

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 5ed Medi 2007**  
**Eitem: 2**

**PLANNING COMMITTEE**  
**MEETING - 5th September 2007**  
**Agenda Item: 2**

**DEDDF CYNLLUNIO TREF A GWLAD 1990**  
**CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)**  
**GORCHYMYN 1995 - HYD HEDDIW**  
**DEDDF CYNLLUNIO A IAWNDAL 1991**  
**RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994**  
**DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)**  
**1990**  
**CEISIADAU AM GANIATAD DATBLYGU**

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

**Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED**  
**DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE**  
**PLANNING AND COMPENSATION ACT 1991**  
**TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994**  
**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT**  
**1990**  
**APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

**CYNGOR SIR DDINBYCH  
PWYLLGOR CYNLLUNIO  
MYNEGAI I'R ADRODDIAD**

<b>Rhif Eitem</b>	<b>Rhif Cais</b>	<b>Lleoliad a Chynnig</b>	<b>Tud Rhif</b>
1	01/2006/0961/PF	<b>Tir yn cyffinio Eglwys Sant Joseff, Bryn Stanley Dinbych</b> Adeiladu 25 tŷ annedd, adeilad mynedfa newydd i gerddwyr a cherbydau a newid y fynedfa bresennol / ymlediad gweledd yn Lon Llewelyn	1
2	03/2007/0718/PF	<b>Gwesty Bridge End Mill Street Llangollen</b> Adeiladu lloches gyda gwydr addurnedig yn nhŷ blaen yr eiddo	7
3	05/2007/0369/PO	<b>Tir yng nghefn Heulwen Penybryn Corwen</b> Datblygu 0.066 hectar o dir trwy adeiladu 1 annedd a newid y fynedfa bresennol i gerbydau (cais amlinell gan gynnwys mynediad)	10
4	05/2007/0783/PF	<b>Meithrinfa Ddydd Corwen Green Lane Corwen</b> Newid defnydd i ffurfio canolfan antur / partis plant dan do	13
5	12/2007/0634/PF	<b>Tir Gyferbyn â'r Gyfnewidfa Ffôn Clawddnewydd Rhuthun</b> Adeiladu 4 tŷ annedd ac adeiladu mynedfa newydd i gerbydau (arwynebedd safle 0.09ha)	16
6	15/2007/0182/PF	<b>Tir yn cyffinio Ffynnon Y Berth Ffordd Llanarmon Llanferres Yr Wyddgrug</b> Ail-linio ffordd fynediad bresennol a lleoli 4 carafán sefydlog ychwanegol, lle parcio cysylltiedig, tirlunio ychwanegol a gosod tanc septig newydd.	23
7	15/2007/0682/PF	<b>3, 4, 13 &amp; 14 Cae'r Odyn Eryrys Yr Wyddgrug</b> Atgyweiriadau strwythurol tai math Airey PRC. Adnewyddu paneli cladid concrit parod a cholofn goncrit strwythurol gyda strwythur ffrâm bren gydag insiwleiddied ffibrau mwynol a gorffeniad rendr.	27
8	22/2007/0721/PF	<b>Tir yng nghefn Bodhyfryd Gellifor Rhuthun</b> Adeiladu bynglo dormer	30
9	23/2006/1341/PF	<b>Ty'n Y Ddol Llanrhaeadr Dinbych</b> Adeiladu dreif newydd, mynedfa a manau parcio	34
10	40/2007/0709/PF	<b>Pengwern Farm Nant Y Faenol Road Bodelwyddan Y Rhyl</b> Adeiladu estyniad ar oledd i dy annedd	37
11	43/2007/0394/PF	<b>Tir oddi ar Tip Lane Prestatyn</b> Adeiladu 51 tŷ annedd, adeiladu mynedfa newydd i gerbydau a cherddwyr a gwaith cysylltiedig (safle 2.3 hectar)	39
12	43/2007/0698/PF	<b>Llys Nant Marine Road Prestatyn</b> Dymchwel cartref gofal presennol ac ailddatblygu tir trwy	51

**CYNGOR SIR DDINBYCH  
PWYLLGOR CYNLLUNIO  
MYNEGAI I'R ADRODDIAD**

Rhif Eitem	Rhif Cais	Lleoliad a Chynnig	Tud Rhif
		adeiladu cyfleusterau gofal ychwanegol i gynnwys 61 fflat 1 a 2 lofft	
13	43/2007/0790/PF	<b>Alec Edwards 56 Stryd Fawr Prestatyn</b> Newid defnydd o Siop Dosbarth A1 i Ddosbarth A2 swyddfa ariannol / broffesiynol (Canolfan Sieciau)	58
14	45/2007/0742/PF	<b>Bridge Garage 129 Marsh Road Y Rhyl</b> Adeiladu estyniad a newidiadau i ddarparu man gweithdy ychwanegol	60
15	45/2007/0851/PF	<b>Llawr Cyntaf 78 Stryd Fawr Y Rhyl</b> Newid defnydd clwb trwyddedig llawr cyntaf yn estyniad i ganolfan ddifyrion i oedolion	63
16	46/2006/0557/PO	<b>Bod Erw Hotel The Roe Llanelwy</b> Datblygu 0.519 hectar o dir gan gynnwys dymchwel gwesty presennol i ddibenion preswyl gyda newidiadau i'r fynedfa bresennol i gerbydau (cais amlinell)	66
17	47/2007/0757/PF	<b>Bwthyn Gwyliau (Bridgemere) Pant Ifan Goch Ffordd Treffynnon, Rhualt, Llanelwy</b> Newid defnydd o fwthyn gwyliau i annedd preswyl ac ymgorffori modurdy sengl presennol ym Mhant Ifan Goch o fewn y cwrtil	73

<b>ITEM NO:</b>	1
<b>WARD NO:</b>	Denbigh Upper / Henllan
<b>APPLICATION NO:</b>	01/2006/0961/ PF
<b>PROPOSAL:</b>	Erection of 25 no. dwellings, construction of new pedestrian and vehicular access to the site and alterations to existing access/visibility splay at Lon Llewelyn
<b>LOCATION:</b>	Land Adjoining St.Joseph's Church Bryn Stanley Denbigh
<b>APPLICANT:</b>	Harron Homes (North West) Ltd.
<b>CONSTRAINTS:</b>	250m Of Landfill Site
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. DENBIGH TOWN COUNCIL  
"The Council does not wish to raise any objections to the application"
2. HEAD OF HOUSING SERVICES  
No objection to the provision of affordable housing units on the site
3. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection subject to conditions
4. PARKS, PLAYGROUNDS & PLAYING FIELDS OFFICER  
Awaiting response
5. DWR CYMRU WELSH WATER  
No objection
6. CONTAMINATED LAND OFFICER  
No objection subject to condition requiring action in the event of any areas of contaminated land become evident in the course of development.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. Mr. Bryan Roberts, 16, Bron Castell, Denbigh
2. D. A. Davies, 19, Bron Castell, Denbigh
3. Gwyneth Williams, 10, Bryn Stanley, Denbigh
4. Mrs. D.M. Williams, 12, Bryn Stanley, Denbigh

Summary of planning based representations:

- i) Highway safety concerns
- ii) Parking problems in the area
- iii) Impact on traffic flow
- iv) Impact on visual amenity

**EXPIRY DATE OF APPLICATION: 28/08/2007**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site consists of an open parcel of land located within the development boundary of Denbigh. The field abuts existing residential estates of Bryn Stanley and Bron Castell, and is an allocated housing site (Policy HSG 2) as set out in the adopted Denbighshire Unitary Development Plan.
2. Access to the field is currently achieved via Bryn Stanley, which is a residential estate of monopitch sloping roofed 2 storey terraced properties. The site itself is grassed and slopes down from east to west and also from north to south. To the west are properties on Bryn Stanley, to the east on Bron Castell are a mix of single storey and 2 storey properties which sit at a higher level than the application site. To the south are open fields, and the Church of St Joseph's is located to the north.
3. This is a full planning application for the erection of 25 no. dwellings and construction of new vehicular access. The site has been the subject of an outline application, considered by the Planning Committee in 2004 (see planning history below).

**RELEVANT PLANNING HISTORY:**

4. 01/2004/0787/PO Development of land for residential purposes (outline application) RESOLVED to Grant Planning Permission by the Planning Committee on 1<sup>st</sup> September, 2004. Section 106 has not progressed beyond a draft so the application remains undetermined.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy HSG 2 Housing commitment in Main Centres  
Policy GEN 1 Development within Development Boundaries  
Policy GEN 6 Development Control Requirements  
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 REC 2 Amenity & Recreational Open Space Requirements in New Developments

Supplementary Planning Guidance 4: Recreational Public Open Space

Supplementary Planning Guidance 21: Parking Requirements in New Developments

Supplementary Planning Guidance 22: Affordable Housing in New Developments

**GOVERNMENT GUIDANCE:**

Planning Policy Wales (March 2002)

TAN 2 – Planning and Affordable Housing

**MAIN PLANNING CONSIDERATIONS:**

6. The main issues are considered to be:
  - i) Principle of development
  - ii) Impact on residential amenity

- iii) Impact on visual amenity
- iv) Highway Considerations
- v) Open Space
- vi) Affordable Housing

7. In relation to the main planning considerations as noted above:

i) Principle of development

The application site consists of a designated housing allocation for Denbigh as set out in Policy HSG 2 of the Unitary Development Plan. As such, the principle of residential development on the site is considered acceptable.

ii) Impact on residential amenity

The proposal is for the erection of 25 no dwellings, all of which are 2 storey. There are a mixture of apartments, semi detached and detached properties with differing designs and characteristics offering 2, 3 and 4 bed accommodation. The proposed dwellings have been sited and orientated to minimise impact on existing properties. Due to the sloping nature of the site, the properties to be located on the eastern boundary would be set at a lower ground level than the properties on Bron Castell. In addition, all of the rear elevations of the proposed dwellings are located in excess of 21m away from the rear elevations of existing properties. Along the western boundary, where the properties on Bryn Stanley abut the site, the proposed dwellings at plot 17, 18 (Weaver House type) and 25 (Brampton House type) would be sited with the gable ends facing the properties on Bryn Stanley, and neither of these properties have first floor windows in the gables. It is not considered that there would be any loss of privacy or amenity to existing residents. In terms of amenity of future occupiers of the dwellings, the proposal provides rear amenity areas of an acceptable size with off street parking facilities provided for each dwelling. It is considered that an acceptable level of amenity would be afforded to future occupiers of the proposed dwellings.

iii) Impact on visual amenity

The area is characterised by a mix of house types, of single and 2 storeys of differing design and characteristics. It is considered that 2 storey development is acceptable on this site and the design and layout of the dwellings is considered acceptable in relation to the location of the site and nearby development. With sensitive hard and soft landscaping there would be no adverse impact on the visual amenities of the area.

iv) Highway Considerations

The proposal involves the formation of a new vehicular and pedestrian access onto Bryn Stanley and also improvements along Lon Llewelyn to improve visibility. The new access to the site is in accordance with highway standards and has a visibility splay of 2.4m by 90m. The improvements on Lon Llewelyn involve the removal of the existing stone wall which is to be relocated 1.5m back into the church land to provide an improved visibility splay of 2.4m by 70m. Each of the proposed dwellings has sufficient off street parking in accordance with the Council's standards. The Head of Highways has raised no objections to the proposal subject to conditions to ensure acceptable details in terms of layout, signage, lighting etc are submitted, that parking areas are retained within the site and also that the improvements proposed along Lon Llewelyn are carried out prior to the occupation of the first dwelling unit. It is considered that sufficient parking would be provided within the site and along with the improvements to the existing highway, and the construction of a safe and satisfactory new access that there would not be any adverse impact on highway safety.

v) Open Space

The applicants are proposing the payment of a commuted sum in lieu of provision of open space on the site. Within walking distance of the site, on Bryn Stanley, is an equipped children's play area. The sum can be used to develop / enhance existing recreation facilities and open areas in the locality where it would be of more obvious community value than what would at best be a small patch of undeveloped ground in the middle of a number of dwellings on this site. This is considered to be a more beneficial approach in this instance.

vi) Affordable Housing

The applicants have confirmed the intention to make 8 of the units available for affordable purposes. This would be consistent with the SPG on affordable housing and can be secured through a Section 106 obligation.

The submitted information confirms the following:

Site Area	0.6ha
No. of affordable houses (based on number of units, higher number than based on density)	8 no - On Site
Plot No's	13 – 18 inc, 23 & 24
Tenure	Social Rented & Low Cost Homeownership
House type	4 no. houses & 4 no. apartments
No.of bedrooms	4 no 3 beds & 4 no. 2 beds
Floor area	Ranges from 53 sq m to 95 sq m
Timing of AH availability in relation to market value units	To be agreed in the S106, possible 50% trigger
Housing Association Involvement	Tai Clwyd with Low Cost Homeownership units. Social Housing Grant available for houses.

Floorspace area of units where Social Housing Grant is involved complies with the Design Quality Requirements set by WAG.

Current available waiting list (July 2006) indicates the following details for the Community of Denbigh:

	1 bed flat	1 bed. House.	2 bed. bungalow	2 bed. flat	2bed. house	2 bed. bungalow	3.bed. house.	3 bed. bungalow	4 or more bed. house	TOTAL
General	185	10	3	136	137	7	129	6	33	646
Sheltered	27	0	61	25	0	54	0	0	0	167
TOTAL	212	10	64	161	137	61	129	6	33	813

**SUMMARY AND CONCLUSIONS:**

8. The application shows an acceptably designed development, and subject to control over detailing would make for an interesting scheme within a long established residential area. The density of development would not lead to unacceptable relationship with existing properties, and the scheme would provide acceptable private amenity areas and adequate parking for residents.

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act to secure

- (a) The provision of 8 affordable housing units and the retention of these units for affordable purposes
- (b) The payment of a commuted sum for provision and maintenance of open space of £74, 040.00 apportioned as follows:

CROS Provision Costs	£21,834.00
CROS Maintenance Costs	£22,932.00
Childs Provision Costs	£21,630.00
Childs Maintenance Costs	£7,644.00

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 re-presented 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. 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 commencement 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.
4. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
5. Prior to the commencement of the development, the detailed layout, design, means of traffic calming, signing, drainage and construction of the internal estate road shall be



submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with such approved details.

6. Facilities shall be provided and retained within each plot for parking of vehicles in accordance with the approved plan and which shall be completed prior to the occupation of each dwelling.

7. The visibility splay at the junction of Lon Llewelyn and Bryn Stanley shall be completed before the first house is occupied.

8. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No works shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard present by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the approved details.

9. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of 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. 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. To ensure satisfactory drainage of the site and to avoid flooding.
5. To ensure that the estate road system is constructed to a standard suitable for adoption and, in the interests of traffic safety, is capable of catering for the amount of traffic that is likely to be generated by the proposal.
6. To provide for the parking of vehicles clear of the highway.
7. To ensure that adequate visibility is provided at the point of access to the highway in the interest of traffic safety.
8. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
9. In the interests of visual amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the Advisory Notes attached from Dwr Cymru Welsh Water.

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:** 2

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2007/0718/ PF

**PROPOSAL:** Erection of free-standing decorative glazed shelter to front of premises

**LOCATION:** Bridge End Hotel Mill Street Llangollen

**APPLICANT:** Frederic Robinson Limited

**CONSTRAINTS:** C2 Flood Zone  
Conservation Area  
Canal Consultation Zone

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

**CONSULTATION RESPONSES:**

1. **LLANGOLLEN TOWN COUNCIL:**  
"Members objected to this application on the basis that the appearance is not suitable for a conservation area and that they are concerned about the public safety aspect as there is no barrier between the shelter and the public highway. There has always been problems with customers spilling out across the street in this area and creating a hazard not only for motorists but also putting themselves at risk".
2. **CONSERVATION ARCHITECT:**  
Overall the proposal would not be detrimental to the character and appearance of the conservation area. However, would like to discuss the detail of the components of the canopy as it seems a little elaborate for a building of this design and status.
3. **LICENSING:**  
Awaiting response.
4. **PUBLIC PROTECTION:**  
Awaiting response.
5. **COMMUNITY SAFETY SECTION:**  
Awaiting response

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 12/08/2007**

**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. The application site is located to the right front hand side of the Bridge End Hotel in Llangollen. It is located within the Llangollen Town Centre boundary and Conservation Area. Within 100 metres of the site is Llangollen Railway Station and Town Bridge – prominent features within the conservation area.
2. The site is currently an open area adjacent to the public footpath on the A539. There are several wooden benches and tables located on the site which are used by patrons of the Bridge End Hotel.
3. Permission is sought for the erection of a free standing decorative glazed shelter. It would be supported on 6 metal posts at a height of 2.5 metres. Decorative friezes would adorn the edge of the glass roof. There would be integral heating and lighting within the roof.
4. The shelter would be 8.5 metres wide and project 2.7 metres from the building. It would not be attached to the building.

### **RELEVANT PLANNING HISTORY:**

5. None

### **PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy CON 5 – Development Within Conservation Areas  
Policy RET 1 – Town and District Centres

#### SUPPLEMENTARY PLANNING GUIDANCE

SPG 13 – Conservation Areas

SPG 23 – Llangollen Design Guide

#### GOVERNMENT GUIDANCE

Planning Policy Wales – March 2002

### **MAIN PLANNING CONSIDERATIONS:**

7. The main issues are considered to be:
  - i) Principle of development
  - ii) Impact upon visual amenity/conservation area
  - iii) mpact upon the public realm
8. With regard to the considerations in paragraph 7:
  - i) Principle of Development:  
It is considered that the principle of creating a seating/drinking area in this location has already been established. Therefore the principle is acceptable. Policy RET 1 requires proposals for development in town centres to enhance the vitality and viability of the town centre. It is considered that the proposal benefits the town centre by formalising the boundary between the public house's outdoor seating area and the public highway. This is considered to be compliant with Policy RET 1.
  - ii) Impact upon visual amenity/conservation area  
Policy CON 5 requires development within the conservation area to either preserve or enhance the character of the area. It is considered that the use of

black painted metal 'railway colonnade' posts in this location would not be an intrusive nor discordant feature within the conservation area. Reference is made to the nearby railway station and the street furniture within the locality which support the proposed design. The use of intricate metal friezes to decorate the roof edge is considered acceptable in principle although given the character of the Bridge End Hotel it is suggested that the design be simplified to reflect the understated appearance of the host building. Overall the application is compliant with Policy CON 5.

iii) Impact upon the public realm

Concern has been expressed as to this proposal resulting in people drinking and spilling out onto the street. However, the use of this area for drinking/seating is already established. It is considered therefore that the activities of the Bridge End Hotel patrons in relation to the public realm is one to be dealt with through pub management and is not relevant to this application.

**SUMMARY AND CONCLUSIONS:**

9. The application is compliant with planning policy.

**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 submitted details no development shall take place until detailed drawings of the proposed metal friezes have been submitted to and approved in writing by the local planning authority and only the approved frieze details shall be used.
3. The proposed metal work shall be painted black and retained so at all times.

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 preserving the character of the conservation area.
3. In the interests of preserving the character of the conservation area.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 3

**WARD NO:** Corwen

**APPLICATION NO:** 05/2007/0369/ PO

**PROPOSAL:** Development of 0.066 hectares of land by erection of 1 dwelling and alterations to existing vehicular access (Outline application including access)

**LOCATION:** Land at rear of Heulwen Penybryn Corwen

**APPLICANT:** Mr M Windmill

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. CORWEN TOWN COUNCIL  
No objection
2. WELSH WATER  
No objection subject to conditions
3. HEAD OF TRANSPORT AND INFRASTRUCTURE  
The parking and turning has been improved but objection on visibility grounds remains. Penybryn has no footway and the visibility to the right is below the standards laid out in TAN18

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 04/06/2007**

**REASONS FOR DELAY IN DECISION:**

- re-consultations / further publicity necessary on amended plans

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is in the development boundary of Corwen and comprises of 0.066ha of land to the rear of the dwelling known as Heulwen. Heulwen is a large two storey detached property set in a raised position fronting onto Hill Street. Access to the rear of the property is via an existing access track in front of those dwellings on Fron Deg Terrace from Pen y Bryn.
2. The proposal is for the development of land by the erection of a single dwelling unit. The application is for outline approval with details of means of access only to be considered at this stage. The site plan submitted indicates the siting of a detached four bedroom dwelling, the details of which would be considered at the reserved matters stage. Parking is provided within the site for three cars and provision is also made for 3 cars at the existing property.

3. There is an existing garage on the site on the point of access to the site from Fron Deg Terrace. This is to be demolished to allow for the formation of a separate entrance and parking facility to serve the existing dwelling at Heulwen.
4. The application is reported to Planning Committee at the request of Councillor Nigel Roberts to allow highway issues to be fully considered.

**RELEVANT PLANNING HISTORY:**

5. None

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN1 – Development within Development Boundaries  
Policy GEN6 – Development Control Requirements  
SPG21 – Parking requirements in new developments

**GOVERNMENT GUIDANCE**

Planning Policy Wales – March 2002

TAN18 – Transport – Annex B – Visibility standards

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle
  - ii) Highways
8. In relation to the main planning considerations as noted above:
  - i) Principle  
The application site is in the development boundary of Corwen where the principle of development is acceptable based on Policy GEN1.
  - ii) Highways  
Objections have been raised by the highway department about the limited visibility to the right when emerging from Fron Deg Terrace onto Pen y Bryn. There is a stone wall at this point forming the boundary of the curtilage area of the dwelling known as Fron Oleu. The applicant does not own the land in this location therefore could not make any alterations to visibility at this junction. Whilst it is acknowledged that this is a limited development for one dwelling no alterations could be made to the existing sub standard access due to land ownership issues and members should be aware that there is an overall traffic problem in the Pen y Bryn/ Hill Street area which could be exasperated by the additional use of this junction to serve another dwelling. The proposal is therefore contrary to criterion vi) and vii) of Policy GEN6 of the Denbighshire Unitary Development Plan and advice contained in annex b of TAN18.

**SUMMARY AND CONCLUSIONS:**

9. The proposal is for the erection of a dwelling on land to the rear of Heulwen. The site extends to 0.066ha of land and the application includes details of the means of access to the site. Objections have been received to the proposal from the highways department as there is no footway on Pen y Bryn at the junction with Fron Deg Terrace and the visibility requirements for vehicles emerging from this junction are below those set in TAN18.

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

1. It is the opinion of the Local Planning Authority that the proposal to erect a single dwelling unit on land to the rear of Heulwen is contrary to criterion vi) and vii) of policy GEN6 of the Denbighshire Unitary Development Plan and advice contained in annexe b of TAN18 - Transport for the reason that the existing access from Fron Deg Terrace on to Pen y Bryn is substandard in terms of visibility and the additional use by vehicular traffic would add to the overall traffic and highway issues in this area of the town.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4

**WARD NO:** Corwen

**APPLICATION NO:** 05/2007/0783/ PF

**PROPOSAL:** Change of use to form indoor children's adventure play/party centre

**LOCATION:** Corwen Day Nursery Green Lane Corwen

**APPLICANT:** Mrs Nia Bentley

**CONSTRAINTS:** C2 Flood Zone

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

**CONSULTATION RESPONSES:**

4. CORWEN COMMUNITY COUNCIL  
"No objection"
5. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection

**RESPONSE TO PUBLICITY:**

Letter of representations received from:-

1. Abigail Jones (objection by email)
2. Jill Lightfoot (objection by email)
3. Dr S Hesketh (letter of support by email)

Summary of representations received:

- i) Impact on nursery closure on users of nursery
- ii) Loss of jobs for existing workforce in nursery
- iii) Highway safety/ impact on local highway network
- iv) Planning history of the site
- v) Proposal will allow for existing childminders employed on site to establish alternatives

**MEMBERS' COMMENTS:**

None

**EXPIRY DATE OF APPLICATION: 30/08/2007**

**REASON FOR DELAY:**

- Awaiting Committee decision

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal is for the change of use of existing nursery to children's play/party centre. No external structural alterations are proposed; internally a mezzanine floor will be removed. The centre will comprise of an open plan play area, seating/



observation area for customers, staff room/ office and toilets and storage area.

2. The application is supported by a statement detailing the following:
  - i) The proposal is based on constructive exercise in the internal play frame and external play space.
  - ii) The intended hours of operation would be maximum of 1000 - 1900 daily.
  - iii) The use could accommodate a maximum of 55 members of the public at any one time.
3. The nursery is located on the northern side of the river in Corwen, approximately 200m from the town centre. Formally an industrial building it has been used as a nursery since 2000.

**RELEVANT PLANNING HISTORY:**

4. **05/2000/438/PF** - Change of use of industrial unit to children's day nursery. Granted 05/07/2000. Condition no. 2 limited the use to a day nursery only in the interest of amenity and highway safety.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 Development Control Requirements

**MAIN PLANNING CONSIDERATIONS:**

6. The main issues are considered to be:
  - i) Principle
  - ii) Amenity
  - iii) Highways
7. In relation to the points identified in paragraph 6 above:-
  - i) Principle  
Although there has been some local opposition to the change of use on the basis that the existing nursery facility will be lost, the planning system has no control over a private commercial enterprise which may wish to close or change its business. The existing and proposed uses are similar in overall character.  
  
In terms of the development control criteria of Policy GEN 6, the proposal is acceptable. Considering the previous use and the amenity and highways issues discussed below the principle of the change of use is acceptable. Furthermore the location of the proposal in close proximity to the town centre could potentially enhance the vitality and viability of Corwen.
  - ii) Amenity  
There are no dwellings adjacent to the application site. Therefore there is unlikely to be any noise or disturbance issues associated with the development.
  - iii) Highways Safety  
The highways department have raised no objection to the proposal. There is adequate on site parking and the town centre car-park is located some 200m from the site. There is likely to be less traffic flow at peak times, compared to the existing use.

**SUMMARY AND CONCLUSIONS:**

8. The proposal is acceptable and is 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 premises shall not be open to customers outside the following times: 0900 hours to 1900 hours Monday to Sunday inclusive.

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 amenity of occupiers of neighbouring properties.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 5

**WARD NO:** Efenechtyd

**APPLICATION NO:** 12/2007/0634/ PF

**PROPOSAL:** Erection of 4 no. dwellings and construction of new vehicular access (site area 0.09ha)

**LOCATION:** Land Opposite Telephone Exchange Clawddnewydd Ruthin

**APPLICANT:** Mr & Mrs J Williams

**CONSTRAINTS:**

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

#### **CONSULTATION RESPONSES:**

1. DERWEN COMMUNITY COUNCIL
  - "1. The garages should be in line with the dwellings.
  2. The minimum Section 106 on affordable housing ruling should be in place within the development with the affordable housing erected on the Ruthin side of the development.
  3. The building material should be in keeping with the other local dwellings within the village of Clawddnewydd."
2. ENVIRONMENT AGENCY
 

Aware of an ongoing surface water problem in site vicinity which involves an overloaded culvert section. No additional surface water should be permitted into this drain.

On the basis of percolation test results identifying ineffective soakaway pits, there would be no objection to the surface water disposal, with a new 150mm diameter pipe to the south-east.
3. HEAD OF TRANSPORT AND INFRASTRUCTURE
 

No objections subject to conditions and notes to applicant.
4. WELSH WATER
 

Standard conditions suggested.
5. HOUSING SERVICES.
 

Require provision of one affordable house, shared ownership acceptable.

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

Letters of representation were received from:

1. Mr. M. Holland, Erw Las, Clawddnewydd
2. Mr. Lowe, Hyfrydle, Clawddnewydd

Summary of planning based representations:

- i) Drainage
  - The current application represents the seventh year of multiple applications for the site; with sewerage and surface water disposal issues.

- Current Development Control team should be aware of site surface water disposal problems – complete site undergone unsuccessful porosity tests.
  - On the basis of all surface waters being disposed via the 150mm proposed pipe – not opposed.
  - Site recently surveyed from the existing drain – although the application intends to provide a new drain?
- ii) Policy
- Questions if proposal is outside building line.
- iii) Design
- Should not repeat mistake of existing dwelling on adjoining site.

**EXPIRY DATE OF APPLICATION: 15/07/2007**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The proposal involves a full application for two pairs of semi- detached two storey houses on 0.09 ha of land, at the northern edge of Clawddnewydd.

The application site currently forms part of a field within the defined village development boundary (see accompanying report plan), and lies adjacent to the main B5105 highway.

A detached two storey dwellinghouse (constructed within the last two years) is located to the south west, with fields along the north east and south east boundaries.

Land immediately to the north east and south east lies within the applicants' ownership. There is a hedgerow and mature tree along the north east boundary close to the B road.

Vehicular access arrangements to serve the remaining field area will remain unchanged, with access via a neighbouring field which is in separate landownership.

It is proposed to drain the site via a separate and new surface water pipe, through the field to the south, joining a culvert connection. Relevant ownership notices have been issued on the existing culvert owner.

One of the houses is included for affordable housing purposes.

As part of the application, the following documents have been submitted;

- Design Statement
- Affordable Housing Questionnaire

**RELEVANT PLANNING HISTORY:**

2. **12/2005/0504/PO** Development of 0.14ha of land by the erection of 2 no. detached dwellings (outline application) - REFUSED 23/06/2005

**12/2005/1046/PO** Development of 0.14ha of land by the erection of 2 no. detached dwellings (outline application) - REFUSED 13/10/2005 :

Both of the above applications were refused on the following grounds:

*1. The application site is in excess of the threshold of 0.1 hectares which requires affordable housing to be provided at the rate of 30% but no element of affordable housing is included within the development. As such, the proposal is contrary to Policy HSG 10 of the adopted Denbighshire Unitary Development Plan and emerging guidance approved by the Council for development control purposes based on a local Housing Need Assessment.*

*2. The proposal does not include sufficient information as to how surface water will be drained from the site. Thus, the proposal would be likely to result in increased localised flooding in the area to the detriment of the amenity of nearby occupiers and in conflict with Policies ENP 4 and ENP 6 of the adopted Denbighshire Unitary Development Plan.*

12/2005/1492/PO - Development of 0.07ha of land by the erection of 1 No. dwelling and construction of new vehicular access (Outline application) - REFUSED 31/10/2006

The refusal reasons::

*1. The application site has been subdivided from a larger parcel of land within the applicants ownership to bring about piecemeal development to seek to avoid provision of affordable housing given the policy threshold of 0.1ha or above. This would be contrary to Policy HSG 10 of the adopted Denbighshire Unitary Development Plan and the adopted Supplementary Planning Guidance Note No. 22 relating to affordable housing in new developments.*

*2. The proposal provides insufficient information as to drainage arrangements for surface water and roof water. The proposal would be likely to result in increased localised flooding in the area to the detriment of the amenity of nearby occupiers in conflict with the adopted Denbighshire Unitary Development Plan Policies ENP 4 and ENP 6.*

#### **Land adjacent ,to the north of the application site**

12/2005/0695 - Development of 0.09ha of land by the erection of 1no dwelling and installation of new septic tank (outline application), Land at Hendre, Clawddnewydd Ruthin - REFUSED 12/08/2005

The reason for refusal:

*1. The site lies within the open countryside outside of the development boundary and does not lie within a group of dwellings. As such, the site cannot be assessed as being within a group of houses and the proposal is contrary to Policy GEN 3 and Policy HSG 5 of the adopted Denbighshire Unitary Development Plan.*

#### **PLANNING POLICIES AND GUIDANCE:**

3. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 1 Development within Development Boundaries
  - Policy GEN 2 Development of Un-annotated Land
  - Policy GEN 6 Development Control Requirements
  - Policy Gen 10 Supplementary Planning Guidance

Policy ENV 7 Landscape/Townscape features  
Policy HSG 4 Housing Developments in Villages  
Policy HSG 10 Affordable housing within development boundaries  
Policy ENP 4 Foul and Surface Water drainage  
Policy TRA 9 – Parking and Servicing Provision

**SUPPLEMENTARY PLANNING GUIDANCE**

SPG 21 Parking Requirements in New Developments  
SPG 22 Affordable Housing in New Developments  
SPG 25 Residential Development Design Guide

**GOVERNMENT GUIDANCE**

Planning Policy Wales ( March 2002)

Draft Planning Policy Climate Change, December 2006  
Ministerial Planning Policy Statement 01/2006 Housing

TAN 2 Affordable Housing  
TAN 12 Design  
TAN 18 Transport

**MAIN PLANNING CONSIDERATIONS:**

4.
  - i) Principle
  - ii) Design
  - iii) Highways
  - iv) Drainage
  - v) Affordable Housing
5. In relation to the main considerations in paragraph 4:
  - i) Principle  
The site lies **within** the defined development boundary, where the principle of residential development is acceptable, subject to site specific and planning policy considerations.
  - ii) Design  
The design statement acknowledges that:
    - The external finish of brick and render achieves a balance between the adjacent new detached dwelling and older rendered semi detached dwellings in the village.
    - The houses are set back from the road, in line with the existing dwellings.
    - Elevational style echoes those nearby.
    - Size and scale of dwellings in keeping with modest scale of properties in locality and Assembly guidelines.

Revised elevations include a reduction in ridge height, which is now lower than that of the adjacent dwellinghouse. The initially submitted domestic garages have also been withdrawn from the plans.

The existing front hedgerow and corner mature tree should be retained as local landscape features.

Samples of external materials should be conditioned. The proposal is considered to sympathise with other neighbouring properties and local character and complies with the TAN 12 and GEN 6 requirements.

iii) Highways

Provided conditions are attached, a satisfactory access can be achieved.

Limiting the removal of only part of the hedgerow for vehicular access purposes can be conditioned, retaining the maximum amount of hedgerow.

iv) Drainage

There has been a history of surface water problems in this area. The agent has confirmed that percolation tests on the site, involving heavy clay ground, to a depth of 2.4m encountered a water table, with water remaining in the test hole overnight, failing to drain away.

This current application proposes an alternative surface water solution, by way of a new surface water drain pipe. This is acceptable to both the Environment Agency and Welsh Water. The Council's Building Control Section has also been informed of the proposed drainage arrangements.

Subject to conditions, the proposal complies with Policy ENP 4.

v) Affordable Housing

Based on a site area of 0.09 ha the current Supplementary Planning Guidance requires provision of one affordable house.

The submitted questionnaire and other information confirms the following :

Density	1 house per 0.0275 ha.
No. of affordable houses	1 no.
Plot No	No 1 ( out of 4) – on site
Tenure	RSL - Social rented
House type	House
No.of bedrooms	3
Floor area	90 m <sup>2</sup>
Timing of AH availability in relation to market value units	Two phased approach. AH in phase 1. Phase 2 to commence after phase 1
Details of Housing Association contacts/discussions.	With Cymdeithas Tai Clwyd – identified need for rented and shared ownership.

Floorspace area complies with the Design Quality Requirements set by WAG.

Current available waiting list (August 2007) indicates the following details for Derwen Community:

	1 bed flat	1 bed. House.	2 bed. bungalow	2 bed. flat	2bed. house	2 bed. bungalow	3.bed. house.	3 bed. bungalow	4 or more bed. house	TOTAL
General	0	0	0	1	0	0	2	0	0	3
Sheltered	1	0	1	2	0	2	0	0	0	6
TOTAL										9

Previous applications have not included affordable provision. The proposed unit should be provided as early as possible in the development process. The applicant wishes to retain control over plot 4. Plot 1 is acceptable in terms of design, layout, positioning and phasing, for provision of the affordable unit. The current proposal complies with HSG 10 and SPG 22 in this particular case.

#### **SUMMARY AND CONCLUSIONS:**

6. The scheme is considered acceptable and overcomes the previous refusal reasons, subject to the inclusion of conditions.
7. The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act to secure;
  - The provision of one (1 no) affordable house (AH), identified as PLOT 1 on site, for RSL social rent and the retention of this unit for affordable purposes.
  - The provision of PLOT 1 AH constructed and completed first, within the first phase development, and the second phase completed after completion of plot 1 and the first phase.
  - The AH to be transferred to Cymdeithas Tai Clwyd in accordance with the relevant cost guidelines.

#### **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 external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. 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. No trees or hedges within the area hatched on the attached plan shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
5. Notwithstanding the approved site access arrangements, no parts or lengths of the front boundary hedgerow shall be removed.
6. Full details of the vehicular verge crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the accesses shall be completed in accordance with the approved plans before each dwelling is occupied.
7. Facilities shall be provided and retained within each plot for the parking and turning of vehicles in accordance with the approved plans and which shall be completed prior to the



occupation of the dwellings.

8. Full details of the resiting of the 30 m.p.h. traffic signs shall be agreed in writing by the Local Planning Authority and completed prior to any works commencing on site.
9. Surface water must be disposed of in accordance with the approved plans, Drawing No. 2 prior to the occupation of any of the dwellings hereby approved.
10. Details of the domestic garages shall not be as illustrated on the plans, but shall as may be further agreed in writing by the Local Planning Authority.
11. Plot 1 and 2 shall be constructed prior to plots 3 and 4.
12. 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 final dwelling 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.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
5. In the interests of the amenities of the locality.
6. 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.
7. 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.
8. In the interest of safety and free flow of traffic on the adjoining highway.
9. To ensure the surface water is removed effectively from the site and that the development does not have an adverse effect on third parties.
10. In the interests of the amenities of the locality.
11. To ensure that the affordable housing requirements are implemented.
12. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 6

**WARD NO:** Llanarmon Yn Ial / Llandegla

**APPLICATION NO:** 15/2007/0182/ PF

**PROPOSAL:** Realignment of existing access road and siting of 4 No. additional static caravans, associated parking area, additional landscaping and installation of new septic tank.

**LOCATION:** Land Adj To Ffynnon Y Berth Llanarmon Road Llanferres Mold

**APPLICANT:** Mr & Mrs H Davies

**CONSTRAINTS:** AONB

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

**CONSULTATION RESPONSES:**

1. LLANARMON YN IAL COMMUNITY COUNCIL – Awaiting response on additional landscaping scheme
2. AONB COMMITTEE  
The JAC notes that the new application incorporates additional landscaping but still objects to the application as the proposed extension is not modest and would have a detrimental impact on the AONB'
3. ENVIRONMENT AGENCY  
No objection but requests condition in relation to drainage on approval.
4. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection
5. PUBLIC PROTECTION  
No reply
6. DEVELOPMENT SERVICES (Tourism)  
No reply

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 15/08/2007****REASONS FOR DELAY IN DECISION:**

- previous deferral by Committee for further information

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application site is in the open countryside, within the Clwydian Range AONB. Access to the site is off the main A494 Ruthin to Llanferres road, along the B5430

towards Llanarmon yn Ial. The site comprises of a static caravan park with permission for 9 no static caravans. A separate part of the field also has permission for touring caravans (8 no).

2. The proposal is for the siting of 4 no additional static caravans on land to the east of the existing permission for 9 no static caravans, the installation of a septic tank, the widening of the current access track to serve the caravans, the formation of parking bays along the whole length of the existing track and some additional landscaping in the form of additional planting of wild cherry and beech trees to the areas of land in between the proposed parking bays.
3. Members may recall that this application was deferred from committee on the 23<sup>rd</sup> May 2007 to allow further assessment of the landscape impact and for additional mitigation in terms of a comprehensive landscaping scheme for the existing and proposed site.
4. The most recent plans in relation to the proposal include an improved landscaping scheme. The additions include:
  - i) Infilling of gaps in the boundary hedge along the field with the B5430 with hawthorn species.
  - ii) Alterations to the land levels when viewed from the B5430 to raise the land to screen the proposed caravans
  - iii) additional plantings of wild cherry, beech and oak trees on the altered levels
  - iv) further tree plantings in between the proposed parking areas.

#### **RELEVANT PLANNING HISTORY:**

5. **25/2685** - Resiting of 6 caravans and addition of 3 caravans. Granted with conditions on the 4<sup>th</sup> November 1980.

**25/5529** – Use of land as a touring caravan site and construction of a septic tank. Granted with conditions on the 23/2/1982. (Limiting the no of touring caravans to 8 on the land at any one time and restricting their time to remain on site to no more than 14 days in any one month)

#### **PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
STRAT 7 – Environment  
Policy GEN3- Development outside development boundaries  
Policy GEN6 – Development Control Requirements  
Policy ENV2 – Development affecting the AONB  
Policy TSM10 – Extensions of / improvements to existing static caravan & chalet sites  
Policy SPG 20 – Static caravan and chalet development

#### **MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle of development
  - ii) Impact on visual amenity and AONB
  - iii) Highway considerations
  - iv) Environmental Improvements
  - v) Touring caravans

8. In relation to the main planning considerations as noted above:
- i) Principle  
The application site is in the open countryside where the provisions of Policy GEN3, criterion vi) are applicable. Criterion vi) states that development in connection with tourism is an exception in terms of land use that is acceptable, in principle in this location. The site is an existing static caravan site. Therefore given the current permission that is in place and the provisions of criteria vi) of Policy GEN3, the principle of development is acceptable. Policy TSM10 states that the modest extension of and improvements to existing caravan and chalet sites will be permitted provided they comply with certain criteria. In this instance, the addition of 4 no static caravans is considered to be modest. The principle of extending the number of static caravans on site is acceptable.
  - ii) Visual amenity and AONB  
The site is located in the open countryside in the AONB where the existing static caravans are located along the south east boundary of the field. The site is screened from the A494 and B5430 with trees and hedging. However it is proposed to plant additional native hedging along the boundary of the application site with the B5430 to further screen the development. There are some areas of the hedging along the rear of the application site that would benefit from additional tree planting, but this can be conditioned should members resolve to grant permission. The AONB committee state that they note the additional landscaping but still object to the development as it is not a modest extension and would have a detrimental impact on the AONB. The previous paragraph demonstrates that the proposed extension is modest in accordance with the wording of policy TSM10. In relation to Policy ENV2, development will only be permitted where the proposal will not detract from the character and appearance of the area. The extension of the caravan park is in this in instance considered to be modest and in accordance with TSM10. The site is screened from the road and other public viewing points and additional tree screening is also proposed as proposal. The proposal is considered to be in accordance with Policy ENV2.
  - iii) Highways  
No objections have been received from highways officers and the proposal will utilise the existing access to the site. This is in accordance with criterion vii) of Policy GEN6.
  - iv) Environmental Improvements  
Criterion ii) of Policy TSM10 relates to environmental improvements as part of the proposal. The applicant has stated that he is replacing some of the dilapidated caravans on the site as well as providing an additional 4 caravans, planting additional trees, improving the parking and access facilities on the site and incorporating a drainage scheme. These environmental improvements are considered to be in accordance with criterion ii) of Policy TSM10.
  - v) Touring caravans  
Concerns have been raised by the AONB committee in relation to the existing touring caravans on the site. Whilst permission has been granted for 8 no touring caravans on land adjacent to the application site, they are restricted to staying on the land for no more than 14 days in any one month. Any touring caravans on the site appear to now comply with this requirement.

**SUMMARY AND CONCLUSIONS:**

9. The proposal is for the re alignment of the existing access track, the siting of 4 no additional static caravans, associated parking area and installation of new septic tank on land forming part of Fynnon y Berth Caravan site. The application is acceptable in principle and complies with Policies TSM10 and ENV2.

**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 proposed works to the access road and associated parking area shall be completed in accordance with the approved plans before the additional units are brought into use.
3. No caravan on site shall be occupied between the 14 January and 1 March in any year.
4. The proposed septic tank and ancillary soakaway system shall conform to BS6297 and no part of the system shall be sited within 10 metres of any watercourse.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the siting of any of the additional caravans hereby permitted and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. Prior to the commencement of development, further landscaping details shall be submitted to and approved in writing by the Local Planning Authority for the southern boundary of the application site and only those details subsequently approved shall be implemented on site.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of free and safe movement of traffic on the adjacent highway.
3. The site is not considered suitable for permanent occupation.
4. To ensure the proper drainage of the site and to minimise the risk of pollution.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interests of visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 7

**WARD NO:** Llanarmon Yn Ial / Llandegla

**APPLICATION NO:** 15/2007/0682/ PF

**PROPOSAL:** Structural repairs to Airey PRC house types. Replacement of pre-cast concrete cladding panels and structural pre-cast concrete column with a timber frame structure clad with mineral fibre insulation and render finish.

**LOCATION:** 3, 4, 13 & 14 Cae'r Odyn Eryrys Mold

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:** AOB

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

**CONSULTATION RESPONSES:**

1. LLANARMON YN IAL COMMUNITY COUNCIL  
*"Strongly object to the application on the basis that it goes against Policy GEN 6 Development Control Requirements in that it does not respect the **site and surroundings in terms** of the siting, layout, scale, **form, design, density, materials, aspect, micro-climate** and intensity of use of land/buildings and spaces between buildings. Some of these Airey houses are now clad in brick, and it would be more appropriate and in-keeping to use brickwork for any further cladding work. As an alternative concrete blocks could be used with a rendering or pebble dash finish which is again in-keeping with the style of the area. Councillors believe that this type of house was designed/built with a roof overhang to incorporate remedial brick or block cladding when necessary in the future. Councillors are also of the opinion that the use of this prefabricated style of cladding is not suitable for the high windows and rainfall experienced in this area and are doubtful that this form of cladding will stand up to the weather and will need replacing again in the not too distant future. The use of brick or block for this work would alleviate these fears."*
2. LLANARMON & DISTRICT CONSERVATION SOCIETY  
 No objections.

**RESPONSE TO PUBLICITY:** None.

**MEMBERS' COMMENTS:** None.

**EXPIRY DATE OF APPLICATION:** 02/08/2007

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site covers two pairs of semi-detached houses (4 of the 16 properties standing within the cul-de-sac) with nos. 11 and 12 already having been renovated in a similar fashion to that now proposed for the other properties. All of the houses are semi-detached. The site lies within the Development Boundary and within the AOB.

2. The application is aimed at renovating the standard pre-cast Airey house types which are currently finished with concrete panels and columns and upgrading them using more modern materials with insulation and a rendered finish based on a new timber frame. No increased in width, height or depth of the houses will be required.

**RELEVANT PLANNING HISTORY:**

3. None.

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 6 - Development Control Requirements  
Policy ENV 2 - Development affecting the AOB

GOVERNMENT GUIDANCE  
Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

5. The main issues raised by the proposal are:
  - i) Visual appearance
  - ii) Impact on the AOB
  - iii) Impact on adjacent occupiers
6. In relation to the considerations as noted in paragraph 6:
  - i) The resulting visual appearance of the works can already be seen at nos. 11 and 12 which have already been upgraded in a similar fashion. The changes proposed are considered therefore to have a positive visual impact via the replacement of the somewhat unsightly concrete sections.

The objection raised by the Community Council is noted. However, as some of the properties have already been renovated in a similar fashion to that now proposed it is not considered that a refusal can be substantiated.

- ii) Policy ENV 2 requires development not to detract from the appearance of the AOB. The subject proposal is considered to be relatively small scale and does not therefore represent any harm to the setting of the AOB.
- iii) The works proposed no changes to the properties other than upgrading their appearance and as such no additional overlooking or loss of amenity is proposed.

**SUMMARY AND CONCLUSIONS:**

7. The application is acceptable and is recommended to be granted subject to 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 external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of 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



**ITEM NO:** 8

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

**APPLICATION NO:** 22/2007/0721/ PF

**PROPOSAL:** Erection of dormer bungalow

**LOCATION:** Land To Rear Of Bodhyfryd Gellifor Ruthin

**APPLICANT:** Mr & Mrs Neil & Ceri Twist

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. LLANGANHAFAL COMMUNITY COUNCIL  
No response received
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. Richard Mill, Y Glyn, 3 Tan y Foel, Gellifor
2. Judith Wynne, Bodhyfryd, Gellifor

Summary of Planning Based Representations

- i) Overlooking concerns
- ii) Concerns over loss of privacy

**MEMBERS' COMMENTS:** None.

**EXPIRY DATE OF APPLICATION:** 01/08/2007

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The site is a broadly rectangular piece of land with approximate dimensions of 30 metres in width by 15 metres in depth. The site is abutted by residential properties to all sides and is screened by fencing and hedges of around 2 metres in height. Immediately to the south of the site stands the residential property of Bodhyfryd with two new infill dwellings including a bungalow abutting the western side of the site.
2. The application proposes to erect a four bedroom detached dormer bungalow which will in effect be sub-divided into:
  - i) A one bedroom 'granny flat' providing a living room, and kitchen on the ground floor with a bedroom and en-suite bathroom above in the western end of the dwelling; and
  - ii) A three-bedroom dwelling with a study, hall, cloakroom, play room, dining room, living room and kitchen on the ground floor with three bedrooms and

two bathrooms above.

3. Following detailed discussion between the applicants and Officers over original concerns raised the scheme has been amended. The width of the building has been reduced from 19.5m to 17.7m and the depth from 11.2m to 9.75m (max). The development would result in a building footprint of 126sq.m which would equate to 31% of the overall plot. The finished floor level has been reduced by 300mm from the originally submitted scheme with a ridge height of 5.7m. Some 130sq.m of amenity space would be provided around the dwelling. Windows shown to be installed to the rear elevation of the proposed dwelling will be obscurely glazed to minimise any impact on neighbours.

**RELEVANT PLANNING HISTORY:**

4. 22/2004/0280/PO – Erection of one dwelling: Granted July 2004;

22/2007/0216/PO – Erection of two single-storey dwellings: WITHDRAWN

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 - Development Control Requirements  
Policy HSG 3 - Housing Development in Main Villages  
SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

6. The main issues raised by the proposal are:

- i) Principle
- ii) Scale and Siting
- iii) Impact on the adjacent dwellings
- iv) Highways and access

7. In relation to the main planning considerations above:

- i) Principle  
Policy HSG 3 allows for the infilling of sites within defined main villages. As such, the principle of the development is acceptable.
- ii) Scale and Siting  
As described above the scheme has been revised from an original submission where concerns were raised about overdevelopment of the plot and the impact windows would have on neighbouring dwellings. The whole footprint has been reduced and the building moved away from neighbouring boundaries. In terms of the plot ratio the dwelling only represents some 31% of the plot with over 130 sq.m of amenity space provided. This is comparable to other dwellings in this locality with the ridge height of the dwelling being 1m lower than the adjacent bungalow. It is considered, therefore, that having regard to the adopted policies and guidance the scheme does not represent an overdevelopment of the plot and in terms of its scale is comparable to others nearby.
- iii) Impact on adjacent dwellings  
The plot enjoys good boundary screening to most perimeters. The orientation

of dwellings in this location is such that there is no regular pattern of development with regular spacing. The proposed dwelling has been moved to create some 5m from the east wall of the dwelling and the boundary with the Chapel House. The dwelling has been moved back from the north boundary creating some 3.4m circulation to the boundary with Y Glyn and Tan Y Foel. Furthermore, the windows on the rear elevation facing these dwellings will be obscure glazed with the orientation of the existing dwelling also serving to minimise the impact. It is considered having regard to the existing distance between properties and the orientation and spacing around those recently built adjacent the proposal meets the relevant policy criteria and is acceptable in terms of impact on neighbours.

iv) Highways

The proposal is not considered to give rise to any substantive highways issues.

**SUMMARY AND CONCLUSIONS:**

9. The application is now acceptable and would result in an attractive dwelling which would compliment those nearby having no significant impact upon visual or residential amenity.

**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 external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. 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 the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
4. Notwithstanding the provisions of Class(es) [A,B,D,E] of Part [1] of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement 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.

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 maintain a reasonable standard of privacy in adjoining dwellings and gardens in

the interests of amenity

4. In the interests of residential and/or visual amenity.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Please see Welsh Water Notes attached.

**ITEM NO:** 9

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2006/1341/ PF

**PROPOSAL:** Construction of new driveway, entrance and parking areas

**LOCATION:** Ty'n Y Ddol Llanrhaeadr Denbigh

**APPLICANT:** Mr & Mrs D Kerrigan

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

7. LLANRHAEADR Y.C COMMUNITY COUNCIL  
"No Objection"
8. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection subject to conditions
9. LANDSCAPE ARCHITECT  
Awaiting response on amended plans

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

1. Mr. & Mrs. S. Alger, Bryn clwyd, Llanrhaeadr

Summary of planning based representations:

- i) The existing access to Ty'n Ddol is along a single narrow track which pass very close to Bryn Clwyd, construction traffic would pass close to the property and have an impact on amenity. The proposed track could be in place before any work starts on a previously approved schemes.

**EXPIRY DATE OF APPLICATION: 11/01/2007**

**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)
- additional information required from applicant
- further publicity necessary on additional information

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is in the open countryside and comprises of a redundant farm house and a single storey farm building within the curtilage area. The existing access is off the single lane road leading from the main A525 Denbigh to Ruthin

Road and is a single steep track passing the dwelling known as Bryn Clwyd.

2. The proposal is for the formation of a new driveway to Tyn Ddol and is proposed to be created to the south of the existing access to Bryn Clwyd. The land slopes down from the road towards Tyn Ddol and the length of track proposed is approximately 284m in length snaking down to the dwelling below.

**RELEVANT PLANNING HISTORY:**

3. **34/ 10083** – Construction of new access. Granted with no conditions on the 24/4/1989.

**23/ 2003/1092/PF**- Erection of extensions and alterations to existing dwelling, conversion of barn to form additional living accommodation and installation of new septic tank and vehicular access. Granted with conditions on the 19/11/2003.

**23/ 2004/0191/PF** – Erection of extension and alteration to existing dwelling, conversion of barn to create additional living accommodation and installation of new septic tank and vehicular access (amended details of those previously approved under 23/ 2003/0191/PF). Granted with conditions on the 19/5/2004

**23/2006/0918/PF** - Refurbishment of farmhouse, provision of link extension, first-floor pitched-roof extension, conversion of barn to living accommodation, provision of garage/utility block and new driveway. Refused on the 06/10/2006 and appeal dismissed.

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN3 – Development outside development boundaries  
Policy GEN6 – Development control requirements

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle
  - ii) Impact on visual amenity
  - iii) Impact on residential amenity
6. In relation to the main planning considerations as noted above:
  - i) Principle  
The principle is acceptable based on the planning history of the site.
  - ii) Visual amenity  
Concerns have been raised by the landscape architect in relation to the impact of the development on the landscape. The applicants have provided a landscape impact assessment which addresses the concerns raised by the landscape architect and as such the proposal is acceptable on the grounds of visual amenity. A condition can be attached to any approval to control the boundary treatment along the access track. The proposal is in accordance with Policy GEN6.
  - iii) Residential amenity  
Concerns have been raised by the residents of Bryn Clwyd in relation to construction traffic passing closely to the side of Bryn Clwyd. They request that the access track is in place before any work commences on the

farmhouse and outbuildings to safeguard their amenity. Permission granted in 2004 under code no 23/ 2004/0191/PF conditioned that the access track had to be in place prior to the work commencing on the farmhouse and outbuilding. As this application is a stand alone application for the track it is not possible to tie this to a previous permission via a condition. However, as the track has been conditioned as part of a previous permission, it will guarantee that a track will be in place before work commences on the farmhouse and outbuilding thus safeguarding the amenity of the residents of Bryn Clwyd.

**SUMMARY AND CONCLUSIONS:**

7. The application is for the formation of an access track. It is acceptable in principle and the concerns in relation to the impact on visual amenity have been overcome. Impact on the residential amenity of the residents of Bryn Clwyd can be overcome via condition.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Full details of the vehicular verge crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the access shall be completed in accordance with the approved plans before it is brought into use.
3. Prior to the commencement of development, further details of the boundary along the access track shall be submitted to and approved in writing by the Local Planning Authority and only those details subsequently approved shall be carried out on site and completed prior to the commencement of use of the access track.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
3. In the interest of visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 10

**WARD NO:** Bodelwyddan

**APPLICATION NO:** 40/2007/0709/ PF

**PROPOSAL:** Erection of lean-to extensions to dwelling

**LOCATION:** Pengwern Farm Nant Y Faenol Road Bodelwyddan Rhyl

**APPLICANT:** Mr & Mrs H Jones

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

**CONSULTATION RESPONSES:**

1. BODELWYDDAN TOWN COUNCIL  
"No objections"

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 31/07/2007**

**REASONS FOR DELAY IN DECISION:**

None

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The existing dwelling is the main farmhouse at Pengwern Farm. It is a two-storey rendered building with a slate roof. There is a garden area to the side of the property.
2. The application seeks permission to erect a lean to extension on the south elevation, measuring 9.8m (externally), almost the full length of the dwelling, and set back slightly from the front. This will provide an extension to the existing kitchen/dining area and lounge. The other element of the application is the proposed lean-to extension at the rear in place of the existing flat roof structure. This would measure 3.95m in width and 3.45m in length, and would be used as a shower room, utility and hall way. The materials proposed are to match the existing.
3. The application is presented to the Planning Committee as the applicant is related to a County Councillor.

**RELEVANT PLANNING HISTORY:**

4. None

**PLANNING POLICIES AND GUIDANCE:**



5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
GEN 6 – Development Control Requirements  
HSG 12 – Extensions to dwellings

SPG 1 – Extensions to dwellings  
SPG 24 – Householder Development Design Guide

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of proposal
  - ii) Visual amenity impact
  - iii) Residential amenity impact
7. In relation to the main considerations:
  - i) The principle of the proposal is acceptable in terms of Policies GEN 6 and HSG 12 of the Unitary Development Plan. The size and scale of the proposed extensions are considered subordinate to the original dwelling and would not represent an overdevelopment of the site.
  - ii) The visual impact is considered acceptable. The design and proposed materials are respectful to the character of the farmhouse, and as such the proposal complies with criteria contained in Policy HSG 12 of the Unitary Development Plan.
  - iii) It is not considered that the proposal would lead to a harmful residential amenity impact as there are no immediate neighbours to the site.

**SUMMARY AND CONCLUSIONS:**

8. The proposal complies with planning policy and the application is recommended for approval.

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

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

None

<b>ITEM NO:</b>	11
<b>WARD NO:</b>	Prestatyn South West
<b>APPLICATION NO:</b>	43/2007/0394/ PF
<b>PROPOSAL:</b>	Erection of 51 no. dwellings, construction of new vehicular and pedestrian access and associated works (site area 2.3 hectares)
<b>LOCATION:</b>	Land off Tip Lane Prestatyn
<b>APPLICANT:</b>	Anwyl Construction
<b>CONSTRAINTS:</b>	250m Of Landfill Site Public Footpath / Bridleways B Flood Zone
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

#### **CONSULTATION RESPONSES:**

##### 1. PRESTATYN TOWN COUNCIL

"Object. The site is designated open space and needs protecting. An environmental impact assessment should be undertaken prior to any further consideration to help protect wildlife, flora and fauna. Due to proximity of former landfill site additional gas/leachate/flood risk monitoring should be undertaken. There are known archaeological features on the site requiring further detailed investigation.

As proposed the large number of dwellings and inappropriate style of two and three storey dwellings adjoining predominantly bungalow style properties needs addressing. Over intensification and lack of open space cannot be substituted by commuted sum arrangements.

Poor highway access and impact of increased vehicle movements to and from site will significantly increase dangers to pedestrian and youngsters attending local schools. It is not known if all land required for proposed highway arrangements is in public ownership.

Due to extensive developments in other parts of the town there is already widespread concern about the lack of public support infrastructure e.g. healthcare facilities, overcrowding of local schools, drainage etc. Any further development would exacerbate this situation.

The proposed development may also set a precedent for other similar greenfield sites in the locality."

##### 2. COUNTY ARCHAEOLOGIST

No objections but recommends the inclusion of a watching brief condition

##### 3. PRINCIPAL COUNTRYSIDE OFFICER

No objection

4. LANDSCAPE ARCHITECT  
No objection
5. COUNTY ECOLOGIST  
No response
6. HEAD OF HOUSING SERVICES  
No objection, affordable housing proposed on the site is acceptable
7. LAND DRAINAGE UNIT  
No objection
8. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection subject to the inclusion of conditions
9. FOOTPATHS OFFICER  
No objection
10. PRINCIPAL GROUNDS MAINTENANCE OFFICER  
No response received but involved in discussions
11. DWR CYMRU WELSH WATER  
No objection subject to conditions
12. ENVIRONMENT AGENCY  
No objection subject to condition relating to finished floor levels
13. CADW  
No objection
14. CLWYD BADGER GROUP  
No response
15. COUNTRYSIDE COUNCIL FOR WALES  
No objection subject to the inclusion of a condition requiring mitigation and compensation schemes.
16. CONTAMINATED LAND OFFICER  
No objection subject to the inclusion of conditions.

**RESPONSE TO PUBLICITY:**

Letters received in response to public consultation from the Local Planning Authority:

1. R. & N. Phillips, Sparrows, 25, St. James Drive, Prestatyn
2. Mr O Cockayne, 104 Fforddisa, Prestatyn. LL19 8EE.
3. Mrs W Bradbury, 13 St Georges Drive, Prestatyn. LL19 8EH.
4. Mrs S Bones, 37 Princes Avenue, Prestatyn. LL19 8RW.
5. Mrs J M Slack, 106 Fforddisa, Prestatyn. LL19 8EE.
6. Mr Gareth Davin, 67 Winchester Drive, Prestatyn. LL19 8DQ.
7. Mr & Mrs Pedder, 101 Fforddisa, Prestatyn. LL19 8DY.
8. Mr & Mrs W E Sanderson, 45 Fforddisa, Prestatyn.
9. Paula Barker, 7 St Brelades Drive, Prestatyn. LL19 8EQ.
10. Mr & Mrs Shipley, 32 St James Drive, Prestatyn. LL19 8EJ.
11. Mr & Mrs Brown, 31 St James Drive, Prestatyn. LL19 8EJ.
12. Mrs J I Cook, 33 St James Drive, Prestatyn. LL19 8EJ.
13. Mr & Mrs Broadbent, 7 St James Drive, Prestatyn. LL19 8EJ.
14. S. Edwards (Sec) Prest & District Env. Assoc., 11, West Av, Prestatyn

15. D. Kelman, 5, St. Brelades Drive, Prestatyn
16. Mr. K. Wells, 12, Plastirion Avenue, Prestatyn
17. Mr. A. J. Robinson
18. Miss J. Morris, 82, Fforddisa, Prestatyn
19. Ann Jones AM National Assembly for Wales, 25 Kinmel St, Rhyl LL18 1AH
20. Mr. D. Neary, 148, Ffordd Idwal, Tower Gardens, Prestatyn
21. Mr. M. Dawson, 8, Canterbury Drive, Prestatyn
22. B M Rutherford, 109 Fforddisa, Prestatyn.
23. G Preston, 115 Fforddisa, Prestatyn. LL19 8DY.
24. Ms E Dyson, 110 Fforddisa, Prestatyn. LL19 8EE.
25. R Armstrong, 81 Fforddisa, Prestatyn. LL19 8DY.
26. P A Minton, 68 Fforddisa, Prestatyn. LL19 8ED.
27. Mr D Bacchus, 66 Fforddisa, Prestatyn. LL19 8ED.
28. L Davies, 31 The Meadows, Prestatyn. LL19 8EU.
29. G & E Taylor, 29 The Meadows, Prestatyn. LL19 8EU.
30. Mr R D Hunt, 53 St Georges Drive, Prestatyn. LL19 8EG.
31. Mr E Jones, 8 St Georges Drive, Prestatyn. LL19 8EH.
32. T Fall, 1 St Georges Drive, Prestatyn. LL19 8EH.
33. Mr G Bolt, 57 Ffordd Penrhwylyfa, Prestatyn. LL19 8BP.
34. G Jones, 55 Ffordd Penrhwylyfa, Prestatyn. LL19 8BP.
35. S H Smith, Railway Cottage, 2 Ffordd Penrhwylyfa, Prestatyn LL19 8AD
36. F M Hall, 18a St Chads Way, Prestatyn.
37. Mr & Mrs Bold, 58 Bangor Crescent, Prestatyn. LL19 8EN.
38. Mr E Baldwin, 102 Llandaff Drive, Prestatyn. LL19 8TT.
39. Miss R Crowther, 41 Canterbury Drive, Prestatyn. LL19 8ET.
40. Mr & Mrs A L Greaves, 13 Burlington Drive, Prestatyn. LL19 8AN.
41. Mrs M Mason, 10 St Brelades Drive, Prestatyn. LL19 8EQ.
42. A V Hughes, Arfryn, St Georges Drive, Prestatyn LL19 8EH
43. N Moth, 1 Chinchester Drive, Prestatyn
44. Mrs E Fletcher, 6 St James Drive, Prestatyn
45. W Dawson, 4 Bangor Crescent, Prestatyn
46. Ms S C Gough, 10 Bangor Crescent, Prestatyn
47. W B & K R Evans, 32 Bangor Crescent, Prestatyn
48. Mrs D Owen, 27 Bangor Crescent, Prestatyn
49. J L Bryce, 23 Bangor Crescent, Prestatyn
50. Mrs D Makin, 50 Bangor Crescent, Prestatyn
51. Louise Spencer, 40 Bangor Crescent, Prestatyn
52. A Holt, 8 Bangor Crescent, Prestatyn
53. Mr D Griffiths, 9 Bangor Crescent, Prestatyn
54. C Garry, 19 Bangor Crescent, Prestatyn
55. L & E Farnworth, 5 Bangor Crescent, Prestatyn
56. Mrs P A Evans, 1 Bangor Crescent, Prestatyn
57. S K Griffiths, 13 Bangor Crescent, Prestatyn
58. R Griffiths, 9 Bangor Crescent, Prestatyn
59. R J Church, 15 Bangor Crescent, Prestatyn
60. A J Bryce, 23 Bangor Crescent, Prestatyn
61. P Machin, 50 Bangor Crescent, Prestatyn
62. N Brown, 31 Bangor Crescent, Prestatyn
63. Mrs H Walker, 9 Chichester Drive, Prestatyn
64. K Mountford, 92 Fforddisa, Prestatyn
65. C Cooper, 98 Fforddisa, Prestatyn
66. P L Roberts, 96 Fforddisa, Prestatyn
67. Mr & Mrs J Butler, 59 Fforddisa, Prestatyn
68. M Wadell, 100 Fforddisa, Prestatyn
69. Mr & Mrs P Chadwick, 79 Fforddisa, Prestatyn
70. Mr G Jones, 62 Fforddisa, Prestatyn
71. E English, 88 Fforddisa, Prestatyn

72. Mr B English, 88 Fforddisa, Prestatyn
73. Phillips, 50 Fforddisa, Prestatyn
74. Mrs B L Hutchinson, 107 Fforddisa, Prestatyn
75. Mr J Baker, 94 Fforddisa, Prestatyn
76. Mrs M J Barritt, 84 Fforddisa, Prestatyn
77. Mr W Brown, 87 Fforddisa, Prestatyn
78. W J Dale Bloor, 102 Fforddisa, Prestatyn
79. C Roberts, 96 Fforddisa, Prestatyn
80. Mr S Seaborn, 90 Fforddisa, Prestatyn
81. J Norris, 26 St James Drive, Prestatyn
82. Mr V Sudlow, 1 St Brelades Drive, Prestatyn
83. Mr & Mrs Lloyd, 35 St Georges Drive, Prestatyn
84. Z Cretney, 3 St Georges Drive, Prestatyn
85. F Radtienid, 5 St Georges Drive, Prestatyn
86. Mr G Lewis, 7 St Georges Drive, Prestatyn
87. Mr E Gibbins, 27 St Georges Drive, Prestatyn
88. I Dugdale, 32 St Georges Drive, Prestatyn
89. Mr & Mrs Euston, 46 St Georges Drive, Prestatyn
90. Mrs Standing, 49 St Georges Drive, Prestatyn
91. Ms P Harrison, 45 St Georges Drive, Prestatyn
92. Mr R L Jackson, 9 St Georges Drive, Prestatyn
93. Mr & Mrs J G Euston, 46 St Georges Drive, Prestatyn
94. R P Cook, 14 St James Drive, Prestatyn
95. A Henderson, 35 St James Drive, Prestatyn
96. Mr K Jones, 34 St James Drive, Prestatyn
97. Mr R Henderson, 35 St James Drive, Prestatyn
98. J L Darlington, 23 St James Drive, Prestatyn
99. Whalley, 19 St James Drive, Prestatyn
- 100.D Brown, 31 St James Drive, Prestatyn
- 101.D Laverty, 18 St James Drive, Prestatyn
- 102.L Kemp, 18 St James Drive, Prestatyn
- 103.Mrs V Jones, 34 St James Drive, Prestatyn
- 104.Mrs P Driscoll, 21 St James Drive, Prestatyn
- 105.C G Chestney, 31 St James Drive, Prestatyn
- 106.A Richardson, 17 St James Drive, Prestatyn
- 107.Mr R L Burke, 119 Winchester Drive, Prestatyn
- 108.Mr D G Wilson, 107 Winchester Drive, Prestatyn
- 109.Mrs B Carter, 117 Winchester Drive, Prestatyn
- 110.A Goodwin, 133 Winchester Drive, Prestatyn
- 111.Mr A Britton, 129 Winchester Drive, Prestatyn
- 112.Mr K S Pearce, 105 Winchester Drive, Prestatyn
- 113.L S Pearce, 105 Winchester Drive, Prestatyn
- 114.K C Clarke, 48 Winchester Drive, Prestatyn
- 115.Mr & Mrs R Baker, 85 Winchester Drive, Prestatyn
- 116.L R Davidson, 91 Winchester Drive, Prestatyn

Summary of planning based representations:

- i) Loss of open space
- ii) Impact on character of the area
- iii) Impact on local wildlife
- iv) Drainage & Flooding issues
- v) Impact on privacy of neighbouring properties
- vi) Concerns over design, layout and density
- vii) Highway safety issues
- viii) Contamination issues

**EXPIRY DATE OF APPLICATION: 14/08/2007**

## **REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- negotiation, amendments and reconsultation

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. The application site comprises 1.8ha of vacant land off Tip Lane, within the development boundary of Prestatyn. Along the south western boundary is a small animal shelter as the site was previously used for the grazing of horses/donkeys. The site slopes gradually from south east to north west. There is currently no vehicular access to the site. Fronting Tip Lane are a line of aspen trees with the remaining area of the site covered by overgrown grass and some shrubs.
2. To the north west and south east boundaries, the site adjoins existing single storey development on Winchester Drive and Fforddisa. To the north eastern boundary is Tip Lane with further residential development on St George's and St James's Drive adjacent. To the south western boundary is 112 Fforddisa and its grounds, which is a 2 storey dwelling with annexe to the rear. The physical boundaries of the site are a mixture of domestic fences, timber post fencing and hedging.
3. This application is for the development of the site by erection of 51no. dwellings, construction of new vehicular access and associated works. The total site area is 2.3ha which includes all of the land proposed to make highway improvements. The application has been accompanied by:-
  - (i) A Planning and Design Statement
  - (ii) Transport Statement
  - (iii) Flood Consequences Assessment
  - (iv) Drainage Report
  - (v) Ground Investigation Report

### **RELEVANT PLANNING HISTORY:**

None

### **PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy HSG 2 Housing development in Main Centres
  - Policy GEN 1 Development within Development Boundaries
  - Policy GEN 6 Development Control Requirements
  - 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 REC 2 Amenity & Recreational Open Space Requirements in New Developments
  - Policy ENP 6 Flooding
  - Policy CON 10 Scheduled Ancient Monuments
  - Policy ENP 8 Contaminated Land

Supplementary Planning Guidance 4: Recreational Public Open Space  
Supplementary Planning Guidance 21: Parking Requirements in New Developments  
Supplementary Planning Guidance 22: Affordable Housing in New Developments  
Supplementary Planning Guidance 25: Residential Development Design Guide

GOVERNMENT GUIDANCE:  
Planning Policy Wales (March 2002)

TAN 12: Design (2002)  
TAN 15: Development & Flood Risk (2004)  
TAN 18: Transport (2007)

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of development
  - ii) Archaeological Issues
  - iii) Impact on residential amenity
  - iv) Impact on visual amenity/character of the area
  - v) Highway considerations
  - vi) Affordable Housing
  - vii) Open Space
  - viii) Drainage
  - ix) Flooding
  - x) Wildlife
  - xi) Contaminated Land
  
6. In relation to the main planning considerations noted above:
  - i) Principle of development

The application site is located within the development boundary of Prestatyn. The principle of residential development is considered acceptable provided the proposal complies with all other relevant planning policies. The flood risk issue is dealt with below.
  
  - ii) Archaeological Issues

The site was a Scheduled Ancient Monument until March 2006, when CADW deleted the site from the scheduled ancient monument register. The reasons for the de-scheduling are that excavation and geophysical surveys undertaken since this site was scheduled have recovered no archaeological evidence to support the original interpretation indicating the presence of a Roman Fort. The County Archaeologist has raised no objection to this application but should permission be granted, would like to see a watching brief condition attached, which would ensure the presence of a contracted archaeologist on site. Thus, notwithstanding Policy CON 10 the proposal is considered acceptable on archaeological grounds.
  
  - iii) Impact on residential amenity

The layout of the site has been designed having consideration to the siting of the existing development which surrounds the site. The properties on Fforddisa are located at a higher ground level than the application site and the proposed dwelling adjacent to the boundary with these properties have been located in excess of 21m away where principal elevations front one another, and in excess of 14m where the side elevations front the rear elevations of properties on Fforddisa. Along the boundary adjoining Winchester Drive, the properties are located well away from the boundary of the site and again are well in excess of 21m. The house types proposed have 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 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.

The number of dwellings proposed will inevitably result in levels of disturbance and loss of existing levels of amenity permitted by a long standing vacant site, to local residents but it is not considered the impact would cause such a significant detriment to warrant refusal.

iv) Impact on visual amenity/character of the area

The majority of the surrounding properties are single storey and therefore concerns have been expressed in relation to 2 storey development in this area. Due to the sloping nature of the site, acceptable landscaping and the use of appropriate external materials it is not considered that the development would result in an adverse impact on the visual amenities of the area. The density of the development is similar to the density of nearby development, with an area measuring 1.8ha at St James's/St George's Drive area containing 49 units. It is not considered that the density of the proposal is an over-intensive development and relates to the density of nearby development. Whilst the concerns relating to 2 storey development in an area of predominantly single storey development are acknowledged, the scheme has been designed to take this into account, the spacing between the dwellings exceeds accepted guidelines.

v) Highway considerations

The application has been accompanied by a Transport Assessment and proposes a number of alterations relating to highway matters. In summary, the key elements are:- minimum corridor operating width 5.5m between the junction with Fforddisa and north eastern extent of site frontage; provision of full standard cycleway/footway facility along the development frontage and connecting to new pelican crossing facility at Fforddisa; improved pedestrian footway facility on eastern side of Tip Lane in the vicinity of the junction with Fforddisa; new site access junction located at 45m offset from St George's Drive access. Access provided with 6m radii and minimum 4.5m by 70m sightlines along site frontage; improvements to the St George's Drive/Tip Lane junction to increase junction radii and improved visibility to 2.4m by 44m in the leading direction and 2.4m by 33m in the non-leading direction and realignment of Tip Lane on the approach to the Fforddisa terminal junction to provide a new higher standards T junction access with 10.5m minimum 2.4 by 90m sightlines in each direction.

In addition to the improvements along the Tip Lane corridor, additional off-site improvements are proposed at Fforddisa and the opposite access route of Princes Avenue. The key elements are: - new pelican crossing facility provided at Fforddisa between new Tip Lane junction and existing Princes Avenue access; removal of existing verges in the vicinity of the new junction and crossing facility to increase available footway and to allow extension of marked cycle route to Fforddisa and Princes Avenue; Operating carriageway on Princes Avenue approach to Fforddisa to be narrowed to provide off-street section of combined walk/cycle route; provision of new double yellow line controls and pelican crossing zig-zag markings to protect main carriageway approaches from inappropriate on-street parking and re-location of existing bus stop on Fforddisa to avoid conflict with new crossing and junction layout.

The Head of Highways has raised no objection to the scheme and in the event of planning permission being granted recommends the inclusion of conditions to ensure satisfactory details are submitted for approval in relation to the contents of the Transport Assessment/improvements proposed. No



objections are raised to the proposal on highway safety grounds.

vi) Affordable Housing

The applicants have confirmed the intention to make 15 of the units available for affordable purposes. This would be consistent with the SPG on affordable housing and can be secured through a Section 106 obligation.

The submitted information confirms the following :

Site Area (excluding area for highway improvements)	1.8ha
No. of affordable houses	15 no - On Site
Plot No's	8 – 16 inc & 46 – 51 inc
Tenure	Social Rented & Low Cost Homeownership
House type	6 no. apartments, semi detached & mews
No. of bedrooms	11 no. 2 bed & 4 no. 3 beds
Floor area	Ranges from 50 sqm to 86 sqm
Timing of AH availability in relation to market value units	To be agreed in the S106, possible 50% trigger
Housing Association Involvement	Social Housing Grant possibly available for houses. Pennaf have expressed interest in the houses for rent.

Floorspace area of units where its possible Social Housing Grant is available complies with the Design Quality Requirements set by WAG.

Current available waiting list (July 2006) indicates the following details for the Community of Prestatyn:

	1 bed flat	1 bed. House.	2 bed. bungalow	2 bed. flat	2bed. house	2 bed. bungalow	3.bed. house.	3 bed. bungalow	4 or more bed. house	TOTAL
General	522	13	89	441	425	92	397	23	136	2138
Sheltered	157	0	176	144	0	183	0	4	0	664
TOTAL	679	13	265	585	425	275	397	27	136	2802

vii) Open Space

The application proposed a children's play area on the site, with an area of 1517 sqm, which exceeds the standard in SPG 4. The siting of the play area in relation to proposed dwellings meets spacing standard, with acceptable buffer zones provided around it. In relation to the community recreational open space (CROS), the applicant is proposing a payment of a commuted sum in lieu of provision of open space on the site. The sum can be used to develop / enhance existing recreation facilities and open areas in the locality,

where it would be of more obvious community value. This would be a beneficial approach in this instance. This arrangement could be secured through the completion of a Section 106 agreement.

viii) Drainage

A drainage report has been submitted with the application. Dwr Cymru Welsh Water have raised no objection to the proposal to connect to the public sewer system. With regard to surface water drainage, there are limits to the water flows allowed, which should not exceed 430 litres a second and therefore on site attenuation is required in the form of storage tanks which will be covered by a Section 104 agreement and adopted by Dwr Cymru Welsh Water. Residents have raised objections to the development in the light of recent issues with flooding and the adequacy of drainage systems to cope. The statutory consultees have not altered their position of “no objection” at the time of writing this report.

ix) Flooding

The northern extremity of the site is located within a Zone C1 floodplain whereas the majority of the site, including areas to accommodate housing, lie within a Zone B (generally suitable for all forms of development) and therefore obliges due consideration of the advice in TAN 15 – Development and Flood Risk. The view is taken that with regard to the justification tests of TAN 15, the development of windfall sites offering the possibility of affordable dwellings is in support of the Council’s strategy to sustain settlements, and that the development conforms with the aims of Planning Policy Wales. Whilst the land is not a brownfield site, the remaining consideration in Section 6 of TAN 15 has been clearly addressed. A Flood Consequences Assessment has been submitted and the Environment Agency has confirmed they are satisfied the flood risk can be managed to an acceptable level with a condition relating to minimum floor levels on certain plots (northern boundary) to be imposed should permission be granted. Given that the vast majority of the site lies outside Zone C1, the proposal is acceptable.

x) Wildlife

An ecological survey has been carried out and it has been confirmed that there is an active badger set local to the site, but not actually on the site itself. Badgers would cross the site to gain access to the sett and therefore it is proposed to provide a 2m wide corridor/strip of land along the northern boundary of the site to maintain this access. The Countryside Council for Wales have raised no objection to the proposal but in the event that planning permission be granted, would recommend a condition be attached requiring the submission of mitigation measures and compensation schemes. These could include Reasonable Avoidance Measures such as timing of operations and erection of barrier fencing. There are no other wildlife interests of significance on the site.

xi) Contaminated Land

A detailed Ground Investigation Report has been submitted with the application and has been evaluated by the Council’s Contaminated Land Officer, who is satisfied that any issues relating to the proximity to the landfill site. The report concludes that there is no evidence of any excessive chemical contamination but that properties in a part of the site should be provided with a membrane to exclude landfill gases. This would be controlled in detail at building regulations site and by condition No. 13.

**SUMMARY AND CONCLUSIONS:**

7. This application provides an acceptably designed development, and subject to control over detailing would an acceptable scale of development within a long established residential area. The density of development would not lead to unacceptable relationship with existing properties and the spaces between existing and proposed dwellings, garden areas proposed and the general layout meets policy criteria and supplementary guidance/standards for residential development. The Environment Agency are satisfied at the conclusions of a Flood Consequences Assessment which confirms proposed floor levels of certain plots are acceptable. The highway alterations proposed are considered acceptable and an overall improvement in the area with sufficient off street parking to be provided within the site. Drainage arrangements are considered acceptable.

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act to secure

- (a) The provision of 15 affordable housing units and the retention of these units for affordable purposes
- (b) The payment of a commuted sum for provision and maintenance of open space of £106,916.40 apportioned as follows:

CROS Provision Costs
£46,781.28
CROS Maintenance Costs
£44,541.36
Childs Maintenance Costs
£15,593.76

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. 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 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.

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

5. The finished floor levels of plots 26-33inc and 46-51inc shall be set no lower than 5.85m AOD.

6. 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.

7. Full details of the widening of Tip Lane, cycle/footway link, controlled pedestrian crossing, access improvements and associated highway works as indicated in the Transport Statement dated 19th March 2007, 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, drainage and the highway improvement works shall be fully constructed in accordance with the approved details before any housing development commences.

8. The detailed layout, design, means of traffic calming, signing, drainage and construction of the internal estate roads shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site.

9. Prior to the commencement of the development detailed mitigation proposals and compensation schemes in respect of the badgers shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the implementation of Reasonable Avoidance Measures.

10. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.

11. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.

12. No work shall be permitted to commence until there has been a phased gas investigation carried out over the entire site to ascertain whether the development is at risk from gases escaping from the ground, such investigation should consist of a desk study and it deemed necessary within said study a gas survey in accordance with CLR11 ("Model Procedures for the Management of Land Contamination") and C659 ("Assessing risks posed by hazardous ground gases to buildings") and to include gas monitoring data; and the contents of the investigation and its conclusions are submitted to the Local Planning Authority for assessment.

13. In the event that the site survey required by condition 12 of this permission reveals a hazard from gas, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify the risks to property, building materials, future users of the site and any other person; and written approval of the Local Planning Authority has been obtained to detailed proposals for addressing the risks and specific measures for protection against the hazard from gas. The

development should not be occupied/used until a Validation report prepared by an independent and suitably experienced third party to show that the works have been satisfactorily carried out and has been submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. 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 archaeological investigation and recording.
5. To minimise the risk of inundation.
6. 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.
7. 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.
8. 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.
9. In the interests of nature conservation.
10. In the interests of visual amenity.
11. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
12. To ensure that the extent of the hazard from gas is established and that adequate steps are to be taken to deal with the hazard from gas.
13. To ensure that the extent of the hazard from gas is established and that adequate steps are to be taken to deal with the hazard from gas.

#### **NOTES TO APPLICANT:**

Public Footpath no 39 about the development site and therefore your attention is drawn to the following advisory notes:

- \* There is no diminution in the width of the right of way
- \* No building materials are stored on the right of way
- " No damage to the surface, temporary or permanent. If surface is to be altered, a license is required. This can be obtained by contacting the Public Rights of Way Section n 01824 706872
- \* Vehicle movements should not interfere with the public's use of the way
- \* No additional barriers are placed across the right of way, of either temporary or permanent nature
- \* The safety of members of the public using the right of way is ensured at all times

Due to the site's partial location within a floodplain, it is recommended that the inclusion of flood proof construction techniques are incorporated into the design of plots 26 - 33 inc and 46 - 51 inc.

Further advice on compliance with planning conditions 11, 12 & 13 may be obtained by contacting Denbighshire County Council's Public Protection Department on 01824 706137. Should it be identified within the investigation that contamination may affect other receptors other than site users then it is recommended that these issues are addressed in consultation with the Public Protection Department prior to commencement of works so as to avoid enforcement under Part IIA of the Environmental Protection Act, 1990. 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).

<b>ITEM NO:</b>	12
<b>WARD NO:</b>	Prestatyn East
<b>APPLICATION NO:</b>	43/2007/0698/ PF
<b>PROPOSAL:</b>	Demolition of existing care home and redevelopment of land by the erection of extra care facility, to include 61 no. 1 and 2 bedroom flats
<b>LOCATION:</b>	Llys Nant Marine Road Prestatyn
<b>APPLICANT:</b>	Wales & West Housing Association
<b>CONSTRAINTS:</b>	C1 Flood Zone
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

## 17. PRESTATYN TOWN COUNCIL

"No objection. The adjoining children's play area and open space must be protected. Further details of arrangements between Denbighshire County Council, developers and local school for this area should be provided."

## 18. HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to the inclusion of conditions controlling parking and turning within the site and closing off existing accesses.

## 19. ENVIRONMENT AGENCY

No objection subject to condition to ensure the development is carried out in accordance with the measures specified in the Flood Consequences Assessment.

## 20. WELSH WATER

No objection subject to conditions.

## 21. COUNTY ARCHAEOLOGIST

No reply.

## 22. HOUSING SERVICES

No reply.

**RESPONSE TO PUBLICITY:**

Letters of representation were received from the following:

1. R W Reeve, 1 Manod Road, Meliden
2. Mr. A. Tomlinson, 6, Princes Avenue, Prestatyn (3)
3. Shaun Banks, 4 Beach Avenue, Prestatyn

Summary of planning based representations:

- i) Hideous scale and design of the proposal – appears to reflect a two tier approach to development proposals depending on whether private or public sector.
- ii) Question whether UDP and highway criteria are met.
- iii) Detrimental impact on amenity of area with Victorian school and terrace opposite.
- iv) Questions need for this particular type of care and who the flats are to be provided for.
- v) Concern about those who rely on Llys Nant for day care and existing residents of Llys Nant.
- vi) Concern about loss of building which is providing an essential community service for the elderly who require care. Alternative sites exist for extra care housing.
- vii) Impact on outlook and privacy from single storey property to rear and potential loss of light and over shadowing of rear gardens.

**EXPIRY DATE OF APPLICATION: 30/07/2007**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. Full planning permission is sought for the redevelopment of the Llys Nant care home site for the erection of 61 no. one and two bedroom flats for extra care (34 x 1-bed, 27 x 2-bed). The development effectively provide up to 5 floors of accommodation described in more detail below.
2. The site slopes from front to rear (south to north) down towards the Prestatyn Gutter beyond the northern boundary. There is a residential property to the north and south, a commercial garage to the east, and a playing field to the west. On the Marine Road frontage the development would comprise a three storey building stepping up to four storeys with a basement moving into the site. At the rear of the site the building would step down to four storeys including lower ground floor and three storeys including a lower ground floor at it's northern extremity. Accommodation would be provided as follows:
 

Lower ground floor – plant and storage and ancillary staff areas with a ramp down to a parking area for 31 no. car parking spaces with turning areas.

Upper ground floor – main entrance from Marine Road with reception area, dining, communal lounge, with services for residents, and 14 no. flats. Visitor parking and drop off area to site frontage.

First floor – 22 no. flats including 2 no. twin bed health care units with communal living and kitchen.

Second floor – 16 no. flats with roof garden to rear.

Third floor – 9 no. flats with roof garden to front
3. The design approach to the development is modern with flat roof buildings with a mixture of render, brick work and timber cladding to the elevations, punctured by fenestration to the accommodation including larger areas of glazing to circulation

areas such as stair cases and corridors. A feature wall is proposed with a green colour to provide identity to the main entrance and provide opportunities for signage.

4. The application has been accompanied by:
  - i) A Flood Consequences Assessment
  - ii) A Design Statement
  - iii) An Access Statement

These will be referred to later in this report.

5. The application is submitted on behalf of Wales and West Housing Association but has the support of the County Council in terms of its ownership of Llys Nant and as housing enabler, including extra care housing. The supporting documentation indicates that the existing facility, which provides bedrooms as opposed to self contained accommodation, does not satisfy recent legislation improvements and the existing accommodation does not lend itself to the improvements required. It is stated that for an extra care housing scheme to be viable a unit of approximately 60 apartments is required.

#### **RELEVANT PLANNING HISTORY:**

6. Various historic permissions relating to development and extension of care home. None directly relevant to this application.

PRE/226/94 - proposed residential development of playing field to west by Clwyd County Council – Dismissed on appeal in 1/9/1994

#### **PLANNING POLICIES AND GUIDANCE:**

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

Strategic Policies

Policy STRAT 1 – General

Policy STRAT 5 – Design

Policy STRAT 6 – Location

Policy STRAT 13 – New Development

Policy STRAT 15 – Housing

Policy STRAT 16 – Community Facilities and Benefit

Detailed policies

Policy GEN 1 – Development Within Development Boundaries

Policy GEN 2 – Development of Unannotated Land

Policy GEN 6 – Development Control Requirements

Policy EMP 6 – Flooding

Policy HSG 2 – Housing Development in Main Centres

Policy HSG 10 – Affordable Housing within Development Boundaries

Policy RET 2 – Amenity and Recreational Open Space Requirements for New Developments

Policy CF 1 – Community Facilities – General

Policy CF 5 – Residential Institutions

Policy TRA 6 – Impact of New Development on Traffic Flows

Policy TRA 8 – Transport Requirements in Major Developments

Policy TRA 9 – Parking and Servicing Provision

Supplementary Planning Guidance

SPG 2 – Landscaping

SPG 4 – Recreational Open Space



SPG 7 – Self Contained Flats  
SPG 8 – Access for All  
SPG 21 – Parking Requirements in New Developments  
SPG 22 – Affordable Housing in New Developments  
SPG 23 – Model Design Guide for Wales – Residential Development

#### GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)  
TAN 2 – Affordable Housing  
TAN 15 – Development and Flood Risk  
TAN 18 - Transport

#### MAIN PLANNING CONSIDERATIONS:

8.

- i) Principle of the development
- ii) Flood risk
- iii) Design and impact on visual amenity
- iv) Inclusive design / access for all
- v) Impact on residential amenity
- vi) Transport, highways and parking issues
- vii) Affordable housing
- viii) Open space

9. In relation to the main considerations:

i) Principle of development

The site comprises previously development land within the Prestatyn settlement boundary as defined by the UDP. It lies relatively close to the town centre and other facilities and is well served by public transport including bus routes along Marine Road and the town railway station within some 300 m of the site. The site has no specific annotation within the UDP but the principle of development is supported by strategic policies and policies GEN 1, GEN 2, HSG 2, CF 1, and CF 5. The Council as landowner and housing enabler in partnership with the registered social landlord (RSL) consider there is a significant need for extra care housing in Prestatyn and have identified this site as one which can be developed having considered other options as unfeasible. It is understood that the accommodation to be provided would not only serve existing residents of Llys Nant but a wider element of elderly persons able to live independently but with support on the doorstep.

ii) Principle taking into account flood risk issues

TAN 15 requires that the Local Planning Authority consider the justification tests within paragraph 6 and assess the consequences of flooding. As indicated above, the development is justified and supports the strategy of the Council as both housing provider and planning authority. The site is previously developed land. The Flood Consequences Assessment submitted with the application indicates that, whilst the site is located within a Flood Risk Zone C1, the site is defended and a significant buffer of over 550 m exists between the defences and the site. All residential accommodation is proposed above the lower ground floor at a minimum level of 6.41 m AOD. Taking into account these factors the Environment Agency consider that the risks and consequences of flooding can be accepted and managed and therefore raise no objection subject to the mitigation set out within the FCA including that all residential accommodation be restricted to ground floor and above.

iii) Design and Impact on Visual Amenity  
The proposal would represent a substantial new modern building of a site currently occupied by predominantly dated flat roofed buildings of maximum 3 storey height. The surrounding area comprises a mix of commercial and residential uses with no cohesive character. The most substantial buildings in the area, aside from Llys Nant itself, are 3 storey Victorian properties to the south and south west of the site on the opposite side of Marine Road. Whilst the building is of significant scale it is considered that the use of a variety of materials, stepping of the building, design features, and articulation within the site with buildings grouped around the court yard, would result in an imposing but acceptable building which in overall terms would lift the appearance of the area. This is supported by the Design Statement.

iv) Inclusive Design  
The Access Statement indicates that the design layout of the building can meet all the requirements of Approved Document M of the Building Regulations. It is noted that the ground / entrance floor level has been set at a higher level than the existing accommodation due to the need to mitigate against flood risk issues. Suitable ramps and stairs are provided between the frontage area, including accessible parking spaces and ambulance drop offs, and the building. Similarly the parking and drop off areas at lower ground floor level allow level access to lifts serving all the floors of the building.

v) Impact on neighbours  
The site has a playing field to the west and commercial buildings to the east. Thus, the properties affected are those beyond the Prestatyn Gutter to the north on Highbury Avenue and Beach Avenue and those opposite on the south side of Marine Road. The front elevation of the building facing Marine Road is effectively 3 storeys with a roof garden stepping up to 4 storeys above the lower ground floor some 26 metres into the site. The main front elevation would be set back some 18 metres from the site frontage and around 39 metres from properties opposite. This is a significant distance well in excess of the minimum spacing standards normally applied to residential development.

In relation to the rear, and in particular the impact on 4 Beach Avenue, this is more significant as a minimum distance of some 20 metres can be achieved between the rear effectively 3 storey elevation with a roof garden and the nearest part of the dormer bungalow immediately to the rear. However, the sites are separated by the Prestatyn Gutter and vegetation to both site boundaries. The impact is adjudged to be acceptable, notwithstanding the fact that it is marginally below the minimum separation distances of 21 metres normally apply to residential developments.

vi) Transport, highways and parking  
As noted above the site is well served by public transport and lies relatively close to the town centre and other services. Thus, it is a sustainable location in transport terms.

The proposal involves a single point of access to the south west corner of the site compared to the existing arrangements involving two vehicular access points. The access would have good visibility along the straight main road and would avoid conflict with the pedestrian crossing fronting the site. Highway Officers consider the highway arrangements to be acceptable. Parking provision includes 31 no. spaces at ground floor level including 6 no. accessible parking spaces. 7 no. spaces are shown to the site frontage, including 3 accessible spaces. SPG 21 indicates a maximum provision of 1

space per 2 units for “sheltered housing”. The provision equates to this maximum standard, taking into account the inclusion of visitor bedrooms and community space available to the wider elderly population.

vii) Affordable Housing

The scheme is to be developed by an RSL in partnership with the Council and funded by social housing grant. In these respects sufficient controls exist to ensure that the scheme meets housing needs in the vicinity at an affordable level. Thus, further controls through a Section 106 obligation or planning conditions are not considered necessary. The scheme meets the requirements of Policy HSG 10 and SPG 22 which takes into account the need for supportive housing.

viii) Open Space Provision

The scheme includes space both internally and externally for passive recreation e.g. terraced gardens and communal lounge. Provision of a public open space within the development would not be appropriate given the specific characteristics. However, it is considered that some provision should be made towards community recreation open space and a figure has been proposed of £30,000. This is consistent with the approach taken on the extra care development in Rhyl. Whilst not meeting fully the requirements of Policy RET 2 and SPG 4 it is considered to represent a reasonable compromise taking into account the likelihood of residents engaging in outdoor recreation and occupancy levels.

**SUMMARY AND CONCLUSIONS:**

10. The principle of development is supported. Whilst the scale and design of the building will result in an imposing presence its overall impact is considered to be positive. The development is considered to have a satisfactory relationship with neighbours and technical requirements are met with no objections from statutory consultees.

**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. All existing accesses to the site which are capable of use by vehicles shall be closed immediately the junction between the proposed access road and the highway has been constructed to the standard agreed pursuant to other conditions of this permission. Prior to the closure taking place details of the method of closure shall be submitted to and agreed in writing with the Local Planning Authority.
3. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
4. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final

contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.

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

6. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.

7. The occupancy of the self-contained flats hereby permitted shall be limited to persons aged 55 and over.

8. The use of the premises hereby permitted shall not commence until the parking spaces shown on the approved plan have been surfaced and marked out.

9. The development shall be carried out strictly in accordance with the measures set out in the Flood Consequences Assessment dated June 2007, to include that all residential accommodation be restricted to upper ground floor and above (i.e. at or above 6.41 AOD).

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 highway safety.
3. To ensure satisfactory drainage of the site and to avoid flooding.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interests of visual amenity.
7. To reflect the level of parking and open space provision.
8. In order that adequate parking facilities are available within the curtilage of the site.
9. To minimise the risks of flooding.

#### **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).

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.

Foul effluent only should be drained to the public sewer. Surface water will need to drain to soakaways or, if available, a ditch/watercourse in the vicinity of the site.

Please note the existence of public sewers close to the site. You should contact Welsh Water for more information.

**ITEM NO:** 13

**WARD NO:** Prestatyn Central

**APPLICATION NO:** 43/2007/0790/ PF

**PROPOSAL:** Change of use from Class A1 shop to Class A2 financial/professional office (Cheque Centre)

**LOCATION:** Alec Edwards 56 High Street Prestatyn

**APPLICANT:** Cheque Centre Properties Limited

**CONSTRAINTS:** C1 Flood Zone

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

**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL  
'Object, Loss of retail property from the High Street Conservation Area'

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 16/08/2007**

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal is for the change of use of the A1 retail unit at 56 High Street in Prestatyn to an A2 financial service office. No structural alterations are proposed to the unit.
2. In a statement of support the agents have outlined the following;  
The applicants are 'Cheque Centre', a financial service which has five functions, cheque cashing, pay-day advances, foreign exchange, share certificate cashing and loans. The intended hours of operation will be 0900 hours to a maximum of 2000 hours. A typical branch will usually receive 50 customers per day. The agents have advised that they have been marketing the unit for alternative retail use for 4 months.
3. Located on the western side of High Street on the junction with Penisardre Road, no 56 is the end unit in a block of 7 units. The previous use of the unit was a shoe shop.

**RELEVANT PLANNING HISTORY:**

4. Various applications for alterations, none for change of use.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 - Development Control Requirements  
Policy CON 5 - Development within Conservation Areas  
Policy RET 5 - Principle Shopping Frontages in Town Centres: Non A1 Uses

**MAIN PLANNING CONSIDERATIONS:**

6. The main issues are considered to be:
  - i) Principle
  - ii) Visual Appearance/ Impact on the Conservation Area
  
7. In relation to the main planning considerations above:-
  - i) The principle of the proposal is acceptable and in keeping with Policy Ret 5 which relates to non A1 uses. At present there is a mix of uses on the retail frontage. Of seven units in this block there is one A3, one A2 and four A1 retail units. The proposal does not create a concentration of three non A1 uses. Owing to the nature of the use is it considered that the proposal will compliment the retail function of the town centre. As such the proposal will not impact on its character, vitality and viability.
  
  - ii) As the proposal is to establish the principle the change of use to A2 the proposal will not impact on the character of the Conservation Area. Any new shop front would require a separate planning permission.

**SUMMARY AND CONCLUSIONS:**

8. The proposal is acceptable and is recommended for permission.

**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:** 14

**WARD NO:** Rhyl South West

**APPLICATION NO:** 45/2007/0742/ PF

**PROPOSAL:** Erection of extension and alterations to provide additional workshop area

**LOCATION:** Bridge Garage 129 Marsh Road Rhyl

**APPLICANT:** Mr W Skeffington

**CONSTRAINTS:** C1 Flood Zone

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

**CONSULTATION RESPONSES:**

1. RHYL TOWN COUNCIL  
‘Object on grounds of increased street customer parking. It is understood that the current business relies on street parking for customers and the proposal as submitted will exacerbate the situation to the detriment of local residents, neighbouring business and road users’.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection. It appears from the plans that the existing workshop is to be extended by 1m in width, approx 20 m<sup>2</sup>. There is no loss of forecourt parking area and in my opinion the proposed small scale development will not significantly increase any problems on the existing highway.

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

1. Mrs Roose, 26 Buxton Court, Rhyl, LL18 2JN

Summary of representations:

- i) Concerns over Highway Safety

**EXPIRY DATE OF APPLICATION: 29/08/2007**

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. Alterations to Bridge Garage are proposed, comprising of a rebuild in brown upvc profile sheeting with a low pitched roof of 5.5m maximum height. The application consolidates the previously approved extensions on the north and western sides of the garage and will result in visual appearance of the existing garage matching the extensions. A minor extension of approximately 1m in width is proposed along the western side to accommodate the structural frame of the new building.

2. The site is located on the northern side of Marsh Road, with dwellings to the east and west and the approach road to the 'H' Bridge and railway line to the rear. There is a mix of commercial and residential uses in the area.

**RELEVANT PLANNING HISTORY:**

3. **45/2006/224/PF** - Extension to provide covered parking/storage area at rear and alteration to roof design and part rebuild. Granted 21/07/06

**45/2005/1223/PF** - Raising roof height to part of premises. Granted 16/12/05

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy Gen 6 - Development Control Requirements  
Policy EMP 2 - Main Employment Areas  
Policy EMP 4 - Employment Development within Development Boundaries

**MAIN PLANNING CONSIDERATIONS:**

5. The main issues are considered to be:
  - i) Principle
  - ii) Visual Appearance
  - iii) Amenity
  - iv) Highways
6. In relation to the main planning considerations above:
  - i) Principle  
The site lies within the development boundary and defined employment area (Policy EMP 2) where the principle of employment development is acceptable. The planning history is also a consideration. Although the previously approved extensions have not been implemented, this proposal consolidates these extensions and only represents a small increase in the overall floor area of the garage on the western side of the site which is necessary to accommodate the internal frame of the new build.
  - ii) Visual Appearance  
The visual appearance of the proposal is acceptable. Whilst the proposal is a departure from the existing built form on the site it is considered acceptable as it replaces the rusting corrugated roof and parapet walls with a more modern material in keeping with previous extensions. The cladding will not appear out of keeping with the area as there are similar buildings on Marsh Road.
  - iii) Amenity  
The proposal will not impact on the residential amenity of the adjacent occupiers. There will be no increased activity on the site as a result of this extension and conditions will be attached regarding outside working and limit on the vehicle sizes using the site.
  - iv) Highways  
The Highways Department have raised no objection to the proposal. This application only proposes a small increase in the floor area to accommodate the structural alterations and will not increase the work space available on site. Although parking problems may arise occasionally in the surrounding area as a result of the garage, it is an established use and there are traffic restrictions in operation in the area which can be enforced. Furthermore, considering the already approved extension which could be implemented, it would be unreasonable to refuse the application on highway grounds.



**SUMMARY AND CONCLUSIONS:**

7. The proposal is acceptable and is 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 roof sheeting/cladding shall be finished in a colour to be agreed in writing by the Local Planning Authority before development commences.
3. No Lorries (exceeding 3.5 tonne gross weight) shall be repaired or serviced in the garage.
  
4. No repairs or servicing shall take place within the covered parking and storage area indicated as 'Phase 2' in the approved plans, 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. In the interests of visual amenity.
3. In the interests of residential amenity and highway safety.
4. In the interests of the residential amenity of the neighbouring dwelling.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 15

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2007/0851/ PF

**PROPOSAL:** Change of use of former first-floor licensed club to form extension to adult amusement centre

**LOCATION:** First Floor 78 High Street Rhyl

**APPLICANT:** Mr M Webber

**CONSTRAINTS:** C1 Flood Zone

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

**CONSULTATION RESPONSES:**

## 1. RHYL TOWN COUNCIL

"Objection, the original application was approved following a planning appeal. In his reasons for granting the appeal (Paragraph 12) the Inspector makes a point that the original premises a relatively inconspicuous position in the High Street. The Council argues that the enlargement of the amusement centre to include the first floor would not leave it inconspicuous.

Although the application for 78 High Street was only determined in 2004 there has been significant changes in the willingness of private sector to invest within Rhyl due to the significant investment by public authorities. As such it is likely that alternative users for the current application site will be found which support the commercial centre of the town"

**RESPONSE TO PUBLICITY:**

None received

**EXPIRY DATE OF APPLICATION: 30/08/2007**

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal is for change of use of the upper floor at 78 High Street to an extension to the ground floor adult amusement centre. No physical alterations are proposed to the building as the first floor is open plan in nature owing to its previous use as a licensed club.
2. Located at the south-east end of the Rhyl High Street between the junctions of Russell Road and Brighton Road, no. 78 currently operates as Webbers Amusement Arcade. The first floor previously operated as a private members club. However this use appears to have ceased in 2000 and the first floor has been vacant since.

**RELEVANT PLANNING HISTORY:**

3. 2/RYL/236/88 Change of Use to registered Socail Club (1<sup>st</sup> flr) Granted 19/07/1988  
45/2000/770/PF Change of Use to A3 Licensed Coffee Shop/Bar Granted 02/10/00  
45/2003/960/PF Change of Use to Amusement Centre (ground flr) Granted on appeal 02/10/03

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy RET 1 - Town and District Centre  
Policy RET 6 - Town and District Centre Non A1 Uses  
Policy RET 15 - Upper Floors of Commercial Premises  
Policy TSM 17 – Entertainment Zone

**MAIN PLANNING CONSIDERATIONS:**

5. The main issue is considered to be:
  - i) Principle
6. In relation to the main planning consideration above:-
  - i) Principle

Most relevant to this proposal is Policy RET 15 Upper Floor of Commercial Premises of the UDP. Generally the use of under-used and vacant upper floors is supported in the interest of sustainable development. At present the upper floor is vacant and has been vacant since 2000. The policy states that the beneficial use of the upper floors in town centres will be allowed subject to general amenity considerations. As the closest residential units to the application site are some 30m to the south no. 90 and to the rear on Bodfor Street, the proposal will not impact on residential amenity. No physical alterations are proposed to the building and the established ground floor use does not impact on the townscape, visual or town scheme considerations. The intensification of the use would not impact on highway safety and access matters owing to the town centre location.

In considering the principle of the proposal the existing established use of the ground floor within the designated RET 1 Town Centre is a significant factor. Planning permission was allowed on appeal for the change of use of the ground floor of 78 High Street in 2004. The appeal concluded that the proposal would not impact on the vitality and viability of the town centre in accordance with the criteria of Policy RET 6. Reference was made to Policy TSM 17. However the Inspector concluded that this policy is not exclusive and whilst the implication is that although amusement uses will not normally be permitted out of the TSM17 zone at the seafront, the implication is that occasionally they will.

Previous uses and the history of the first floor must also be considered. The first floor of no. 78 was previously used as social club unrelated to the ground floor use. Furthermore although never implemented planning permission was granted in 2000 for the ground and first floor to be used as a A3 Café/Bar.

The established use of no. 78 as an amusement centre appears to have had no detrimental impact on the vitality and viability of the town centre. The adjacent units are still occupied, to the south by the job centre and to the north by a gift shop, photo shop and sandwich shop. In considering the application for the change of use of the first floor and overall intensified use of the site it is not considered that the proposal would conflict with the criteria of Policies RET 15 and RET 6. Indeed the beneficial use of the upper floors with a town centre type use will reinforce the town centre function.

**SUMMARY AND CONCLUSIONS:**

7. The proposal is acceptable and is 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. No music or other sounds generated within the amusement centre shall be audible outside the building.
3. The amusement centre shall be open to the public only between the hours of 0900-2230 Mondays - Saturdays and 1000-1600 on Sundays.

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 the privacy/amenity of the occupiers of nearby properties.
3. In the interests of the privacy/amenity of the occupiers of nearby properties.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 16

**WARD NO:** St Asaph West

**APPLICATION NO:** 46/2006/0557/ PO

**PROPOSAL:** Development of 0.519 hectares of land including the demolition of the existing hotel for residential purposes with alterations to the existing vehicular access (outline application)

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

**APPLICANT:** Bod Erw Hotel

**CONSTRAINTS:** C1 Flood Zone  
Within 67m Of Trunk Road  
TPO

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

**CONSULTATION RESPONSES:**

1. ST ASAPH TOWN COUNCIL  
"No objection in principle, however the Council would wish to receive assurances that the following areas of concern are taken into account:- increase in traffic flow, both vehicular and pedestrian, at an extremely busy junction, including the effectiveness of the suggested 'turn left only' signage; the effect of possible flooding of the site, and the provision of adequate services within the City i.e healthcare, educational facilities etc which a development of this size could require".
2. PRINCIPAL COUNTRYSIDE OFFICER  
No objection subject to condition to ensure trees are protected
3. HEAD OF HOUSING SERVICES  
30% Affordable Housing Required
4. COUNTY HIGHWAYS  
No objection subject to conditions
5. NATIONAL ASSEMBLY FOR WALES  
No objection, however there shall be no vehicular access from the development site to the trunk road
6. DWR CYMRU WELSH WATER  
No objection
7. ENVIRONMENT AGENCY  
No objection subject to conditions
8. CONSERVATION OFFICER  
No objection

## **RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. H G Prys Jones, Bodhaulog, The Roe, St Asaph
2. John Glaister, 2, Erw Lan, St. Asaph
3. D North - 2 Rosehill House, Glascoed Rd, St Asaph
4. Mr. R. P. Rowlands, 5, Erw Lan, The Roe, St. Asaph

Summary of planning based representations:

- i) Overlooking and loss of privacy
- ii) Insufficient parking is available for the size of the development
- iii) Loss of hotel building
- iv) Impact on highway safety

**EXPIRY DATE OF APPLICATION: 30/07/2006**

## **REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant
- negotiations
- re-consultations / further publicity necessary on additional information

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. The application site comprises the Bod Erw Hotel and its grounds, which are within the development boundary of St Asaph. It is located at the end of The Roe where it meets the A55 westbound slipway. The site is presently a mixture of lawn and hard standing and lies to the rear of the Seaways Petrol Filling Station. A small residential development of 5 dwellings (Erw Lan) lies beyond the site to the east, with its access drive adjacent to the southern site boundary and the rear garden to Pine Lodge beyond. The boundaries of the site are formed mainly by fencing, with a stone wall forming the southern boundary.
2. In planning use terms, the Boderw is not a hotel, and has not provided serviced accommodation for approximately 30 years. It operates as a bar/restaurant with function/conference room facilities. Access to the site is off The Roe and car parking facilities are available adjacent to the building. There are 5 large trees, a beech, yew, weeping ash, holly and cedar, located within the grounds which are protected by a Tree Preservation Order. To the rear of the Boderw is a 2 storey building known as The Coach House which is occupied by the owners.
3. This is an outline planning application seeking to establish the principle of residential development. All matters are reserved for subsequent approval with the exception of the means of access, which forms part of this application.

## **RELEVANT PLANNING HISTORY:**

4. 46/2000/0582/PO - Development of land by erection of 2 storey detached 30 bedroom motel unit to be used in connection with Bod Erw Hotel, alterations to existing vehicular access and provision of additional parking area. Outline planning permission GRANTED 17<sup>th</sup> August 2000.

46/2003/0962/PO – Renewal of application ref 46/2000/0582/PO comprising

development of 0.5ha of land by erection of 2 storey detached 30 bedroom motel unit in conjunction with Bod Erw Hotel, alterations to existing vehicular access and provision of additional parking area. Outline planning permission GRANTED 2<sup>nd</sup> October, 2003

46/2006/1168/PO Renewal of application Ref. No. 46/2003/0962/PO comprising development of 0.5 ha of land by erection of two-storey detached 30-bedroom motel unit in conjunction with Bod Erw Hotel, alterations to existing vehicular access and provision of additional parking area (outline application) GRANTED 16<sup>th</sup> August, 2007

#### **PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 1 Development within Development Boundaries
  - Policy GEN 6 Development Control Requirements
  - 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 REC 2 Amenity & Recreational Open Space Requirements in New Developments
  - Policy ENP 6 Flooding

Supplementary Planning Guidance 4: Recreational Public Open Space  
Supplementary Planning Guidance 21: Parking Requirements in New Developments  
Supplementary Planning Guidance 22: Affordable Housing in New Developments

#### **GOVERNMENT GUIDANCE:**

Planning Policy Wales (March 2002)

TAN 15: Development & Flood Risk (2004)

#### **MAIN PLANNING CONSIDERATIONS:**

6. The main issues are considered to be:
  - i) Principle of development
  - ii) Impact on residential amenity
  - iii) Impact on visual amenity/character of the area
  - iv) Highway Considerations
  - v) Affordable Housing & Open Space
  - vi) Flooding
7. In relation to the main planning considerations as noted above:
  - i) Principle of development  
The application site is located within the development boundary of St Asaph where the principle of residential development is considered acceptable provided the proposal complies with all other relevant planning policies. Whilst the submitted plan indicates a possible development of 30 apartments, siting and detailed design have not been included for approval, and this is for illustrative purposes only. The property is not listed, and is not within a Conservation Area or subject to site specific protection by other policies within the adopted Unitary Development Plan. As the site does not provide tourist accommodation, Policy TSM 8 of the UDP does not apply. The issue of flood risk is dealt with below.

- ii) Impact on residential amenity  
The application is in outline form with details of the siting, design, external appearance of the buildings and landscaping reserved for further approval. Subject to an appropriate siting, scale and design of buildings to respect the character and form of existing residential development nearby. The site is capable of providing accommodating residential units with an acceptable level of amenity and without adversely impacting upon the amenities of nearby residents.
- iii) Impact on visual amenity/character of the area  
Concerns from local residents are with regard to the loss of the building which is considered to be an important historical building and a fine example of a Georgian style within the area. Discussions have therefore taken place between the County Conservation Officer and CADW, and an officer of CADW has visited the site. The conclusions are that the Bod Erw is not a listed building or within a designated Conservation Area, and it is likely to be a mid 19<sup>th</sup> century building rather than Georgian. Whilst it may originally have been a villa, it has been much altered with many windows replaced, the chimneys lost and a modern extension has been added to the front, and the large garden marked on the OS map dated 1906 is now a car park. It is the view of CADW that the property is too altered and a building of this age and type is not suitable for listing. Therefore there are no objections to the demolition of the Bod Erw.

The plans submitted with the application are for illustrative purposes only and do not form part of this application. Subject to appropriate siting, design, external appearance and landscaping of the site it is not considered that there would be any adverse impact on the visual amenities of the area.

- iv) Highway Considerations  
The application proposes improvements to the existing vehicular access on to The Roe with new signage stating 'No right turn' on leaving the site. The illustrative plan indicates how parking could be provided within the site. However this is for indicative purposes only. It does however demonstrate that sufficient parking space and arrangements can be achieved within the site. Highways have raised no objection to the proposal, subject to conditions to ensure the relevant access, signage and parking areas are appropriately detailed and controlled. With the improvements proposed, it is not considered that there would be any adverse impact on highway safety.
- v) Affordable Housing & Open Space  
The applicant is aware of, and has agreed to, the provision of 30% affordable housing, and open space in accordance with the Council's policies. A planning condition should be included in any permission to ensure these requirements are met in any future detailed planning applications.
- vi) Flooding  
The location of the site in a C1 Zone obliges due consideration of the advice in TAN 15 – Development and Flood Risk. The view is taken that with regard to the justification tests of TAN 15, the development of windfall sites offering the possibility of affordable dwellings is in support of the Council's strategy to sustain settlements, and that the development conforms with the aims of Planning Policy Wales. The site is a brownfield site and all considerations in Section 6 of TAN 15 have been clearly addressed. A Flood Consequences Assessment has been submitted and the Environment Agency has confirmed they are satisfied that flood risk can be managed to an acceptable level subject to conditions relating to minimum floor levels, access and egress



levels and surface water regulation being imposed, should permission be granted.

**SUMMARY AND CONCLUSIONS:**

8. The principle of residential development is considered acceptable. Subject to appropriate siting, scale, external appearance and landscaping of the site, which would be dealt with at reserved matters stage, it is not considered that there would be any adverse impact on visual or residential amenity. There are no objections on highway safety grounds. Affordable Housing and Open space requirements would need to be resolved at detailed plan stage. Flood risk can be appropriately mitigated.

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

1. Approval of the details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. Vehicular access to the site shall be limited to the existing access off The Roe with the existing vehicular access onto the A55 westbound slip road permanently closed prior to the commencement of the development in accordance with details to be submitted to and approved in writing with the Local Planning Authority.
7. The alterations to the existing vehicular access shall be completed, the internal access road surfaced and the parking areas surfaced and marked out in accordance with full details to be submitted to and approved in writing by the Local Planning Authority, prior to the altered vehicular access being brought into use.
8. A sign stating "no right turn" shall be erected in accordance with full details to be approved by the Local Planning Authority prior to the bringing into use of the altered vehicular access.

9. The car parking area shown on the approved plan shall be kept available for that purpose at all times.

10. The finished floor levels shall be set at a minimum of 12.85m AOD unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

11. The access/egress pathway shall be set at a minimum of 12.70m AOD unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development.

12. No development shall commence until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such an approved 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. Surface water generated from new impermeable surfaces must be limited to equivalent Greenfield rate for the site, the level of which should be agreed by the Environment Agency.

13. The development shall not begin until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision of affordable housing as part of the development. Such details shall include:

- (i) 30% affordable housing units and the type and location to be determined;
- (ii) timing of the construction of the affordable housing;
- (iii) the arrangement to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

14. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision and maintenance of open space in accordance with the policies of the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interests of the free and safe movement of traffic on the adjacent highway.
7. To ensure the formation of a safe and satisfactory access and to provide for the loading, unloading, turning and parking clear of the highway.
8. In the interests of highway and visual amenity.
9. In order that adequate parking facilities are available within the curtilage of the site.
10. To minimise flood risk to the development.
11. To provide an operational escape route in the event of flooding.
12. To prevent the increased risk of flooding on and off site.
13. In order to ensure an adequate supply of affordable housing in accordance with

planning policies HSG 10 of the Unitary Development Plan.

14. In order to ensure an adequate provision of open space in accordance with planning policy REC 2 of the Unitary Development Plan.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached advisory notes from Dwr Cymru Welsh Water.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

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.

Due to the site's location within a flood risk zone, you are advised to include flood proofing construction techniques into the design of the building.

**ITEM NO:** 17

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2007/0757/ PF

**PROPOSAL:** Change of use from holiday cottage to residential dwelling and incorporation of existing detached garage at Pant Ifan Goch within curtilage

**LOCATION:** Holiday Cottage (Bridgemere) Pant Ifan Goch Holywell Road Rhualt St. Asaph

**APPLICANT:** Mr R Sales

**CONSTRAINTS:** B Flood Zone  
Within 67m Of Trunk Road

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

**CONSULTATION RESPONSES:**

23. TREMEIRCHION, CWM & WAEN COMMUNITY COUNCIL

"Serious concerns have been expressed at our recent Planning meeting over Bridgemere, Pant Ifan Goch. Pan Ifan Goch was sold in 2005 to Mr John Paul Williams. (This gentleman has no connection with Mr Sales what so ever).

Several planning applications pertaining to Pant Ifan Goch were only given planning permission as ancillary use. These properties now stand alone and in their own right. As Mr Sales does not now own Pant Ifan Goch each of those applications are now in total breach of conditions.

The Community Council has endeavoured to list below a summary of the breaches.

a) 47/2001/0900/PF – Change of use of outbuilding to holiday cottage - 14/09/2001

b) 47/2002/1538/PF – The Community Council objected as condition no. 3 was breached (2003/1538/PF) – only limited to holiday accommodation which specifically states that the occupancy of property shall be used as a sole or main unit of living accommodation. To our knowledge it is occupied on a full time basis."

24. WELSH WATER  
No objection

25. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection

26. ENVIRONMENT AGENCY  
No objection

**RESPONSE TO PUBLICITY: None**

**EXPIRY DATE OF APPLICATION: 12/08/2007**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is located on the south side of the B5429 to the west of the settlement of Rhuallt. There are currently 2 No. authorised vehicular access points to the site off the main road.
2. The site currently contains a small, single storey detached building situated to the front (north) of the site which was granted planning permission in both 2001 and 2004 to be used as a holiday cottage. To the rear of this structure is a detached double garage which was granted planning permission in 2003 as an ancillary building within an extended domestic curtilage of the main Pant Ifan Goch residential dwelling to the east of the site.
3. The area is open countryside but in character with dwellings to the east at Pant Ifan Goch and Pant Ifan Newydd and a dwelling, residential conversion scheme and commercial operation on the opposite side of the road at Llwyn Derw.
4. The site at Pant Ifan Goch has a rather complex planning history with the main dwelling being sold off separately by the applicant leaving the detached double garage the subject of this application outside the newly defined residential curtilage. This has led to an enforcement investigation into the authorised use of the double garage and coupled with this the full time occupation of the holiday cottage in breach of previously imposed conditions. Furthermore, a static residential caravan has been sited within the current application site.
5. Permission is now sought to effectively remedy the current breach of planning control at the site by the following:-
  - i) Changing the use of the holiday cottage to a permanent residential dwelling capable of full time occupation,
  - ii) Incorporating the existing double garage into the new residential curtilage for the above new residential dwelling to be used as ancillary to that unit and,
  - iii) The plans indicate that the existing caravan would be removed from the site.

A vehicular access for this residential plot will be achieved via an existing point to the east of the frontage with a parking and turning area adjacent to the detached garage. No internal or external alterations need to be made to the existing two bed cottage. However, the detached garage will now need to be finished in render to match the cottage. Supplementary landscaping is shown to be incorporated into the new residential curtilage.

**RELEVANT PLANNING HISTORY:**

6. 47/2001/0873/PF – Retention of vehicular access (retrospective) GRANTED 25 October 2001.

47/2001/0900/PF – Change of use of outbuilding to holiday cottage – GRANTED 25 October 2001 with condition restricting use to holiday let.

47/2003/1538PF – Revised scheme of conversion of outbuilding to holiday cottage with new vehicular access and new bridge – GRANTED 24 November 2004.

47/2003/0010/PF – Use of land to form extension of residential curtilage and erection of detached double garage for domestic use – GRANTED 22 May 2003.

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy HSG 9 – Residential conversion of rural buildings to dwellings  
SPG 16 – Conversion of Rural Buildings.

GOVERNMENT GUIDANCE  
Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

- 8.
- i) Principle of use/conversion in this location
  - ii) Impact on residential amenity
  - iii) Impact on visual amenity
  - iv) Impact on highway safety
9. In relation to the points identified in paragraph 8 above:
- i) Principle  
The cottage in question has, most probably, been lived in on a full time basis since its original conversion in late 2001. As a conversion scheme for a building of this nature in such a location it meets all the relevant criteria of Policy HSG 9 and guidance with SPG 16. Other buildings nearby have been granted permission for full time residential occupation as part of conversion schemes. Whilst the holiday cottage has been in breach of the restricted occupancy condition previously imposed it is not considered any significant harm has been caused. The building is capable of providing permanent accommodation and by granting it permission to be used for this purpose will not only remedy a long standing enforcement issue it will provide a satisfactory small unit of accommodation amongst others. By further allowing, what was in any case, an authorised domestic garage within an authorised domestic curtiage to be incorporated into the planning unit of the cottage this would remedy a further breach and give better control to the Authority over the future use of the building and site.
  - ii) Residential Amenity  
It is not considered that the permanent occupation of this small cottage would have any greater impact on nearby residential amenity than previously experienced. The vehicular access is in existence and the intended garden area has historically been used for that purpose. Better landscaping around the site and the removal of the static caravan will further reduce any potential impact.
  - iii) Visual Amenity  
The only changes being made to the site will be enhancements in terms of finishing the garage in matching render, removal of the caravan and landscaping. This, it is considered will serve to improve the visual amenities of the site and surroundings.
  - iv) Highways  
There are no significant highway implications for this proposal.

**SUMMARY AND CONCLUSIONS:**

10. The proposed development is seen as the best way to remedy existing breaches of planning control at this site. The scheme meets the relevant planning policy criteria and consolidates permissions previously given.

**RECOMMENDATION: GRANT**

1. The detached double garage within this site shall be finished in a render to match that on the main cottage in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The render finish shall be completed in accordance with the approved detail within 3 months of the date of this permission.
2. The use of the garage hereby permitted shall remain as ancillary to the use of cottage and shall at no time be used as any separate residential accommodation or for business/commercial purposes.
3. The unauthorised caravan shown on approved site plan received on 18 June 2007 shall be removed from the site within 1 month of the date of this permission and the land restored in accordance with details to be approved as part of condition No. 4 of this permission.
4. A detailed scheme of landscaping for the site to include land restoration, tree and hedge planting shall be submitted to and approved in writing by the Local Planning Authority. Those details subsequently approved shall be fully implemented within the next planting season i.e. before the end of April 2008 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. Notwithstanding the provisions of Class(es) [A,B,D,E] of Part [1] of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

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

1. In the interest of visual amenity.
2. In order that the Local Planning Authority can retain a degree of control over the future use of the building in the interests of amenity.
3. In the interest of visual amenity and to prevent any separate residential use encroaching into the open countryside.
4. In the interests of visual amenity.
5. In the interests of residential and/or visual amenity.

**NOTES TO APPLICANT:**

None

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 5ed Medi 2007**  
**Eitem: 3**

**PLANNING COMMITTEE**  
**MEETING: 5th September 2007**  
**Agenda Item: 3**

**MATERION GORFODI**

- (i) **ENF/ 2005/00025 :**  
Meithrinfa Bryn Coli Llanrhaeadr YC  
Dinbych

Defnyddio sied bren fel anheddfa

- (ii) **ENF/2005/00108 :**  
Eirianfa (Dee Cottage) Ffordd Berwyn,  
Llangollen

Lleoli heb awdurdod a defnyddio cartref symudol i  
ddibenion preswyl (gyda thŷ gwydr ynghlwm)

- (iii) **ENF/2006/00029 :**  
Tir ger mynedfa Gwesty Abbey Grange,  
Llandysilio, Llangollen

Siop Fferm heb awdurdod



## ADRODDIAD GORFODI CYNLLUNIO

**CYFEIRNOD:** ENF/2005/00025  
**LLEOLIAD:** Meithrinfa Bryn Coli Llanrhaeadr Dinbych  
**TROSEDD:** Defnyddio sied bren fel tŷ annedd

### **POLISI'AU A CHYFARWYDDYD CYNLLUNIO PERTHNASOL**

#### CYNLLUN DATBLYGU UNEDOL SIR DDINBYCH

Polisi STRAT 1 -	Cyffredinol
Polisi STRAT 5 -	Dylunio
Polisi STRAT 6 -	Lleoliad
Polisi STRAT 7 -	Amgylchedd
Polisi GEN 6 -	Gofynion Rheoli Datblygu
Polisi GEN 1 -	Datblygiad o fewn Ffiniau Datblygu
Polisi GEN 3 -	Datblygiad y tu allan i Ffiniau Datblygu
Polisi HSG 6 -	Tai annedd newydd yng nghefn gwlad agored

#### CYFARWYDDYD Y LLYWODRAETH

Polisi Cynllunio Cymru, Mawrth 2002

Nodyn Cyngor Technegol (Cymru) 9: Gorfodi Rheolaeth Gynllunio

#### YSTYRIAETHAU HAWLIAU DYNOL

Nid yw hawliau person neu bersonau i greu uned llety parhaol y tu allan i unrhyw anheddiad a ddiffiniwyd yn gorbwyso hawl yr awdurdod cynllunio lleol i warchod mwynderau ardal yn unol â pholisïau a chyfarwyddyd a fabwysiadwyd. Nid oes unrhyw faterion hawliau dynol wedi eu codi yn yr achos hwn.

### **1. GWYBODAETH GEFNDIR**

- 1.1 Mae Bryn Coli ym Mhentre Llanrhaeadr yn ffurfio rhan o'r goedwig a elwir Coed Nant Moch. Mae wedi ei leoli y tu allan i unrhyw gyfyngiadau anheddiad a ddiffiniwyd ac yn hanesyddol mae wedi ei ddefnyddio fel tir coedwigaeth.
- 1.2 Ar 14eg Medi 1990 rhoddwyd caniatâd cynllunio ar hanner erw o'r tir coedwig i newid ei ddefnydd yn arddwriaethol. Y tramgwyddwr a pherchennog y safle oedd yr ymgeisydd ar y pryd.
- 1.3 Oddeutu 1993, canfuwyd poly-dwnelau garddwriaethol a chwt pren bychan gan swyddogion ar ymweliadau safle. Adeiladwyd y cwt gyda deunyddiau bras a'r bwriad oedd ei ddefnyddio fel swyddfa i'r feithrinfa, storfa a lle gorffwys i weithwyr y feithrinfa. Ar y pryd (llythra a anfonwyd gan yr awdurdod cynllunio lleol ar 5ed Hydref 1993) hysbyswyd y perchennog y byddai defnyddio'r adeilad pren neu garafan i ddibenion byw ynddynt yn mynd yn groes i'r polisiau perthnasol a'r ddeddfwriqeth.

- 1.4 Ym mis Tachwedd 2004, archwiliwyd y strwythur pren sy'n destun yr adroddiad hwn gan Swyddog Cydymffurfio ar ôl cwyn ei fod yn cael ei ddefnyddio fel uned o lety parhaol.
- 1.5 Cyflwynwyd Hysbysiad Tramgwydd Cynllunio i'r perchennog ar 16eg Chwefror 2005 ac fe'i dychwelwyd. Yn yr Hysbysiad dywedodd y perchennog iddo ddechrau byw yn y strwythur pren a fwriadwyd fel swyddfa/storfa oddeutu'r lleuad lawn, Mawrth 1992 fel ei unig breswylfa a phreswylfa barhaol. Aeth ymlaen i ddweud bod gan y strwythur bellach ddau lawr ac roedd yn cynnwys ystafell ymolchi, stiwdio, oriel, cegin, llyfrgell ac ystafell gerdd.
- 1.6 Ers hynny, mae'r perchennog wedi ceisio sefydlu cyfreithlondeb y strwythur fel tŷ annedd mewn dau gais (Cyf: 24/2006/0957/LE & 24/2006/1498/LE). Mae'r ddau gais wedi eu gwrthod oherwydd bod y strwythur dan sylw o adeiladwaith dros dro i'w pwynt lle na ellir ei ystyried fel datblygiad gweithredol i ddibenion disgrifio adeilad parhaol.
- 1.7 Ymddengys mai ychydig o fusnes garddwriaethol sy'n digwydd ar y safle, os oes peth o gwbl. Mae'r perchennog wedi gwneud nifer o ymdrechion i uwchraddio'r strwythur pren yn bennaf, ond ymddengys ei fod yn cael ei gynnal gan y coed o gwmpas ac nid yw'n sownd yn y ddaear mewn unrhyw fodd traddodiadol.
- 1.8 Mae'r awdurdod cynllunio lleol yn ystyried bod deiliadaeth y strwythur pren hwn ar sail mor barhaol yn cynrychioli newid defnydd tir i un o ddefnydd preswyl / hamdden.
- 1.9 Nid oes cyfiawnhad amaethyddol na choedwigaeth i'r perchennog fyw ar y tir fel hyn ac felly ystyrir ei bod yn hwylus bod y defnydd diawdurdod hwn yn dod i ben.

## **2. RHESYMAU DROS GYFLWYNO HYSBYSIAD GORFODI**

- 2.1 Mae defnyddio'r tir a deiliadaeth barhaol y strwythur pren i ddibenion preswyl y tu allan i unrhyw gyfyngiadau anheddiad a ddiffiniwyd a heb unrhyw gyfiawnhad amaethyddol neu goedwigaeth yn amlwg yn mynd yn groes i bolisïau a fabwysiadwyd ar lefel leol a chenedlaethol sy'n ceisio rhwystro datblygiad preswyl yma ac acw yng nghefn gwlad agored. Mae'r polisïau strategol ac eraill a restrir uchod yn ceisio rheoli datblygiad mewn lleoliadau gwledig a byddai caniatáu cyflwyniad defnydd preswyl yn y lleoliad yn amlwg yn mynd yn groes iddynt. Mae'r strwythur ei hun yn un darniog gan ddefnyddio deunyddiau heb fod yn rhai parhaol ac mae'n achosi niwed gweledol i'r safle a'r tir o gwmpas, yn groes i bolisïau sy'n ceisio sicrhau bod datblygiad yn cyfateb i'w amgylchedd.
- 2.2 Ystyrir mai gorfodi yw'r unig ffordd hwylus o ddelio gyda'r tor-reoaleth presennol ar y safle oherwydd gallai caniatáu i berson neu bersonau greu llety dros dro o'r fath mewn cefn gwlad agored yn y dull a welwyd arwain at y posibilrwydd o fwy o ddefnyddiau preswyl o'r fath yn ymddangos mewn lleoliadau sensitif o'r fath. Mae camau gorfodi yn cael eu cyfiawnhau fel a ganlyn:-
  - (i) Nid oes caniatâd cynllunio yn bodoli ar y safle ar gyfer unrhyw ddefnydd preswyl neu hamdden
  - (ii) Mae perygl bod y tramgwyddwr yn parhau i uwchraddio'r strwythur fel ei fod yn dod yn strwythur parhaol yn cynrychioli datblygiad gweithredol a allai ddod yn gyfreithlon trwy gyfrwng deiliadaeth barhaus.
  - (iii) Mae'r strwythur yn achosi niwed i fwynderau gweledol cefn gwlad agored

### **3. ARGYMHELLIAD**

- 3.1 Rhoi awdurdod i gyflwyno Hysbysiad Gorfodi yn gorchymyn:-
- (i) rhoi'r gorau i ddefnyddio'r tir ar gyfer deiliadaeth breswyl barhaol.
  - (ii) symud ymaith y strwythur pren ac eiddo cysylltiedig, ac adfer y tir lle mae wedi ei leoli.
  - (iii) Cychwyn camau erlyn lle mae unrhyw berson y mae'r Hysbysiad hwn wedi ei gyflwyno iddynt yn methu â chydymffurfio â darpariaethau'r Hysbysiad.
  - (iv) CYFNOD CYDYMFFURFIO – 12 MIS

## **ADRODDIAD GORFODI CYNLLUNIO**

- CYFEIRNOD:** ENF/2005/00108
- LLEOLIAD:** Eirianfa (a elwir hefyd yn Dee Cottage), Ffordd Berwyn, Llangollen, LL20 8BH
- TROSEDD:** Lleoli heb awdurdod a defnydd preswyl cartref symudol (gyda thŷ gwydr ynghlwm)

## **POLISIŌU A CHYFARWYDDYD CYNLLUNIO PERTHNASOL**

### CYNLLUN DATBLYGU UNEDOL SIR DDINBYCH

- Polisi GEN 6 – Gofynion Datblygu Rheoli
- Polisi GEN 3 – Datblygu y tu allan i Ffiniau Datblygu
- Polisi STRAT 1 – Cyffredinol
- Polisi STRAT 5 – Dyluniad
- Polisi STRAT 6 - Lleoliad

### CYFARWYDDYD Y LLYWODRAETH

- Polisi Cynllunio Cymru 2002
- Nodyn Cyngor Technegol (Cymru) 9: Gorfodi Rheolaeth Gynllunio

### YSTYRIAETHAU HAWLIAU DYNOL

Nid yw hawliau person i fyw mewn cartref symudol yn gorbwyso hawl yr Awdurdod Cynllunio Lleol i warchod mwynderau'r ardal. Nid oes unrhyw faterion Hawliau Dynol wedi eu codi yn yr achos hwn.

## **1. GWYBODAETH GEFNDIR**

- 1.1 Lleolir cartref symudol heb awdurdod (gyda thŷ gwydr ynghlwm) y tu allan i Ffiniau Datblygu Llangollen. Mae'n cyffinio safle o bwysigrwydd cadwraeth lleol (ENV 5).
- 1.2 Cyflwynwyd Hysbysiad Tramgwydd Cynllunio i berchennog y tir ar 14 Tachwedd 2005. Dywedodd y perchennog:
- (i) bod y cartref symudol wedi bod ar y tir ers Tachwedd 2003 yn cael ei ddefnyddio fel preswylfa gan y perchennog a hefyd gan ei fab a'i deulu ers hynny,
  - (ii) nad oedd gan y deiliaid gyfeiriad arall,
  - (iii) Bod y cartref symudol ond i'w ddefnyddio dros dro am y 12 mis nesaf
  - (iv) Mai ei fwriad oedd gwneud cais am ganiatâd cynllunio i ddisodli'r cartref symudol gyda chaban pren i ddarparu llety gwyliau.
- 1.3 Er gwaethaf ymweliadau safle gan y Swyddog Gorfodi a nifer o lythyrau a galwadau ffôn i'r perchennog, ei fab a'u hasiant, nid oes cais cynllunio wedi ei gyflwyno er mwyn

ceisio rheoleiddio pethau ac mae'r lleoliad a'r defnydd preswyl parhaol yn parhau bron i 4 blynedd yn ddiweddarach.

## **2. RHESYMAU DROS GYFLWYNO HYSBYSIAD GORFODI**

- 2.1 Mae lleoliad heb awdurdod a defnydd preswyl parhaol y cartref symudol (a'r tŷ gwydr ynghlwm) yn groes i'r polisiâu a nodwyd uchod ac yn groes i bolisiâu strategol yn y Cynllun Datblygu Unedol a fabwysiadwyd. Mae creu'r hyn sydd, i bob pwrpas, yn dy annedd newydd y tu allan i unrhyw gyfyngiadau anheddiad a ddiffiniwyd yn annerbyniol gan nad yw'n darparu llety i weithiwr amaethyddol neu goedwigaeth hanfodol. Byddai caniatáu datblygiad o'r fath yn pennu cynsail digroeso ar gyfer strwythurau pellach o'r fath ar sail barhaol i niwed cyffredinol cefn gwlad agored.
- 2.2 Ystyrir mai dim ond camau gorfodi yw'r dull hwylus o ddelio gyda'r tor-reolaeth cynllunio presennol ar y safle, oherwydd :
- (i) nid oes cais wedi ei gyflwyno i'w benderfynu a
  - (ii) mae perygl y bydd y cartref preswyl, erbyn Tachwedd 2007, wedi bod ar y tir am bedair blynedd gyda defnydd preswyl parhaol ac felly byddai'n gyfreithlon ac ni ellid cymryd camau gorfodi.

## **3. ARGYMHELLIAD**

- 3.1 Rhoi awdurdod i gyflwyno Hysbysiad Gorfodi yn gorchymyn :-
- (i) rhoi'r gorau i ddefnyddio'r cartref symudol (a thŷ gwydr ynghlwm) fel preswylfa yn y cyfnod hwnnw a
  - (ii) symud ymaith y cartref symudol (a thŷ gwydr ynghlwm) oddi ar y tir, hefyd o fewn y cyfnod hwnnw.
  - (iii) Cychwyn camau erlyn lle mae unrhyw berson y mae'r Hysbysiad hwn wedi ei gyflwyno iddynt yn methu â chydymffurfio â darpariaethau'r Hysbysiad.
  - (iv) CYFNOD CYDYMFFURFIO – 12 MIS

## **ADRODDIAD GORFODI CYNLLUNIO**

**CYFEIRNOD:** ENF/2006/00029  
**LLEOLIAD:** Tir ger y fynedfa i Westy Abbey Grange, Llandysilio, Llangollen  
**TROSEDD:** Siop Fferm heb awdurdod

### **POLISIÄU A CHYFARWYDDYD CYNLLUNIO PERTHNASOL**

#### **CYNLLUN DATBLYGU UNEDOL SIR DDINBYCH**

Polisi RET 3 - Archfarchnadoedd bwyd  
Polisi GEN 6 - Gofynion Rheoli Datblygu  
Polisi GEN 3 – Datblygu y tu allan i Ffiniau Datblygu  
Polisi ENV 2 - Datblygiad yn effeithio AHE  
Polisi EMP 5 - Datblygiad Cyflogaeth Graddfa Fechan y tu allan i Ffiniau Datblygu

#### **YSTYRIAETHAU HAWLIAU DYNOL**

Nid yw hawliau person i weithredu Siop Fferm yn gorbwyso hawl Awdurdod Cynllunio Lleol i warchod mwynderau'r ardal hon o harddwch eithriadol. Nid oes unrhyw faterion Hawliau Dynol wedi eu codi yn yr achos hwn.

### **1. GWYBODAETH GEFNDIR**

- 1.1 Lleolir y Siop Fferm wrth fynedfa Gwesty Abbey Grange, sydd mewn lleoliad cefn gwlad y tu allan i'r Ffin Ddatblygu mewn Ardal o Harddwch Eithriadol.
- 1.2 Derbyniwyd cwyn ym Mai 2003 ynglŷn â chodi sied bren fechan ar dir i'r ochr o fynedfa Gwesty Abbey Grange (gweler ffotograff '1') Penderfynwyd ar y pryd y gellid ystyried y strwythur fel ategiad presennol i ddefnyddio'r gwesty
- 1.3 Erbyn mis Hydref 2004, roedd maint y gweithrediad wedi cynyddu'n arwyddocaol (gweler ffotograff '2') ac ysgrifennodd Swyddog Gorfodi at y perchennog yn ei hysbysu bod angen caniatâd cynllunio nawr. Ni chyflwynwyd cais.
- 1.4 Yn Ionawr 2006, cyflwynwyd Hysbysiad Gorfodi A.330 i'r perchennog gyda holiadur i'w gwblhau a'i ddychwelyd o fewn 21 diwrnod. Methodd y perchennog â chydymffurfio â hyn.
- 1.5 Cyflwynwyd Hysbysiad A.330 yr un fath yn union i'r perchennog ym Mai 2006, gyda chyfnod cydymffurfio 21 diwrnod, ond ni ddychwelwyd hwn tan fis Awst 2006.
- 1.6 Yn y cyfamser, ym mis Gorffennaf 2006, cyflwynwyd Hysbysiad Tramgwyddo Cynllunio i'r perchennog, gyda chyfnod cydymffurfio 21 diwrnod i gwblhau a

dychwelyd yr holiadur. Er gwaethaf nodiadau atgoffa rheolaidd a chysylltiad rheolaidd gydag asiant y perchennog, ni chwblhawyd a dychwelwyd hwn.

1.7

1.8 Mae trafodaethau wedi bod yn mynd rhagddynt gydag asiant y perchennog trwy gydol y cyfnod maith hwn ac mae pob cynnig wedi ei roddi i drafod cyflwyno cais addas gyda'r Swyddogion Cynllunio. Mae pob ymgais i drafod wedi methu.

## **2. RHESYMAU DROS GYFLWYNO HYSBYSIAD GORFODI**

2.1 Byddai'n ymddangos bod tor-reolaeth cynllunio wedi digwydd yn y 10 mlynedd diwethaf.

2.2 Mae defnyddio'r tir yn groes i'r polisiâu Cynllun Datblygu Unedol a grybwyllir uchod ac yn torri rheolaeth gynllunio. Mae gweithrediad adwerthu bwyd wedi datblygu ar y safle sy'n amlwg yn fwy na siop fferm ategol fechan. Mae strwythur newydd, ar wahân, wedi ei adeiladu ar y safle lle mae bwyd yn cael ei werthu (gweler ffotograff '3'). Mae hwn yn groes i Bolisi RET3 y Cynllun Datblygu Unedol sy'n amlinellu'n eglur leoliad unrhyw ddefnyddiau adwerthu bwyd mewn canolfannau trefol a dosbarth ynghyd â Pholisi EMP5 sy'n caniatáu defnyddiau cyflogaeth graddfa fechan y tu allan i ffiniau dabtlygu dim ond lle mae adeiladau presennol wedi eu trosi.

2.3 Mae bellach yn ddwy flynedd a hanner ers i'n Swyddog Gorfodi hysbysu'r perchennog am y tro cyntaf bod angen caniatâd cynllunio. Mae dyddiadau cydymffurfio wedi eu hymestyn yn ystod y cyfnod hwnnw, er budd tegwch, ond mae'r perchennog, dro ar ôl tro, wedi methu â chwblhau a dychwelyd yr Hysbysiad Tramgwydd Cynllunio na chyflwyno cais am ganiatâd cynllunio i gadw'r siop fferm. Nawr ystyrir bod angen cymryd camau gorfodi fel yr unig ffordd o ddelio gyda'r tor-reolaeth presennol o reolaeth gynllunio ar y safle hwn.

## **3. ARGYMHELLIAD**

3.1 Rhoi awdurdod i gyflwyno Hysbysiad Gorfodi gyda chyfnod cydymffurfio dau fis yn gorchymyn rhoi'r gorau i ddefnyddio'r strwythur fel siop fferm a'i symud oddi ar y tir.

3.2 Cychwyn camau erlyn os bydd unrhyw berson y mae'r Hysbysiad wedi ei gyflwyno iddo yn methu neu'n gwrthod cydymffurfio â darpariaethau'r Hysbysiad.