildings has the potential to generate noise, and this is recognised in the submission through the inclusion of acoustic screening on buildings and acceptance of the need for condition(s) on any consent to ensure noise levels are controlled to acceptable limits. Officers suggest the latter is an important consideration and that any permission should include appropriate noise level controls.

4.2.4 Drainage

Drainage considerations are contained in Policies ENP 4 and GEN 6 of the Unitary Plan. The requirement is to ensure new development has no unacceptable impacts on a locality from foul or surface water drainage.

Foul water is to be directed to the Hospital's foul sewer system. Surface water is to be directed to a large underground attenuation tank to the west of the proposed buildings, which would store water and release it at a rate agreeable to the Environment Agency into the stream running along the western boundary of the site. The Agency have no objections to the application.

It is not considered there are any grounds for concern over the drainage implications of the development. There are no flooding issues to address in this location.

4.2.5 Highways/parking

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development, provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of an traffic conditions on the surrounding road network are satisfactory. GEN 6 contains a number of tests including in (vi) and (vii) requirements that development does not have any adverse impact on the local highway network, and provides safe and convenient access for a range of users.

The proposals are for the provision of more modern facilities in place of those already present within the complex, and do not involve additional staff numbers. The reorganisation of the parking arrangements to create a dedicated 'ambulance only' roadway, and the parking area for A & E 'visitors' would involve the loss of some existing consultants/staff parking spaces, but there is a substantial new staff only car park some 50 metres to the north which has capacity to accommodate this 'overspill'. The Highways Officer raises no objections to the proposals.

Whilst fully respecting members' previous concerns over the parking situation at the hospital, Officers consider the changes to the parking and access arrangements to be acceptable in connection with the proposed A & E development and offer opportunity to rationalise access and parking provision for that facility in this part of the site. No additional staff are anticipated in connection with the proposed development. It is not considered the proposals would impact adversely on the parking situation at the hospital given the presence of the large staff car park immediately to the north of the proposed A & E facility.

4.2.6 Sustainability

The Unitary Development Plan General Development Strategy sets the strategic aims of the County Council, and includes as a key objective to ensure development and uses of land are undertaken in a sustainable manner. There are a range of Unitary Plan policies which set a requirement to ensure the unacceptable environmental effects arise from development, and these are dealt with in the preceding sections of the report.

This is not an application which appears to raise significant sustainability issues. The proposals are effectively providing more modern facilities in connection with a long established hospital complex near to the A55, already served by a good highway/transport network. A revised and updated Travel Plan can be conditioned as part of any consent to develop, for example existing arrangements for improvement of public transport usage and links. The development will be designed to achieve a BREEAM 'Very good' rating, which encompasses measures to reduce energy and water consumption, minimising embodied carbon in buildings, and improving waste handling.

4.2.7 Inclusive design

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

The details with the submission indicate the buildings would be fully accessible for persons with disability.

Other matters

There are no specific archaeological or land contamination issues raised in relation to the proposals.

5. SUMMARY AND CONCLUSIONS:

- 5.1 These are further significant proposals in the programme for developing the Glan Clwyd Hospital complex.
- 5.2 The proposals are on land within the Hospital complex immediately to the south west of the existing main buildings.
- 5.3 Officers consider the proposals are acceptable in relation to the policies of the Unitary Plan, and should be supported subject to inclusion of appropriate conditions.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No development shall be permitted to take place on the external walls or roofs of any of the buildings hereby permitted, including the acoustic screens and louvre/vents, until the written approval of the local planning authority has been obtained to the type, colour and finish of the materials to be used. The development shall take place strictly in accordance with the approved materials.
3. No works of construction shall be commenced until a Construction Method Statement

has been submitted in writing to and approved by the local planning authority. The scheme shall include provisions relating to:

Construction and reinstatement of the temporary site compound on completion of the development.

Surface water drainage during site operations.

Pollution Prevention and Control plan, in particular to demonstrate steps to prevent impacts on the nearby stream and proposals for mitigating and remedying any degradation in the quality of water in the stream.

Traffic Management including HGV routes.

Traffic signing along public roads.

Hours and days of construction operations.

Arrangements for waste management and disposal.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the local planning authority.

4. No development shall be permitted to commence until details of the surface water regulation system have been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the local planning authority.

5. All planting, seeding, or turfing, comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the completion of the development. Any trees or plants which, within a period of five years from the completion 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, unless the local planning authority gives written approval to any variation.

6. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

7. Notwithstanding the submitted details, no external lighting shall be permitted without the formal written approval of the local planning authority to the detailing of the proposed lighting (including the type, the means and extent of lumination and anticipated spread of light). The scheme shall be implemented strictly in accordance with the approved details.

8. Noise emanating from any plant or equipment to be installed in connection with this permission shall not be permitted to exceed a LAeq at least 5dB below the lowest background noise levels at the quietest time which the plant or equipment is running, at the nearest noise sensitive properties; and shall not exceed 50dB (A) at any time in external public areas or courtyards of the hospital. (The background noise levels and noise sensitive properties being as set out in Appendix A - SRL Acoustic Report received by the local planning authority on 22nd December 2011).

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

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

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

12. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should at least be equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling

points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

14. Notwithstanding the submitted Travel Plan, no part of the development hereby permitted shall be brought into use until there has been submitted to and approved in writing by the local planning authority an updated Travel Plan to take into account the proposed development.

15. Construction of any building hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good rating and a minimum of 6 credits under 'Ene1 - Reduction of CO2" Emissions has been achieved for that individual building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.

16. Prior to the occupation of any of the buildings hereby permitted, a 'Final Certificate' shall be submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good rating and a minimum of 6 credits under 'Ene1 - Reduction of CO2" Emissions' has been achieved for that building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of the amenities of occupiers of residential property in the vicinity, and highway safety.
4. To ensure the construction of a satisfactory surface water system.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of visual and residential amenity, and to safeguard wildlife interests.
8. In the interests of the amenities of occupiers of nearby residential property and users of the hospital.
9. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
10. To protect the integrity of the public sewerage system.
11. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
12. To protect the integrity of the public sewerage system, and sustain an essential and effective service to existing residents.
13. To ensure proper steps are taken to contain any spillage of the materials referred to, to prevent pollution of the site and nearby stream.
14. To ensure an up-to-date Travel Plan in connection with the development.
15. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
16. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
17. In order to ensure proper steps are taken to deal with any unexpected contamination.

NOTES TO APPLICANT:

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. Please note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.

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

Your attention is drawn to the following advisory notes from the Environment Agency:-

"Under the Environmental Permitting Regulations (England and Wales) 2010:

Any waste arising from site for the purposes of the development will be subject to waste Duty of Care. All waste must be transferred off site by a Environment Agency licensed waste carrier to a permitted treatment/disposal facility. Waste transfer notes must accompany the transfer of all wastes.

If any hazardous waste is produced for removal off site, e.g. asbestos, then the Hazardous Waste Regulations 2005 will apply and consignment notes must accompany the transfer of the hazardous waste.

If any waste is to be used on site as part of the development, then waste exemptions from permitting, or environmental permits may be required for use, storage, treatment and disposal of waste.

Only clean, uncontaminated surface water may be discharged off site into a watercourse". You are encouraged to adopt a sustainable drainage approach to surface water management (SUDS), and to contact Environment Agency Wales to discuss options for the system. Environment Agency Wales also recommend that the design of new buildings should take into account the presence of high groundwater levels, to ensure no damage from this source.

ITEM NO: 9

WARD NO: Rhuddlan

APPLICATION NO: 44/2011/1326/ PF

PROPOSAL: Erection of a single storey dwelling and construction of a new vehicular access (site area 0.04ha)

LOCATION: Land adjacent to Castle Hill Hylas Lane Rhuddlan Rhyl

APPLICANT: Mr T Gallagher

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL

"It was recommended that the following application be recommended for refusal due to the dangerous access that would be serving the proposed additional property abutting Castle Hill, Hylas, Lane, Rhuddlan".

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection, subject to condition for watching brief.

WELSH WATER / DWR CYRMU

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

CONSERVATION ARCHITECT

No objection.

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection, subject to condition requiring the completion of parking spaces.

RESPONSE TO PUBLICITY:

None received.

EXPIRY DATE OF APPLICATION: 16/01/12**REASONS FOR DELAY IN DECISION (where applicable):**

- Timing/ receipt of representations.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of a dwelling and creation of a vehicular access on 0.04 hectares of land adjacent to Castle Hill, Hylas Lane, Rhuddlan.
- 1.1.2 A bungalow is proposed to be sited to the north of the plot with an amenity area to the south (rear). A splayed access is proposed on the north-western corner of the site. Parking is proposed to the western side of the dwelling, and a garage would be sited in the south west corner. See the plan at the front of the report for the proposed details.
- 1.1.3 The dwelling would comprise of two bedrooms and living accommodation. Materials proposed are render, slate roof, softwood windows and doors and cast iron rainwater goods.
- 1.1.4 The site plans show the existing hedge on the north of the site to be removed. Other boundary treatments are proposed to remain as existing.
- 1.1.5 The application submission includes the following documents:
 - Design and Access Statement (DAS) which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
 - Information on how this proposal aims to achieve Code Level 3 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is located in a primarily residential area, to the east of Rhuddlan town centre.
- 1.2.2 The application site is formerly the side garden area to Castle Hill, an attractive stone 2 storey dwelling located within a large plot of land to the east of Rhuddlan Castle.
- 1.2.3 Ysgol y Castell is located to the rear of the site, with bungalows opposite the site on Hylas Lane and Hylas Bach to the east.
- 1.2.4 The plot has a road frontage of approximately 23 metres, with a depth of approx 30 metres at its longest and 20 metres at its shortest.
- 1.2.5 The frontage of the site to the road is formed by a stone wall of around 1 metre in height with a hedgerow of around 2.5 metres in height set behind the wall.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 Outline permission for the development of one dwelling on this site was granted on appeal on 10th July 2006. Subsequent applications have been made for approval of the details of the dwelling, however these have failed to gain approval. As a result the outline permission has expired. The current proposal is a full planning application.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application is being considered by Planning Committee owing to the Town Council's objection.

2. DETAILS OF PLANNING HISTORY:

2.1 44/2005/1021/PO Development of 0.04ha of land by erection of single dwelling and detached garage and construction of new vehicular access (outline application) Refused under delegated powers 13th October, 2005. ALLOWED ON APPEAL 10th July 2006.

2.2 44/2007/1250/PR - Details of siting, design and external appearance of the building, access thereto and landscaping, submitted in accordance with condition no.1 outline planning permission code no. 44/2005/1021/PO REFUSED 10th January 2008 for the following reason:

"The proposal is considered detrimental to the conservation area as the design and appearance of the proposed dwelling and the associated driveway and access works proposed would neither retain nor enhance the character and appearance of the conservation area or the adjacent Listed Building. Therefore, the proposal is contrary to Policy CON 1 and Policy CON 6 of the adopted Denbighshire Unitary Development Plan."

2.3 44/2008/1261 - Details of siting, design and external appearance of the building, access thereto and landscaping, submitted in accordance with condition no.1 of outline planning permission code no. 44/2005/1021/PO REFUSED 10th January 2008 for the following reason:

It is the view of the Local Planning Authority that design and details of the dwelling is unacceptable and the application is deficient in detail and does not fully demonstrate that the erection of a dwelling in the manner proposed would not adversely impact upon the character and appearance of the Rhuddlan Conservation Area. The proposal is therefore considered to be contrary to Policies GEN 6 and CON 5 in the adopted 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 CON 5 Development within Conservation Areas
Policy TRA 6 Impact of New Development on Traffic Flows
Policy TRA 9 Parking and Servicing Provision
Policy CON 11 Areas of Archaeological Importance

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 21 Parking provision in new developments
SPG 26 Residential Space standards

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4
TAN 12 Design
TAN 22 Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 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 residential development on the plot accords with Policy GEN 1, as the site is located within the development boundary of Rhuddlan, where the principle of residential development is acceptable. The planning history is also relevant as the site has had the benefit of outline planning permission granted on appeal in 2007, under the same planning policy framework.

CON 5 is also of relevance as the site is located in the conservation area. This policy allows development which preserves or enhances the character or appearance of the conservation area. The explanation to the policy requires that applications demonstrate how the development proposal fits in with the essential character and appearance of a conservation area.

Policy GEN 6 and CON 5 must be applied to assess the detailed impacts of this full planning application, and the detailed issues are considered under these policies as 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. CON 5 is also of relevance as the site is located in the conservation area.

A very simple bungalow is proposed, with a render finish and slate roof. A small gable would project to the rear. There is a mix of dwelling styles and types in this residential area. Opposite the site are brick bungalows, Castle Hill is a stone built two storey dwelling, Hylas Bach is a render dwelling with thatched roof. It is considered that the dwellings along the southern side of the road are vernacular in character.

To facilitate the development a splayed access is proposed, which involves partly reconstructing the walls as part of the splays. Some six metres of the stone boundary wall would be removed, which has been deemed acceptable in the previous outline permission.

In Officer's opinion, the nature of surrounding development and simplicity of the proposal means the bungalow can be accommodated on site without detriment to the visual amenity of the area, or without adverse impact on the character and appearance of the Conservation Area. The proposed access enables access to the site to be created with minimal amount of stone wall being removed, thus retaining the character of the street scene.

It is not considered the proposal would conflict with GEN 6 or CON 5 criteria relating to visual amenity.

4.2.3 Impact on residential amenity

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

The plans show that the dwellings can be accommodated on the site with adequate amenity space, and parking/turning. Windows are proposed on all elevations. There is screening on the rear and side boundaries with a minimal height of 2 metres.

As the application proposes a bungalow, which is sited centrally on the plot, where there is adequate boundary screening, it is considered that the proposal would not result in a significant loss of amenity for adjacent occupiers by virtue of loss of light or overlooking.

It is not considered the proposal would conflict with GEN 6 criteria relating to residential amenity.

4.2.4 Impact on highways safety

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

An access is proposed off Hylas Lane, facilitated by removal a section of the boundary wall. The proposal includes off road parking to the west of the dwelling.

Whilst respecting the Town Councils comments, Highways Officers have raised no objection to the proposal, taking into consideration the scale of the proposal and other factors including Hylas Lane being located in a residential area, having low traffic speeds and no recorded accidents at this location. Highways Officers have suggested the inclusion of planning conditions to control the details of the access and retention of the parking and turning areas.

It is not considered there are policy conflicts relating to access and highway safety and that the proposal complies with Policy GEN 6, Policy TRA 6 and Policy TRA 9.

4.2.5 Archaeology

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

Owing to the location of the site close to the medieval core of the village, there may be potential for the site to have some archaeological significance. CPAT have requested a condition be attached to any permission to evaluate the archaeological significance of the site prior to the commencement of development.

It is considered that attaching a condition to any consent would ensure 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.

A full Code for Sustainable Homes Assessment has been submitted with the planning application which demonstrates the Code requirements can be met. The proposal is actually set to achieve Code Level 3 and achieve 1 credit under ENE 1.

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 proposal is considered acceptable under the relevant policies and therefore recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions:-

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

2. PRE-COMMENCEMENT 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.

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

4. PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the wall, roof, rainwater goods and window materials to be used for the development hereby permitted and no materials other than those approved shall be used.

5. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute for Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted for approval 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. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

7. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

8. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

9. **PRE-COMMENCEMENT CONDITION**

The access shall be laid in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.

10. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

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 in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interests of investigation and recording of historic/listed buildings.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

NOTES TO APPLICANT:

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

ITEM NO: 10

WARD NO: Rhyl South East

APPLICATION NO: 45/2011/0766/ PR

PROPOSAL: Details of Phases 2 and 3 development including siting, design and external appearance of 228 dwellings, landscaping, access roads and associated open space submitted in accordance with Condition No. 1 of outline planning permission Code No. 45/2004/1376/PO (including an indicative-only site plan and layout of 2.5 ha of land outside the application site for school, community centre, playing field and multi-use games area)

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

APPLICANT: Anwyl Construction Company Ltd.

CONSTRAINTS: PROW
Section 106
Article 4 Direction

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

CONSULTATION RESPONSES

RHYL TOWN COUNCIL – Response to be reported

DWR CYMRU/WELSH WATER

No objections, details of foul, surface and land drainage have been dealt with separately to this application.

COUNTRYSIDE COUNCIL FOR WALES

No objection, the proposal is not likely to adversely affect any protected species interests. License will be required from the Welsh Government.

ENVIRONMENT AGENCY

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Head of Highways and Infrastructure

No objections subject to standard conditions relating to the laying out of the relevant estate roads.

Biodiversity Officer

Raises no concern but wishes to see ant trimming or work to hedgerows done outside of nesting season in accordance with the DAS.

County Archaeologist

Wishes to see the provisions of the outline condition 13 relating to potential archaeological interests carried forward to this consent.

Pollution Control Officer

Wishes to ensure any subsequent application for the MUGA on site contains the relevant noise assessment.

RESPONSE TO PUBLICITY

None received at time of preparing report.

EXPIRY DATE OF APPLICATION: 5/1/12

REASONS FOR DELAY IN DECISION (where applicable):-

- Awaiting revised plans

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks the reserved matters approval of the details of Phases 2 and 3 of the established residential development at the Rhyl South East development site (Parc Aberkinsey). The details include the siting, design and external appearance of some 228 dwellings, landscaping, access roads and associated works all submitted in accordance with conditions 1 and 7 of the original outline planning permission code no. 45/2004/1376/PO.
- 1.1.2 The proposal involves the erection of 228 dwellings in a mix of 2, 3, 4 and 5 bed units. These dwellings would be a mix of 2.5, 2 and single storey units in the form of detached, semi-detached and terraced arrangements. The dwellings would be accessed via the main spine road which runs from the north of the site at Dyserth Road, through the approved phase 1 development and down to Bro deg at the southern end of the site.
- 1.1.3 Details of all hard and soft landscaping have been submitted for the phases. Included for illustrative purposes with this reserved matters scheme are details of 2.45ha of land within the site which has been safeguarded in the original outline consent for a new primary school, community centre, Multi Use Games Area (MUGA) and playing field. This plan is included at the front of this report and shows the layout of the phase 2 and 3 development with a school/community centre building imposed thereon.
- 1.1.4 The overall development must proceed in accordance with a signed s.106 legal agreement which set out a variety of obligations on the part of the developer at various stages of the development. Details of this phasing is included later in the report and includes details of required off-site highway works, affordable housing provision, landscape provisions and issues related to the protection of land for a school, community centre, MUGA and playing field.
- 1.1.5 The application represents a resubmission of a scheme refused by the Council on 1st February 2011. An appeal was then lodged against this refusal which is currently held in abeyance by the Planning Inspectorate. Members may recall that the single issue of concern on the previous scheme was the proposed vehicular access point through the existing Rhodfa Maen Gwyn road. This proposed access to some 34no. new dwellings. Subsequent to this refusal a legal view actually confirmed that the access to and from Rhodfa Maen Gwyn was established in the original outline consent and a Certificate of Lawfulness was granted by the Council.
- 1.1.6 Notwithstanding the above the current scheme proposes to block off vehicular and pedestrian access at the Rhodfa Maen Gwyn part of the site. Bollards are now shown at the end of Rhodfa Maen Gwyn with no access to any new

dwellings in the estate.

1.2 Description of site and surroundings

1.2.1 The site is located on the eastern edge of Rhyl about 2.5 miles south east of the town centre. The site as a whole stretches from Dyserth Road in the north to Bro Deg in the south. The first phase of residential development is well under way now with the new roundabout access off Dyserth Road leading to some 55 completed dwellings out of the 149 permitted in that phase. The site for phase 2 and 3 is relatively flat with some existing natural hedgerows contained within the current open fields. Existing residential development exists to the north and south-west of the site.

1.3 Relevant planning constraints/considerations

1.3.1 The site is an allocated Major Mixed Development Area in the Unitary Development Plan (MDA1) and is located within the development boundary of Rhyl.

1.4 Relevant Planning History

1.4.1 Outline planning permission has been granted in 2006 for the development of 17.68ha of land for residential purposes with associated open space, school, community centre and means of access. The phase 1 details were approved in April 2008 with amendments agreed in September 2009.

1.4.2 Phase 2 and 3 details were refused by the Council in February 2011 with an appeal lodged. An application for a Certificate of Lawfulness to certify the means of access via Rhodfa Maen Gwyn to the site was granted by the Council in July 2011.

1.5 Developments/changes since the original submission

1.5.1 The scheme has been amended since the original submission by way of a revised layout of dwellings. This involved the increase in number of units from 226 to 228 in order to incorporate 2 additional affordable dwellings. This enabled the full 34 affordable units required as part of the original s.106 agreement to be met.

1.6 Other relevant background information

1.6.1 The current scheme reflects detailed negotiations between Officers, Members and the developer over the need to address the highways concerns on the previously refused phase 2 and 3 scheme. The developer has added some 11 units to the previously applied for phase 2 and 3 scheme but has also agreed to block off the authorised vehicular access through Rhodfa Maen Gwyn. The current scheme will still enable the school, community centre, MUGA and playing field to be provided in accordance with the provisions of a legal agreement.

2. DETAILS OF PLANNING HISTORY

2.1 There are a number of planning applications of relevance to this site. These are listed below:-

2/RYL/373/91 – Residential development (outline) GRANTED on appeal 5th April 1993 with costs awarded against the Council.

45/2000/0498/PF – Erection of 90 two storey dwellings and construction of associated estate roads –GRANTED 26th April 2001. This stand alone consent (expired) established the principle of accessing some 90 dwellings off Rhodfa Maen Gwyn.

45/2004/1376/PO – Development of 17.68ha of land for residential development with associated open space, school, community centre and means of access (outline) GRANTED after signing of s.106 agreement 22nd November 2006.

45/2007/1233/PR – Details of Phase 1 development including siting, design, external appearance of 149 dwellings, landscaping, access roads and associated works submitted in accordance with condition no.1 and 7 of outline planning permission code no. 45/2004/1376/PO – APPROVED 29th April 2008.

45/2009/0750/PF – Substitution of house types on plots 1-8, 12-40, 57-61, 103-111 &144 (amendments to previously approved scheme for phase 1 ref 47/2007/1233/PR) GRANTED 30th September 2009

45/2009/0999/PR – Details of phases 2 and 3 development including siting, design and external appearance of 217 dwellings, landscaping, access roads and associated works submitted in accordance with conditions 1 and 7 of outline planning permission code no. 45/2004/1376/PO – REFUSED by Planning Committee and Full Council, 1st February 2011, APPEAL pending.

45/2011/0570/LP – Certificate of Lawfulness to establish use of Rhodfa Maen Gwyn as vehicular access into the development site. – CERTIFIED 27/7/11

3. RELEVANT PLANNING POLICIES AND GUIDANCE

The main planning policies and guidance are considered to be:

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

Policy STRAT 1	General
Policy STRAT 6	Location
Policy STRAT 13	New Development
Policy STRAT 15	Housing
Policy GEN 1	Development within development boundaries
Policy GEN 6	Development Control Requirements
Policy GEN 8	Planning Obligations
Policy ENV 1	Protection of Natural Environment
Policy ENV 6	Species Protection
Policy ENV 7	Landscape/townscape features
Policy ENP 4	Foul and Surface Water Drainage
Policy ENP 6	Flooding
Policy HSG 2	Housing Development in Main Centres
Policy HSG 10	Affordable Housing within Development
Policy MDA 1	Major Mixed Development Area at Rhyl South East
Policy REC 2	Amenity and Recreational Open Space Requirements in new Developments
Policy CF1	Community Facilities - General
Policy CF3	School Sites
Policy CF4	Community Facilities
Policy TRA 6	Impact of New Development on Traffic Flows
Policy TRA 7	Road Design
Policy TRA 8	Transport Requirements in new Developments

3.2 Supplementary Planning Guidance

Site Planning Brief No. 1 – Rhyl South East

SPG 21 – Parking Standards

SPG 22 – Affordable Housing

SPG 25 – Residential Development Design Guidance

GOVERNMENT GUIDANCE

Planning Policy Wales, Edition 4

TAN 2	Planning and Affordable Housing
TAN 5	Nature Conservation and Planning
TAN 12	Design
TAN 15	Flooding
TAN 18	Transport

4. MAIN PLANNING CONSIDERATIONS

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

- 4.1.1 Principle of development/phasing
- 4.1.2 Impact on visual/landscape amenity
- 4.1.3 Impact on residential amenity
- 4.1.4 Highway considerations
- 4.1.5 Open Space
- 4.1.6 Affordable Housing
- 4.1.7 Flood risk/drainage
- 4.1.8 Ecological Impact
- 4.1.9 Archaeological Impact

4.2 In relation to the main planning considerations:

4.2.1 Principle of Development

The principle of development has been established by the granting of outline planning permission for the major mixed development area in November 2006. The current application seeks reserved matters approval for phases 2 and 3. Planning Policy MDA 1 sets out the principle of the development of this site for the mixed use development. The principle of phase 1 and details of phase 1 have been dealt with and that development complied with all the relevant strategic and individually listed planning policies in the Unitary Development Plan. It is considered that the Phase 2 and 3 details also comply, in principle, with the same set of policies and guidance.

It should be noted that the previously refused scheme for phases 2 and 3 was only refused on the basis of a concern around vehicular access through Rhodfa Maen Gwyn. The scheme now under consideration is fundamentally the same as that save for the amendment to the vehicular access showing Rhodfa Maen Gwyn blocked off to vehicular traffic. This now addresses the previous refusal reason.

The overall development is subject to an approved phasing plan which is consistent with the completed s.106 legal agreement for the site. This phasing is outlined below for Members information:

- **Prior to the occupation of the 50th dwelling:**
To complete a Local area of Play (LEAP) – **DONE**
- **Prior to the occupation of the 100th dwelling:**
Complete spine road connection from Dyserth Road to Bro Deg.
New mini-roundabout at Trellewelyn Road/Bro Deg/Colin Drive.
Additional traffic calming measures on Pen Y Maes Avenue subject to agreement with Highways.
Complete Neighbourhood Area of Play (NEAP) and works to Aberkinsey Stream.
Payment of one third of the required commuted sum for open space.

- **Prior to the occupation of the 150th dwelling:**
Complete the MUGA and lay out the playing field
Transfer the freehold of the MUGA and playing field to the Council.
Transfer the freehold of the land for the school and community centre to the Council.
Pay the commuted sum for Habitat and Conservation maintenance.
- **Prior to the occupation of the 200th dwelling:**

Construct a new signal link junction at Dyserth Road/Pen y Maes Avenue.
Construct a new mini-roundabout at Pen Y Maes/Trellewelyn Rd.
Undertake safe routes to schools work in conjunction with the opening of any new primary school.

The issue of phasing outlined above and the staged completion of works are NOT for consideration in this application. These have been previously agreed in the s.106 agreement. For information some 55 dwellings appear to be occupied on site.

There are now 11 no. additional dwellings shown within the scheme as compared to the previously refused scheme. Two of these dwellings are shown as affordable units with the other nine proposed to be located on the eastern side of the area originally safeguarded within the outline consent for the school, community centre, MUGA and playing field. The plan at the front of this report is intended to highlight how these additional dwellings can be accommodated within this area without compromising the provision of a school/community centre building.

4.2.2 Visual/Landscape amenity

Policy GEN 6 contains general considerations to be given to visual impact of new development. Most importantly proposals should appear in keeping with their surroundings and not appear out of character with the area or surrounding development. Other policies within the Unitary Development Plan requiring due consideration of visual and landscape impact are Policies ENV 1 and ENV 7.

In terms of the design and layout of the site, it is considered that the proposal complies with Policy GEN 6 along with the principle of the masterplan, TAN 12 and SPG 25. These phases are a continuation of Phase 1 with a number of arterial link roads with street frontages, with a series of detached, semi detached and mews style properties accessed directly off the new roads or from short private shared driveways. Junctions will have feature dwellings in order to recognise that these areas are important focal points.

A detailed hard and soft landscaping scheme has been submitted for these phases which will provide a high quality development. It is not considered that the development would result in any adverse impacts on the surrounding landscape.

4.2.3 Impact on Residential Amenity

Policy GEN 6 seeks to ensure that proposals for development do not detrimentally impact upon the amenity of neighbouring residents.

In relation to the impact on the amenity of existing residential development, there are dwellings on Bro Deg, Clos Teg Fan, Rhodfa Maen Gwyn, Porth y

Llys and Pen y Llys that immediately adjoin the site. All of the properties are 2 storey with the exception of properties on Porth y Llys and Pen y Llys which are single storey.

To the side elevations of no's 6 and 8 Pen y Llys it is proposed to erect single storey dwellings, which will be affordable housing units. In respect of the impact on the amenities of these existing properties, the side elevations of the proposed bungalows at plots of 354 and 357 will be located in excess of 10m away from the side elevations of 6 and 8 Pen y Llys, they are of similar scale and height with only a ground floor bathroom window proposed within the side elevation. It is not considered that there would be any adverse impacts on the amenities of existing residents on Pen y Llys.

To the side elevations of 5 and 8 Porth y Llys, it is proposed to erect 2 storey dwellings which would face into the site and therefore the rear elevations of these properties would face the dwellings on Porth y Llys. There would be a distance of 13m to the side elevation of new development to 5 Porth y Llys and in excess of 15 m to the side elevation of 8 Porth y Llys. The boundary in between the dwellings would be existing hedgerow and a new 1.8m high timber fence. It is not considered that there would be any adverse impacts on the amenities of existing residents on Porth y Llys.

In relation to the other dwellings on Bro Deg, Clos Teg Fan, and Rhodfa Maen Gwyn, the spacing standards set out in SPG 25 that require a minimum of 21m between principle elevations are met and exceeded in many cases and therefore it is not considered that there would be any adverse impacts on the amenities of existing residents.

At this point the precise details of any school/community centre building or the precise location of a MUGA and playing field cannot be assessed or determined. Such details will require separate planning applications to be submitted at that time (see s.106 phasing details above). It is considered, however, having regard to the fact that the principle of such facilities has already approved in the general location shown on the plans there would be no detrimental impact on the general amenities of residents living nearby.

4.2.4 Highways considerations

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

Unlike the previously refused scheme for phases 2 and 3 there have been no letters of concern received from the residents living near this development site. Previously the intended access off Rhodfa Maen Gwyn caused concern locally and the application was duly refused. This access point is shown to be blocked off to vehicular/pedestrian traffic now. In all other aspects the scheme complies with highways standards with details already having been approved in the outline scheme. Members will note the phasing details earlier in this report which set out the off-site highway improvements. It is considered a further condition can be imposed to ensure the details of the blocking off of Rhodfa Maen Gwyn are as agreed by the Local Planning Authority. This will ensure that the restricted access remains as such in perpetuity.

4.2.5 Open Space

Policy REC 2 seeks to ensure that new development should provide landscapes amenity areas and recreational open space in accordance with

the County Standard.

The location of the open space has been agreed at outline stage. This is primarily focussed around the stream 'corridor' to enable the development of a linear park which maximises the natural features of the stream within the site and provides opportunities for landscaped recreational footpath/cycleway links.

Within Phase 1 a Local Equipped Area of Play for younger children has been provided and a Neighbourhood Equipped Play Area for older children will be provided. Within phases 2 and 3 is a Multi use Games Area and playing field along with some small areas of informal landscaped areas of open space. The MUGA will need further approval once the relevant trigger point has been reached.

The proposal is considered acceptable with regards to the provision of formal and information public open spaces. These are already safeguarded by an approved planning condition and Section 106 agreement.

4.2.6 Affordable Housing

The requirement for the provision of affordable housing is established by Welsh Government Planning Policy, Policy HSG 10 in the Unitary Development Plan along with guidance contained in SPG 22.

In dealing with the outline consent and Section 106 agreement, the affordable need for the whole site was calculated at 60 units, and the split of units is agreed as part of the Section 106 agreement.

There are 26 affordable units approved in phase 1 leaving 34 units now required within phases 2 and 3. These 34 units have been included within this current application, and are spread across the site in small groups comprising detached and semi detached bungalows and houses providing, 2, 3 and 4 bed properties. The arrangements are acceptable to the RSL and Housing Services and meet the aim of integrating the affordable housing into the scheme.

4.2.7 Flood Risk

Policy ENP 6 seeks to control development which would avoid an unacceptable risk from flooding. Issues in relation to flood risk were addressed at outline stage with the submission of a detailed Flood Risk Assessment.

This application does not raise any new considerations as the development has been designed to comply with the requirement of the Flood Risk Assessment and is acceptable to the Environment Agency Wales.

4.2.8 Ecological impact

Policy ENV 6 seeks to ensure that development does not cause unacceptable harm to species given special protection.

As part of the outline application, the applicants submitted an Environmental Statement to assess the likely environmental effects associated with the proposed development. The assessment focussed on flood risk and ecology, in relation to the protected species. As regard protected species, mitigation measures are a mixture of translocation, temporary relocation and reintroduction as part of the scheme. A Steering Group has also been set up in accordance with the requirements set out in the Section 106 agreement to

ensure the implementation of the mitigation measures and to discuss ongoing management issues.

4.2.9 Archaeological Impact

The site is not within an area of archaeological importance and there are no recorded archaeological sites in the area, however at outline stage the County Archaeologist recommended an archaeological watching brief be attached to any permission, so that any previous unknown archaeology could be observed, recorded and preserved. The applicant has undertaken and submitted an archaeological watching brief, which was approved in April 2008 as an approval of condition.

5. SUMMARY AND CONCLUSIONS

5.1 The details are considered to be in accordance with the framework and principles of the original master plan document for the mixed development, TAN 12 and SPG 25. The applicant is seeking to build a high quality development and the details submitted for phases 2 and 3 are considered acceptable having regard to this guidance. The revisions made from the previous refusal overcome the highway concerns raised at that time with the blocking off now of Rhodfa Maen Gwyn.

In relation to all detailed impacts the proposal is considered acceptable having regard to adopted planning policies and guidance.

6. RECOMMENDATION: APPROVE RESERVED MATTERS: subject to the following conditions:-

1. Notwithstanding the phase 2 and 3 planning layout (AH04/P2&3/F) further details of the proposed method of closing off the access point at Rhodfa Maen Gwyn to vehicular traffic shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be implemented and maintained thereafter and shall be in place prior to the commencement of any development associated with phases 2 and 3.
2. Prior to the use of any materials on the dwellings hereby permitted, details of the wall and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter.

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

1. In the interests of highways safety and residential amenity.
2. In the interests of residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: Rhyl South East

APPLICATION NO: 45/2011/1304/ PF

PROPOSAL: Erection of extensions to front, side and rear of dwelling

LOCATION: 16 Rhodfa Maes Hir Rhyl

APPLICANT: Mr & Mrs Paul & Stacey Ellams

CONSTRAINTS:

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL-

“Objection, on the following grounds:

- The development would represent over-intensification of plot extending the building line.
- Negative impact on visual amenities of neighbouring properties.
- Set a precedent for other similar applications in vicinity.”

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 26/12/2011

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes alterations and extensions to the dwelling at no. 16 Rhodfa Maes Hir in Rhyl. The extensions and alterations would comprise of:

- A two storey extension to front, replacing an existing single storey garage, measuring 2.2 metres in width, with an overall height of 6 metres. The extension would allow the existing first floor bedroom to be increased in size.
- Two single storey extensions at the front linked to either side of the two storey extension. To the north (right side) an extended lean-to porch is proposed, projecting 1.5 metres, 2.6 metres in width. To the south (left side) a pitched roof extension is proposed projecting 2.2 metres from the side elevation, over a depth of 4.6 metres. This extension would comprise of an extended study and utility room.

- A single storey lean-to extension on the rear, projecting 3 metres at the widest end and 2 metres at the shorter end, across the width of the existing dwelling (6.3 metres), with an overall height of 3.6 metres. The extension would comprise an extended kitchen and living room.

1.1.2 The extensions would be finished in materials to match the existing dwelling. The proposals are shown on the plans at the front of the report.

1.2 Description of site and surroundings

1.2.1 No. 16 is located in a primarily residential area comprising semi-detached dwellings and bungalows, with a mix of styles, to the south east of Rhyl town centre.

1.2.2 The semi-detached two storey dwelling is located on Rhodfa Maes Hir. It is the end dwelling in a cul de sac, with open fields to the south.

1.2.3 The attached dwelling no. 14 has been extended previously and it has a flat roof extension to the rear.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 The Agent has provided a response to the comments of the TC which refers to the following:

- The extension would not be an over-development of the site, the extension would have a total area of 86.01 square metres, which would be 38% of the site area.
- The front extension would be built over the existing garage, therefore not projecting over the front 'building line'.
- It is not uncommon for dwellings to be extended to the front (examples in Rhuddlan referred to and pictures provided).

1.6 Other relevant background information

1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

2.1 None.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy GEN 1 Development within Development Boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 12 Extensions to Dwellings

3.2 **Supplementary Planning Guidance**

SPG Note No. 1 Extensions to Dwellings

SPG Note No. 24 Householder Development Design Guide

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 Detailed design and impact on visual amenity
- 4.1.3 Other issues raised

4.2 In relation to the main planning considerations:

4.2.1 Principle

Providing the proposal complies with policy GEN 6 and HSG 12, the principle of extensions to dwellings are generally acceptable.

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

Policy GEN 6 contains a wide range of general development control amenity considerations geared at ensuring a high standard of development with minimal impacts.

SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments.

The assessment of the detailed impacts of the proposed extensions and alterations at no. 16 are set out in the following section:

4.2.2 Detailed design and impact on visual amenity

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

The application comprises of several elements, the two storey extension extends some 0.2 metres beyond the existing front garage, and results in the creation of a small area of additional first floor space. The remaining extensions are single storey and combined are considered to be subordinate in scale and footprint to the original dwelling.

The proposal is therefore considered to comply with test i) of policy HSG 12 and advice of SPG no. 24.

Design and Materials – Test ii) of Policy HSG 12 requires extensions to dwellings to be sympathetic to the original dwelling and character of the area in terms of design and materials.

Brick and render extensions are proposed with tiled roofs. These materials and their use in the design of the proposal reflect the existing character and materials of the dwelling.

The proposal is therefore considered to comply with test ii) of HSG 12.

Amenity of area and dwelling – Test iii) of Policy HSG 12 seeks to ensure that proposals to extend dwellings do not harm the amenity of the area by way of loss of privacy or light to neighbouring dwellings.

In terms of visual amenity, although a front extension is proposed and these are generally not encouraged where there is clearly a well established, unbroken pattern of development with no front extensions, the dwelling is

sited on the most southern end of the estate at the end of a cul de sac, where there are a number of front extensions already and it is not considered that the extensions would impact adversely on the character of the streetscene.

Neighbours are unlikely to be affected by this proposal as the two storey extension is located on the southern side of the dwelling, away from the boundary with the attached dwelling. Furthermore as the dwelling to the north (no. 14) has an existing rear extension, the 3 metre projection of the rear element of this proposal would not result in a loss of amenity for the adjacent occupiers. No objections have been received from the neighbours.

In recognising the Town Council's concerns, the proposal is not likely to impact adversely upon the character/amenity of the locality, and complies with test iii) of HSG 12.

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

Once extended, the dwelling would have over 40 sq metres of private amenity space in the rear garden with additional space to the front (albeit more open). This meets the standards set out in Supplementary Planning Guidance Note No. 1 (para. 8.6) which requires at least 40 sq metres of amenity space for a small dwelling.

With respect to the Town Council's concerns, the proposal is not considered to be an over development of the site, with sufficient amenity space remaining for the proposed occupiers, complying with test iv) of HSG 12.

4.2.3 Other issues raised

The last point raised by the Town Council is the issue of precedent, which may be a planning consideration. No. 16 is the end dwelling on the cul de sac, and already has a single storey projection to the front. It also has a different design to the dwellings opposite, hence could not be directly compared to any other property.

On this basis Officers opinion would be that it would not be appropriate to refuse the application for the extensions for reasons relating to precedent alone.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered acceptable under 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.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Rhyl South West

APPLICATION NO: 45/2011/1444/ PF

PROPOSAL: Change of use of existing office and store to part office/part store/ and part Class A1 retail shop

LOCATION: Land adjacent to H Bridge between Kwik Save and railway Marsh Road Rhyl

APPLICANT: Lockstock Self Storage Ltd

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL - 'Objection'. The Town Council wish to object on the grounds that the land which is designated for employment purposes would not be appropriate for retail use. While the application makes reference to the sale of fireworks once approved other retail uses could occur which could lead to significant traffic movement for which the proposed car parking would be inappropriate.

The Council also note the availability of a vacant retail facility on the adjoining car park (former car parts retail shop) which would be more appropriate for retail sales in this area.'

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND INFRASTRUCTURE – No objection, subject to a condition for parking to be provided in accordance with the submitted plans.

PRINCIPAL ANIMAL HEALTH AND LICENCING OFFICER

Confirms the site is licenced to store fireworks. Part of the process requires relevant separation distances to be met in respect of any storage building in relation to places accessible to the public (e.g. railway lines and roads). Denbighshire are the licencing authority for amounts not exceeding 200kg, above which the Health and Safety Executive are responsible.

COMMUNITY SAFETY OFFICER – No response at the time of writing the report.

RHYL REGENERATION OFFICER – No response at the time of writing the report.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 08/02/2012

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal relates to the use of part of an existing Office/Store building on the site as an office and retail outlet for fireworks and related items. The existing store building measures some 9.5 metres by 2.8 metres, with a counter area centrally positioned.
- 1.1.2 The application includes an Access Statement, which covers the proposed use, layout, access and general considerations, and mentions that sales will peak for special occasions, e.g. Bonfire Night, New Year.
- 1.1.3 The application forms indicate that the hours of opening for the retail use would be 08.00 – 17.30 Monday to Friday; 08:00 - 17:00 Saturday and 10.00 - 16.00 Sunday and Bank Holidays. For the office/store, hours would be 08.00 – 17.30 Monday to Friday; 08:00 - 12:00 Saturday. The forms indicate a total of one full time employee, with an additional two part – time employees proposed.

1.2 Description of site and surroundings

- 1.2.1 The application site is located close to the 'H' bridge, between Marsh Road and the Railway line, and a new, landscaped, vehicular access off Pinewood Square, off Marsh Road, at the corner of the site with the 'H' bridge. The site houses a number of storage containers, enclosed by fencing, and has a gated/security access, with a small 'portacabin', located at the entrance point to the site.
- 1.2.2 To the south of the site lies the Motorworld//Kwik Save site and a number of residential properties further to the south. The rear of the residential properties are located approx. 40m away from the closest boundary to the site.

1.3 Relevant planning constraints/considerations

The site is located within the defined settlement limits of Rhyl and is allocated as a Policy EMP 1 and Policy EMP 2 area. EMP 1 seeks to allocate employment land for development, with this site being identified as potential starter units. EMP 2 allows development which includes business (B1); general industry (B2) and warehousing and distribution (B8). Retail trade to the general public is stated as generally not acceptable.

1.4 Relevant planning history

Planning permission was granted in June 2005, under Code 45/2005//0511/PF, for a change of use of land for siting of storage containers and construction of a new vehicular access. This included a condition for landscaping details, which were subsequently approved under code no. 45/2006/0362/AC on the 19 May 2006.

1.5 Developments/changes since the original submission

- 1.5.1 The applicant is aware of the Town Council comments and the current Unitary Development Plan Employment policies and confirms that a temporary planning permission would be acceptable, together with a planning condition which would restrict the retail element to fireworks.

1.6 Other relevant background information.

- 1.6.1 A 2005 planning permission approved a change of use of land for the siting of storage containers and construction of a new vehicular access. The site is now a Class B8 use. The 'permitted development rights' in the case of any B8 use class includes the potential to change the use into another Class, namely a B1 'Business use'; together with limited/ancillary retail use. Therefore, a trade counter could be considered ancillary to a B8 warehouse use. In this regard, even if omitted from a development description, trade counters can be introduced later, without the need for planning permission. Additionally, if no planning conditions were attached to a particular decision which would restrict a trade counter element and no retailing, it may be possible for the operator to argue that a small amount of retailing at any trade counter may be ancillary thereto, or be *de minimis*. Additionally, given the use and accessibility of internet sales, and with the possible exception of a counter trade area, planning controls covering some retail sales of goods on premises are limited.
- 1.6.2 The 2005 planning permission for the site did not include planning conditions which control or restrict the 'permitted development rights' relating to the use of the land. Investigation by Planning Services Enforcement Officers, has revealed that the site has recently been used for limited retail sales use, associated with the site's permitted development rights. Directional signs associated with the use of the site have also been investigated and the applicant has co-operated with Officers in resolving the issues.
- 1.6.3 The current application seeks to extend the period of retail use to a more permanent arrangement, involving retail sales specific for fireworks and associated goods.
- 1.6.4 The response from the Council's Public Protection Unit highlights that premises that store fireworks have to be registered separately with the local authority, and that this involves ensuring minimum distances between different types of buildings, amongst a number of issues, depending on the location, type and amount of fireworks stored. Currently therefore, the regulations concerning the Health and Safety aspects of this type of use is either through the Council's Public Protection Unit and/or the Health and Safety Executive, or the Police.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Code 45/2006/0362/AC - Details of landscaping submitted in accordance with condition no 2 of planning permission code no. Code 45/2005//0511/PF APPROVED 19/05/2006
- 2.2 Code 45/2005//0511/PF - Change of use of land for sitting of storage containers and construction of new vehicular access. GRANTED 22/06/2005 at Planning Committee meeting, held on the 22 June 2005.
- 2.3 Code 45/2005/0083/PF- Change of use of land for sitting of storage containers and construction of new vehicular access REFUSED 24th March, 2005 for the following reasons:

1. The proposed use of the land for siting of storage containers would result in a poor quality appearance to the site which lies in a prominent location adjacent to the railway line and H bridge. The proposal would thus be contrary to criteria (ii) and (iii) of Policy GEN 6 of the Denbighshire Unitary Development Plan.

2. The site is allocated for employment development under Policy EMP 1 of the Denbighshire Unitary Development Plan. The proposal would result in a low level of employment generation and a proposed use that would be in conflict with the intentions of Policy EMP 1 and the specific allocation of the site.

2.4 Code 45/1999/0659/PO - Development of 2 no Class B2/B8 units
GRANTED 1999

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 EMP 1 Amount and Distribution of Employment Land

Policy EMP 2 Main Employment Area

Policy GEN 6 Development Control Requirements

Policy RET 13 Small tourism related factory shops

3.2 Supplementary Planning Guidance

No 21 Parking in developments

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 2011.

TAN 4 Retailing and Town Centres 1996

TAN 11 Noise

TAN 12 Design

TAN 18 Transport

Circular 35/95 The use of conditions in planning permissions.

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle of development

4.1.2 Impact on residential amenity

4.1.3 Impact on highway safety

4.1.4 Inclusive access for all

4.2 In relation to the main planning considerations:

4.2.1 Principle of development

The relevant Unitary Development Plan policies, namely Policy EMP 1 and 2, allow for the development of Class B1, B2 and B8 uses. The principle of the current use of the site, as a B8 use (warehousing; storage and distribution) has previously been considered acceptable within a Main Employment Area. It was acknowledged at the time of assessing the planning application for the current use that, whilst the proposed business did not directly employ a number of people to work at the site, a high percentage of units would be occupied by small businesses who could not or did not wish to make the commitment that comes with taking on a small industrial unit. The proposal was considered at the time, as one which would encourage the local business community, and helped to create and support jobs.

The proposed retail outlet would involve a small office and retail/cabinet display area within the existing site store.

The justification to Policy EMP 2 mentions that retail outlets serving the public would not be acceptable unless they are ancillary to the main use of the premises for manufacturing or assembly purposes. The key aim of the policy

is therefore to limit and control the scale and intensity of any retail use, to one which is primarily subsidiary to that of the main use and activities, and to the general retail activity/trade of the locality, including that of the High Street trade.

Policy RET 13 relates to small scale shops related to leisure, craft, tourism and manufacturing services and supports the principle of retail uses subject to a number of criteria, including that the retail element remains ancillary. One of the key aims of the policy is to support the leisure industry, and seeks to avoid new buildings, using inappropriate locations, and relates to small scale retail outlets where they are ancillary to a manufacturing or assembly operations. The thrust of the policy provides support for a limited amount of retail activity on some sites.

It is understood that the retail use does not form part of a national retail outlet and it can be described as 'ancillary' to the main use of the site, which is as a storage area. Given the relatively small scale nature of the proposal in terms of floorspace, Officers would consider that these background facts, taken together with the site location and existing use, are important material considerations in assessing the proposal. In this context, and given the current economic climate, and the Council's regeneration aims for Rhyl, Officers would suggest that, in the absence of evidence to demonstrate significant adverse effect on retail policies and activities in the locality, it would be difficult to resist the principle of such small scale office and retail activities.

Given this context, Officers consider that a basis exists, in principle, to support a limited office and retail use, for a restricted period of time. This would provide an opportunity to fully test the impact of the uses, with the possible option of relocation to larger, more suitable premises in the future, with the support of the Council's Economic Regeneration Officers. The approach would be in line with Circular 35/95, and would, with respect, help to alleviate the concerns expressed by the Town Council.

Officers would therefore suggest that the principle could therefore be supported on a temporary basis, subject to the proposal satisfying other, site specific tests, covered in the remainder of this report.

4.2.2 Impact on residential amenity

Policy GEN 6 Development Control Requirements, and RET 13, highlight the need to ensure no unacceptable impact on the amenity of the locality,

The closest residential properties are located on Marsh Road. In assessing the implications for noise and disturbance to these nearby residential properties, Officers consider that the main factors to consider in this case are the proximity/distances and the proposed hours of operation. As advised in para. 1.2 of the report, the hours of opening for the retail use is indicated as 08.00 – 17.30 Monday to Friday; 08:00 - 17:00 Saturday and 10.00 - 16.00 Sunday and Bank Holidays. For the office/store 08.00 – 17.30 Monday to Friday; 08:00 - 12:00 Saturday.

Given the nature of development in the surrounding locality, including businesses and the busy Marsh Road, it would be difficult to conclude that the small scale nature of the proposal would cause significant adverse impact on the amenities of the residents on Marsh Road. No objections have been received from any private individuals to the application.

4.2.3 Impact on highway safety

Policy GEN 6 Development Control Requirements, RET 13, together with SPG 21, highlight the need for adequate servicing and parking areas.

The submitted plan indicates the existing layout, including a dedicated disabled parking space, adjacent to the office. The Head of Transport & Infrastructure has raised no objection, subject to the inclusion of a condition.

In noting the Town Council objections, specifically with reference to the sale of fireworks and that once approved, other retail uses could occur which could lead to significant traffic movement for which the proposed car parking would be inappropriate, a suitable condition could be considered, in the event of a planning permission being accepted, which would restrict the retail use to fireworks only.

The proposal is considered to comply with the relevant policy and guidance and a suitable condition can be included to ensure compliance with the approved plans.

4.2.4 Inclusive access for all

The requirement for Access Statements is outlined in TAN 12, TAN 18 and GEN 6 which sets out the need to provide for safe and convenient accesses for all needs.

The Access document submitted shows a basic approach to inclusive design, including the provision of a disabled parking bay to the front of the building. To ensure full compliance with the guidance and policies referred to, the parking bay and layout plan should be conditioned.

5. SUMMARY AND CONCLUSIONS:

5.1 With due respect to the Town Council objections, having regard to the absence of any technical objections, the limited scale of the use proposed, and the potential for additional economic 'spin-offs' from the use, Officers consider that the principle of the use merits support, and does not conflict with the basic intentions of the Unitary Development Plan.

5.2 The Council's Public Protection Officer comments confirm that the applicant will have to comply with separate Health and Safety tests and conditions necessary with any registration requirements relating to fireworks. The licensing regime therefore takes into account fire prevention and safety issues, including site storage arrangements.

5.3 Officers consider that a case exists to support a flexible approach to the interpretation of the relevant employment and retail policies, and to agree to a temporary permission for a period of 2 years, specifically for the fireworks sales.

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 use hereby approved shall cease within 2 years of the date of this permission unless otherwise agreed in writing by the Local Planning Authority.
3. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

4. The use of the site for office and retail purposes shall be limited to only fireworks and no other goods, and limited to the area as identified on the plans hereby approved.

5. The premises shall not be open to customers outside the following hours and days:

Retail use

08.00 - 17.30 Monday to Friday;

08:00 - 17:00 Saturday and 10.00 - 16.00 Sunday and Bank Holidays.

Office/store

08.00 - 17.30 Monday to Friday; 08:00 - 12:00 Saturday.

6. Fireworks shall only be stored within the storage room as indicated on the plans hereby approved on the site and no open area or other storage containers within the site shall be used for this purpose.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to monitor the impact of the use.
3. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. In the interests of the amenities of the locality.
5. In the interests of the amenity of occupiers of nearby residential property.
6. In the interests of the amenities of the locality.

NOTES TO APPLICANT:

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

Re- location of use

You are advised to contact the Council's Economic Development Officer, with a view to relocating to other suitable premises.

ITEM NO: 13

WARD NO: Rhyl South East

APPLICATION NO: 45/2011/1449/ PF

PROPOSAL: Erection of 1 no. single storey detached dwelling and alterations to existing vehicular access (site area 0.04 ha)

LOCATION: Land between 101 and 111 Trellewelyn Road Rhyl

APPLICANT: Tir Tai Ltd.

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection".

WELSH WATER / DWR CYRMU
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objection, subject to conditions requiring completion of parking spaces prior to occupation of dwelling and retention of visibility splays.

RESPONSE TO PUBLICITY:

None received.

EXPIRY DATE OF APPLICATION: 07/02/12

REASONS FOR DELAY IN DECISION (where applicable):

- Timing/ receipt of representations.

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

- 1.1.1 The application seeks full planning permission for the erection of a dwelling and alteration of existing vehicular access on 0.04 hectares of land between 101 and 111 Trellewelyn Road in Rhyl.
- 1.1.2 A bungalow is proposed to be sited centrally on the plot with amenity areas on all sides and dropped kerbs to two off street parking bays to the north (front). See the plan at the front of the report for proposed drawing.

- 1.1.3 The dwelling would comprise of three bedrooms and living accommodation. It would be wheelchair accessible throughout.
- 1.1.4 The site plan shows new boundary treatments on the east side and some landscaping around the site. Bin storage and a shed are proposed in the garden/ amenity area of the dwelling.
- 1.1.5 The application submission includes the following documents:
 - Design and Access Statement (DAS) which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
 - The DAS also refers to the development being for a particular tenant of Pennaf Housing Association who has special needs. Pennaf are the applicant and intend to develop the site.
 - Information on how this proposal aims to achieve Code Level 3 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is located on land between two dwellings on the south of Trellewelyn Road. The site was formerly occupied by council owned garages. These have since been removed, and the site is an area of flat vacant scrubland.
- 1.2.2 It is located in a primarily residential area to the south east of Rhyl Town Centre.
- 1.2.3 There is a mix of dwelling types in the area, including semi-detached two storey dwellings to the south and west of the site, and brick and render bungalows to the north. To the east of the site is a large detached bungalow.
- 1.2.4 Access to the site is directly off Trellewelyn Road, which meets Pen Y Maes Avenue to link Rhuddlan Road to Dyserth Road.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The application is being considered by Planning Committee as Denbighshire County Council own the application site.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 Development within Development Boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy TRA 6 Impact of New Development on Traffic Flows
 - Policy TRA 9 Parking and Servicing Provision

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 8 Access for All

SPG 21 Parking provision in new developments

SPG 26 Residential Space standards

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4

TAN 12 Design

TAN 22 Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Amenity impact

4.1.4 Highway safety impact

4.1.5 Sustainable buildings

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of residential development on the plot accords with Policy GEN 1, as the site is located within the development boundary of Rhyl. Within development boundaries 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 detailed impacts of this full planning application, and the detailed issues are considered under this policy as 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.

A bungalow is proposed, with a simple brick and render finish. It would have a porch on the front to break the front elevation. There is a mix of dwelling styles and types in the general area. There are no landscape designations in the area which preclude the development of the site in the manner proposed or require a higher standard of design or quality of materials.

In Officer's opinion the nature of surrounding development and detail of the proposal means the bungalow can be accommodated on site without detriment to the visual amenity of the area.

It is not considered the proposal would conflict with GEN 6 criteria relating to visual amenity.

4.2.3 Impact on residential amenity

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

The plans show that the dwelling can be accommodated on the site with adequate amenity space, and parking/turning. Windows are proposed on all elevations. There is screening on the rear and side boundaries with a minimum height of 2 metres.

The application proposes a bungalow, which is sited centrally on the plot. There is adequate boundary screening and it is considered that the proposal would not result in a significant loss of amenity for adjacent occupiers by virtue of loss of light or overlooking.

It is not considered the proposal would conflict with GEN 6 criteria relating to residential amenity.

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 proposal includes off road parking for two cars to the north of the site. To access the parking area additional dropped kerbs would be installed off Ffordd Trellewelyn. Highways Officers have raised no objection to the proposal subject to the inclusion of planning conditions to control the details of the access and retention of the parking and turning areas.

It is not considered there are policy conflicts relating to access and highway safety and the proposal complies with Policy GEN 6, Policy TRA 6 and Policy TRA 9.

4.2.5 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.

A full Code for Sustainable Homes Assessment has been submitted with the planning application which demonstrates the Code requirements can be met. The dwelling is proposed to achieve Code Level 3 and achieve 1 credit under ENE 1.

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 proposal is considered acceptable under the relevant policies and therefore recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions:-

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

2. **PRE-COMMENCEMENT 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.

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

4. **PRE-COMMENCEMENT CONDITION**

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

5. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

6. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

7. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

8. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

9. Any boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time exceed 0.6 metres above the level of the adjoining carriageway along the whole length of the site boundary and nothing exceeding this height shall be erected within 2 metres of the said boundary.

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 in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of visual amenity.
5. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To provide for the parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. To provide adequate visibility at the point of access onto the highway.

NOTES TO APPLICANT:

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

Conditions

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

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

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

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

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

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

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

ITEM NO: 14

WARD NO: Rhyl West

APPLICATION NO: 45/2011/1470/ AD

PROPOSAL: Display of 1 no. freestanding sign (retrospective application)

LOCATION: 51 Russell Road Rhyl

APPLICANT: Mr Paul Stelfox Carezza Care Ltd.

CONSTRAINTS: Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Objection, on the grounds that the sign is overbearing on the street scene and is detrimental to the conservation area and particularly the Grade II* Listed St. Thomas’s Church”.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

CONSERVATION ARCHITECT

Object, This site is in a prominent location within Rhyl Conservation Area. The sign is too large and too prominent and detrimental to the character and appearance of the conservation area.

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 01/02/2012

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

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

- 1.1.1 Advertisement consent is sought for the display of a ‘v’ shaped freestanding advertising sign at Number 51 Russell Road in Rhyl.

- 1.1.2 The sign consists of 2 boards each 2.4 metres by 1.2 metres and has been erected on a grassed area on the south western corner of the site, visible from Russell Road and Bath Street. Materials used are aluminium with acrylic lettering, coloured black, green and white. The sign reads 'Carenza Care Ltd etc'. See photos at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 Number 51 Russell Road is a detached property, with permission to be used as a D1 non-residential day care & training facility for elderly. Carenza Care has been operating from the site since June 2011.
- 1.2.2 Number 51 is located on the corner of Russell Road and Bath Street. It is bounded by a 1metre high brick wall and hedge.
- 1.2.3 Opposite the site is Clarence House, a former medical surgery which has recently been refurbished and changed to residential use. To the south west is St Thomas's Church, a Grade II* Listed Building. To the west across Bath Street is Number 29 Bath Street, a Grade II Listed Building.

1.3 Relevant planning constraints/ consideration

- 1.3.1 The site lies within the development boundary of Rhyl, within the area allocated as GEN 1.
- 1.3.2 It is within the Rhyl Conservation Area, where policies CON 5 and CON 8 of the Unitary Plan apply, both policies seek to ensure proposals preserve or enhance the character of the area.

1.4 Developments/changes since the original submission

- 1.4.1 None.

1.5 Other relevant background information

- 1.5.1 The signage was erected in June 2011. It has been the subject of an enforcement investigation.

2. DETAILS OF PLANNING HISTORY:

- 2.1 45/2010/1388 Change of use of existing dwelling to office, training facility, and day care centre and formation of car park. Granted 22/02/2011

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 11 Advertisements within Development Boundaries
- Policy GEN 6 Development Control Requirements
- Policy CON 5 Conservation Areas
- Policy CON 8 Advertisements in Conservation Areas

3.2 Supplementary Planning Guidance

- SPG No. 13 - Conservation Areas
- SPG No. 17 - Advertisements

3.3 GOVERNMENT GUIDANCE

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

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity/conservation area
- 4.1.3 Impact on highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

The application site is located within a Conservation Area and within the Townscape Heritage Initiative Area. Within Conservation Areas, special attention should be paid to preserving and enhancing the character and appearance of the area. Policy CON 8 states that advertisements within Conservation Areas will be permitted provided that the signage preserves or enhances the character of the area; other criteria include the signage being an appropriate style to the character of the area and traditional materials and finishes are used.

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

The detailed impacts are considered below:

4.2.2 Impact on visual amenity/conservation area

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

This application proposes aluminium signage with bright acrylic lettering in modern text. Each side of the 'v' sign measures 2.44 metres by 1.22 metres, with an overall height of 2.77 metres. There are objections from the Town Council and the Conservation Officer.

Policy and Supplementary Planning Guidance recommends careful control over design aspects of adverts, where use of materials, scale, siting of signage, and style of advertisements are important considerations. Whilst it is reasonable to expect commercial properties to advertise their business, inappropriate adverts can often have an adverse impact on individual or groups of buildings or town centres.

It appears little consideration was given to the relevant planning policies in choosing the particular signage. The large 'v' sign with white and green lettering on a black background is not considered to preserve or enhance the character of the conservation area, is not in a style appropriate for the area and uses glossy highly reflective materials. The style of signage is not linked

in any way to the area or site surroundings. Whilst it is noted there is a range of signage on commercial properties in the wider area and on Russell Road, efforts are being made to regenerate Rhyl and introduce better quality development. Hence more discreet, better quality signage would be considered more appropriate. Substantial investment has been made in the property opposite the site and other properties on Bath Street through the Townscape Heritage Initiative Fund and other Council supported schemes. It is also to be noted the church opposite the site is a Grade II* Listed Building.

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

4.2.3 Impact on highway safety

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

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

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

5. SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: REFUSE – for the following reason:-

1. It is the opinion of the Local Planning Authority that the size, design, materials, and overall appearance of the 'v' sign has an unacceptable impact on the visual amenity of the area and on the character and appearance of the Conservation Area, contrary to Policies CON 5, and CON 8 of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Note No. 13, (Conservation Areas) and No. 17 (Advertisements).

NOTES TO APPLICANT:

None

ENFORCEMENT REPORT FOLLOWS LATER IN THE AGENDA

ITEM NO: 15

WARD NO: Rhyl South

APPLICATION NO: 45/2011/1490/ PF

PROPOSAL: Erection of two-storey extension to provide level access link to existing ground-floor corridor, additional toilets to first-floor and stairwell for additional means of escape

LOCATION: Ysgol Dewi Sant Rhuddlan Road Rhyl

APPLICANT: Denbighshire County Council Modernising Education

CONSTRAINTS:

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:

"Objection". The Town Council is concerned that the exterior design/appearance/materials of the extension is out of keeping with the remainder of the building and would have a detrimental impact upon the visual amenities."

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 12/02/2012**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 Permission is sought for the erection of a two storey extension to provide a level access link to an existing ground-floor corridor, additional toilets at first floor and a stairwell for additional means of escape.
- 1.1.2 The extension would be located to the rear of the school. It would be flanked on both sides by existing two storey rear wings of the school, creating a courtyard effect around the proposed extension.
- 1.1.3 It is proposed to construct the extension utilising a 'linear façade system' as opposed to traditional brick work. The submitted Design and Access Statement explains the choice of construction technique as being a result of the existing buildings having been altered and extended numerous times over its history, thereby making it difficult to match existing bricks in terms of

colour, pattern and size (the existing bricks being imperial, the new being metric).

- 1.1.4 The extension's footprint would measure approximately 5.8m by 5m and be 7.5m high. The plans at the front of this report show how it would relate to the existing buildings and site.

1.2 Description of site and surroundings

- 1.2.1 The site is at the centre of the Ysgol Dewi Sant complex.
- 1.2.2 The existing main buildings are red. There is a mix of roof types, with the pitched roofs being clad in slate, and the flat roof areas being of bitumen felt.
- 1.2.3 To the south of the site is the school playing field, which also contains some ancillary development.
- 1.2.4 Beyond the playing field are residential properties along Ffordd Derwen, some 190 metres from where the extension is proposed.

1.3 Relevant planning constraints/considerations

- 1.3.1 None.

1.4 Relevant planning history

- 1.4.1 None to this application.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Not applicable

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 STRAT 16 – Community Facilities and Benefit
- Policy CF 1 – Community Facilities General

3.2 GOVERNMENT GUIDANCE

- Planning policy Wales 4 (February 2011)
- Technical Advice Note 12 – Design

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the defined development boundary of Rhyl, where the general principle of development is supported by Policy GEN 1. Policies STRAT 16 and CF 1 outline the Council's aim of providing, enhancing and maintaining community facilities. It is therefore considered that the proposal is acceptable in principle, subject to compliance with other relevant development plan policies.

4.2.2 Impact on visual amenity

Policy GEN 6 contains criteria which require proposals for new development to have adequate regard for the visual amenity of an area, and seek to resist those proposals which would result in a harmful impact on the character and appearance of a site and its surroundings by virtue of inappropriate design.

The proposal is for a small extension to an existing large school building. The proposed materials are markedly different from those already used on the buildings. It is noted that the existing buildings have been altered over the years resulting in a range of building styles and forms being present on the site. The applicants have commented in the Design and Access Statement, that the proposed design has been chosen so as to avoid another type of brick style and pattern being introduced which in their opinion, may result in a "confused and messy" appearance.

It is considered that the proposal is sympathetic to the existing buildings in terms of overall scale and form. With regard to the comments of the Town Council, it is considered that given the discreet location of the extension to the rear of the school, the proposal would not have a significant impact upon the character and appearance of the area. Whilst not matching the materials of the original school building, it should be stressed that there is a mix of styles already present on the site, a point which is made in the justification put forward by the applicants. With this in mind, it is not considered that the appearance of extension would result in such harm to the character of the buildings and site as to sustain a refusal. The proposal is therefore considered to comply with Policy GEN 6.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with the relevant planning policies within the development plan, and it is therefore recommended that permission be granted.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. 2. **PRE-COMMENCEMENT CONDITION** Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

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.

NOTES TO APPLICANT:

None

ENFORCEMENT REPORT

ENF/2012/0002 51 Russell Road, Rhyl

Unauthorised advertisement

ENF/2012/0003 9 St Peter's Square Ruthin

Without Consent: the change of paint colour scheme to the exterior ground floor shop frontage of a Grade II Listed Building in a Conservation Area.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2012/00002
LOCATION: 51 Russell Road, Rhyl
INFRINGEMENT: Unauthorised advertisement

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6	-	Development Control Requirements
Policy GEN 11	-	Advertisements within Development Boundaries
Policy CON 5	-	Conservation Areas
Policy CON 8	-	Advertisements in Conservation Areas

Supplementary Planning Guidance Note 13	-	Conservation Areas
Supplementary Planning Guidance Note 17	-	Advertisements

GOVERNMENT GUIDANCE

Planning Policy Wales	-	February 2011
Technical Advice Note (Wales) 7	-	Outside Advertisement Control
Welsh Office Circular 61/96 and 1/98	-	Planning and The Historic Environment

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action in relation to unauthorised advertisements in conservation areas. In this case the matter under consideration relates to the rights of a property owner to erect a modern style advertisement consisting of two boards each 2.4 metres by 1.2 metres in size within the curtilage of the property without the requisite authority to do so. These rights are outweighed by the general public interest and the need to exercise general development control. No claim has been made in respect of Human Rights.

1. BACKGROUND INFORMATION

- 1.1 The property in question holds a prominent position at the junction of Russell Road and Bath Street, Rhyl. It is situated within the Rhyl Conservation Area and adjacent to a number of Listed Buildings.
- 1.2 The property is operated by Carezza Care as a non-residential day care and training facility for the elderly. The business has been operating in this location since June 2011 following approval by the Local Planning Authority.
- 1.3 The company has arranged for the erection of an advertisement consisting of two boards each 2.4 metres by 1.2 metres in size located within the curtilage of the property and close to the junction between Russell Road and Bath Street. The materials used are aluminium with acrylic lettering, coloured black, green and white, reading 'Carezza Care Ltd'. The materials and design are unsympathetic with the surroundings and do not preserve or enhance the character and appearance of the area.

- 1.4 This is contrary to Policies GEN 6, GEN 11 and CON 8 which state that advertisements within Conservation Areas will be permitted, but excludes glossy and highly reflective materials. The design and overall physical appearance is out of keeping within the Conservation Area and Townscape Heritage Initiative and is considered to cause detriment to the character and appearance of the area.
- 1.5 The concern expressed by the Local Planning Authority was formally drawn to the attention of the company by letter, which elected to submit an application for express consent to retain the advertisement in its original form. This application, (code 45/2011/1470/AD), has been considered and a recommendation made that it be refused.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised development has occurred within the last 4 years.
- 2.2 The site is located within the Rhyl Conservation Area. The design of the advertisement and the materials used are not traditional and are considered not to be appropriate in that they do not preserve or enhance the character and appearance of the area.
- 2.3 In particular due to the design, size, materials, colours and overall appearance of the advertisement, it has an unacceptable impact on the visual amenity of the area and on the character and appearance of the Conservation Area. The advertisement is therefore contrary to Policies GEN 6, GEN 11, CON 5 and CON 8, of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Notes 13 (Conservation Area) and 17 (Advertisements), Technical Advice Note Wales (Outside Advertisement Control) and Welsh Office Circular 61/96 - Planning and The Historic Environment.

3. RECOMMENDATION

- 3.1 That authorisation be granted to instigate prosecution proceedings against the person, or persons responsible, should the company refuse or fail to remove the advertisement.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2012/00003
LOCATION: 'Hardly Nickels', 9 St. Peters Square, Ruthin, LL15 1DH
INFRINGEMENT: Without Consent, the change of paint colour scheme of the exterior ground floor shop frontage of a Grade II Listed Building in the Ruthin Conservation Area

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 - Development Control Requirements
Policy CON 2 – Extension or Alteration to Listed Buildings
Policy CON 5 – Development within Conservation Areas

Supplementary Planning Guidance Note No.12 – Shop Fronts

Government Guidance –

- Planning Policy (Wales) 2010.
- Welsh Office Circular 61/96
(Planning & the Historic Environment: Historic Buildings & Conservation Areas).
- Technical Advice Note (Wales) 9
(Enforcement of Planning Control).

HUMAN RIGHTS CONSIDERATIONS

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

In this particular instance, matters relate to the rights of an owner or tenant who carries out an unauthorised external alteration to a listed building, in an area designated as a Conservation Area.

The rights of an owner/tenant in this situation do not outweigh the rights of the Local Planning Authority to ensure that listed buildings receive the appropriate protection.

1. BACKGROUND INFORMATION

- 1.1 'Hardly Nickels' is the name given to a ground floor shop unit in a Grade II listed building, (details of the Listing attached at the end of this report **Appendix A**) located in a prominent position on the corner of St Peter's Square and Clwyd Street, which is also within the conservation area of Ruthin. The Listed Building was presented with a 'Quayle award' by Ruthin Civic Society in 2004. This is awarded when a building is judged to have enriched the town by good new design and sensitive restoration.
- 1.2 On 29 June 2011, a Planning Compliance Officer was notified of a complaint which had been made regarding the change of paint colours made to this ground floor shop frontage. A steady flow of complaints followed, which were directed to this authority's Conservation Architect. No application for Listed Building Consent had been submitted for the alterations of colour, which was considered by the Conservation Architect of this authority to be completely unacceptable and detrimentally impacting

upon the historic character of the listed building and the appearance of the conservation area.

- 1.3 A search of HM Land Registry was carried out by the Planning Compliance Officer, in order to ascertain ownership of the listed building. The owner was contacted by telephone on 25 July 2011 and the Officer was informed that his tenant had painted the shop frontage without asking his permission.
- 1.4 A person whom the Freeholders later identified as their tenant's 'Guarantor,' contacted this authority's Conservation Architect on 28 July 2011, by telephone and the advice given to her was confirmed by e-mail. She was referred to the relevant legislation **Planning (Listed Buildings and Conservation Areas) Act 1990** and to the relevant section (**Part I, Chapter II Section 7**), which refers to the need for authorisation for works involving an 'alteration' to a listed building. Guidance provided by **Welsh Office Circular 61/96** contained in the **Appendix to Annex D Section 10**, states that "**External Painting: Painting the outside of a listed building requires listed building consent when the character of the building is affected**". It was stressed that it was the position of this authority that the new colour scheme for the ground floor shop frontage was unacceptable for a listed building in a conservation area. It was suggested that a more acceptable colour scheme could be chosen, which did not detrimentally affect the character of the building and thus would not need an application for listed building consent.
- 1.5 On 10 August 2011 a Planning Compliance Officer spoke to the Freeholder of the listed building and she agreed to speak to her tenant about the paint colour choice. When nothing further was heard, the tenant was contacted direct by letter on 25 August 2011 and he was urgently requested to agree an acceptable replacement colour scheme for the ground floor shop. When no contact was made by the tenant, a letter was sent to the Freeholders on 20 September 2011, reminding them that as owners of the building, they had ultimate responsibility to comply with Listed Building controls.
- 1.6 A site meeting took place on 7 October 2011, but the matter could not be resolved as the tenant and his Guarantor would not accept that Listed Building Consent was needed to retain the current colour scheme, as a change of paint colour represented an 'alteration' to the external shop front.
- 1.7 On 1 December 2011, Officers were advised that with immediate effect, the new tenant of the shop would be the person who had formerly acted as Guarantor for the previous tenant.
- 1.8 On 7 December the Freeholders were informed of the availability of a shop front grant, which could be used to mitigate the cost of re-painting the shop front. Initially they appeared keen to take advantage of this, but on 11 January 2012, a Planning Compliance Officer was informed that they did not want to "annoy" their tenant by changing the colour against their tenant's wishes.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1.1 No application for Listed Building Consent has been submitted. This is a Grade II Listed Building in the Conservation Area and the appearance of the building is particularly sensitive. Listed Building Consent is required for the alteration of a Listed Building, in a manner which would affect its character as a building of special architectural or historic interest. Painting is regarded as an alteration. A significant change of colour has taken place to the ground floor exterior. The colours chosen are not from the palette normally used for listed buildings in a conservation area and detrimentally affect the character of the listed building in this location.

- 2.1.2 The present colour is considered inappropriate and unsympathetic to the listed building and is contrary to policies and advice contained within the adopted Denbighshire Unitary Development Plan and also to advice contained within the aforementioned government guidance and supplementary planning guidance in respect of :-

Impact on character and appearance of a Listed Building in a Conservation Area –

It is considered that the alteration in colour fails to comply with criteria (ii) of **Policy GEN 6** of the Unitary Development Plan. This criterion permits development only where it does not unacceptably affect the form and character of the townscape or the historic environment.

Policy CON 2 of the Unitary Development Plan states that listed buildings can be sensitive to even slight alterations, which can detrimentally affect their special interest. It seeks to ensure that such alterations are not permitted. In this respect, it is considered that the new colour scheme represents an alteration to a listed building, which detrimentally affects its character and appearance as a building of architectural or historic interest.

In relation to **Policy CON 5** of the Unitary Development Plan, it is considered that the alteration in colour fails to comply, as it neither preserves nor enhances the character or appearance of the designated conservation area.

Supplementary Planning Guidance No. 12 recognises the important contribution which shop-fronts make to the overall character of the town. It cautions that great care needs to be taken in choosing colours and refers to the use of ranges of colours appropriate to the period of the property. It is considered that the altered colour scheme is not sympathetic to the period of the property.

3. RECOMMENDATION

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with a one month compliance period, requiring the repair, priming and painting with satin top coat in a colour to match the previous colour scheme.
- 3.2 To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof within the specified time period.

Authority Denbighshire

Record No 1555/914

Date Listed 16/05/1978

Community Ruthin

Date Amended 12/07/2006

Locality

Grid Ref 312350 358290

Grade II

Name

Street No, Name 9-9A St Peter's Square

Street Side W

Location

In a block of buildings facing E into the Square, N of the junction with Clwyd Street.

History

c1860, designed as a shop with accommodation over.

Exterior

Large 3-storey 4-window range, asymmetrical with R-hand window slightly offset to R. Constructed of red brick with yellow brick banding under a slate roof; end stacks of banded brickwork; modillion eaves cornice; wedge lintels to windows. Integral shop-front to ground floor; windows to 1st floor are tall wooden cross-windows with upper top-hung lights, probably replacing sashes; 2nd floor windows are 3-over-6-pane sashes. Painted shop-front has large arched openings, between which are pairs of pilasters, the capitals decorated with rosettes, and supporting an impost band. Dentilled cornice supported on pairs of large scrolled brackets (single to ends). Round-arched doorway to L of centre with glazed door and plain overlight, flanked by large plate-glass windows under basket arches. To the R-hand bay, the arch has been obscured by a later projecting shop front: this is slightly canted, under a hipped slate roof with splayed inset central entrance, the glazed door with decorative margin glazing under a plain overlight. Flanking plate-glass windows with narrow mullions and high transom, above which is coloured glazing bearing a shop sign. The N gable end has a 3-over-6-pane sash offset to L of 2nd floor; a lower building adjoins beneath. Rear not seen.

Interior

Interior not seen.

Listed

Listed as an integral shop with house over, retaining definite mid C19 character, the banded brickwork of particular interest. Group value with surrounding listed buildings in St Peter's Square.