

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

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

Rhif Eitem	Application No	Lleoliad a Chynnig	Rhif Tud
1	03/2007/0897/PF	Isallt Stryd Berwyn Llangollen Newid defnydd o drigiannol i lety hostel ymwelwyr hunan ddarpar	1
2	03/2007/1045/AD	Cwrt Glan y Gamlas Abbey Road Llangollen Arddangos dau fwrdd arwyddion ar wal	4
3	03/2007/1078/PF	Ectarc East Street Llangollen Newid y fynedfa bresennol a gwella tirlunio'r iard	6
4	15/2006/1461/PO	Tir ger Canol Y Cae Village Road Eryrys Yr Wyddgrug Datblygu 0.27 ha o dir i ddibenion trigiannol (cais amlinellol)	9
5	15/2006/1462/PO	Canol Y Cae Village Road Eryrys Yr Wyddgrug Dymchwel adeiladau presennol a datblygu 0.08 ha o dir i ddibenion trigiannol (cais amlinellol)	19
6	18/2007/1061/PF	Cefn-Bithel Llandyrnog Dinbych Dymchwel adeilad arbwys presennol ac adeiladu ystafell wydr ar ochr yr eiddo	27
7	21/2007/0915/PC	Fferm Bryn Ffynnon Forestry Road Llanferres Yr Wyddgrug Dal i ddefnyddio tir ac adeiladau ar gyfer busnes melin lifio	29
8	21/2007/1100/PF	Ysgol Bro Famau Uned Llanferres Tyn Llan Llanferres Yr Wyddgrug Adeiladu man chwarae	33
9	40/2006/1018/PF	Tir Tytynyrch Glascoed Bodelwyddan Datblygu canolfan trin a therapi i geffylau gyda fferm stalwyni gan gynnwys stablau atodol, fflat i warden a darpariaethau hyfforddi addysgol, pori ceffylau a defaid ar borfa gyfagos, gosod offer trin preifat, cau'r fynedfa bresennol a ffurfio mynedfa newydd i gerbydau	37
10	43/2007/0394/PF	Tir oddi ar Tip Lane Prestatyn Codi 51 o aneddeleodd newydd, adeiladu mynedfa newydd i gerbydau a cherddwyr a gwaith cysylltiedig (safle 2.3 hectar o faint)	44
11	43/2007/0486/PO	Tir rhwng 62 a 64 Victoria Road West Prestatyn Datblygu 0.05 hectar o dir drwy godi 1 anheddle ac adeiladu mynedfa gerbydau / gerddwyr newydd cais amlinellol gan gynnwys lleoliad a mynedfa).	59
12	43/2007/0487/PO	Tir yng nghefn 64 Victoria Road West yn wynebu Sandiway Prestatyn Datblygu 0.05 hectar o dir drwy godi 1 anheddle ac adeiladu mynedfa gerbydau / gerddwyr newydd (cais	63

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

Rhif Eitem	Application No	Lleoliad a Chynnig	Rhif Tud
		amlinellol gan gynnwys lleoliad a mynedfa).	
13	43/2007/0866/PF	Tir oddi ar Ffordd Lllys y Nant Prestatyn Adeiladu unedau mân-werthu, darparu mannau parcio a gwasanaethu, mynedfa newydd i'r briffordd a gwaith safle a thirlunio cysylltiedig	67
14	43/2007/1033/TP	Dyreham Ffordd Bryniau Prestatyn Torri un goeden ffawydd gopr yn Ardal G11 yn y cynllun atodedig o Orchymyn Cadw Coed Cyngor Dosbarth Trefol Prestatyn 1950	77
15	45/2007/1023/PF	Post Office Counters Ltd 31 Rhyl Coast Road Y Rhyl Newid defnydd siop Dosbarth A1 i drigiannol i ffurfio lolfa ar gyfer anheddle presennol	79
16	45/2007/1077/PF	11 Stryd Caer Y Rhyl Cadw 3 ffenestr gromen mewn to anheddle	82

ITEM NO: 1

WARD NO: Llangollen

APPLICATION NO: 03/2007/0897/ PF

PROPOSAL: Change of use from residential to self-catering tourist hostel accommodation

LOCATION: Isallt Berwyn Street Llangollen

APPLICANT: Arlo Dennis

CONSTRAINTS: C2 Flood Zone
Within 67m Of Trunk Road
EA Floodmap Zone 2
Conservation Area

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

CONSULTATION RESPONSES:

1. LLANGOLLEN TOWN COUNCIL:
"No objections"
2. HEAD OF HIGHWAYS AND TRANSPORT INFRASTRUCTURE:
No objections
3. ENVIRONMENT AGENCY
No objections, and suggest a note to applicant.
4. PUBLIC PROTECTION
Verbally responded that conditions relating to refuse and noise is attached.
5. COMMUNITY SAFETY
No objections subject to conditions relating to hours of operation and exact nature of use – i.e. confining the use specifically to backpowers/tourism.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Graham Turner, Bronallt, Berwyn Street, Llangollen. LL20 8NB.

Summary of planning based representations:

- i) Impact upon residential amenity
- ii) Crime and disorder

EXPIRY DATE OF APPLICATION: 22/10/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This is a full application for the change of use of a residential dwelling to a hostel accommodation for tourism purposes.
2. The site is fronts on to the A5 and is within the Llangollen development boundary. It is on the fringe of the retail area and within the conservation area.
3. The hostel would comprise 7 bedrooms providing a total of 17 bunk beds allowing for a maximum guest number of 34. There would be two bathrooms, a kitchen, reception, and dining area. To the rear of the building is a rear yard with an outhouse which would provide drying facilities. The yard is to be used for storage of cycles etc. Access to the rear yard is via the dwelling and also via a rear alley way. Parking is available to the rear of the site in the form of a large public car park.
4. The existing dwelling has six bedrooms, three reception rooms, a kitchen and a utility room.

RELEVANT PLANNING HISTORY:

5. None

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 - Development Control Requirements
 - Policy RET 7 – Fringe Areas Adjacent to Town and District Centres
 - Policy TSM 1 – Tourism Development
 - Policy TSM 4 – Tourist related Development in Llangollen
 - Policy TSM 7 – Serviced Holiday Accommodation

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Impact upon residential amenity
 - iii) Impact upon retail area
8. With regard to the considerations in paragraph 7:
 - i) Principle of development:
 The application site is located within the Llangollen development boundary and on the fringe of the retail area. Planning policy allows for such development provided that it is of a scale that is in keeping with the surrounding area. Given that the site is within 50 metres of the High Street it is not considered that the scale of the proposal is excessive in such a location. The number of beds is not unacceptable given the target market and the size of the building in question. Reference is made in the supporting documentation to the amount of space for each bunk bed being 4 metres. This is considered reasonable and helps demonstrate that the proposal is not an over intense use of the building. It is noted that the area is characterised by mixed uses which includes other tourist accommodation. The proposed use is therefore in character with the surrounding area. As such the proposal is acceptable in principle.
 - ii) Impact upon residential amenity:
 The surrounding area is predominantly mixed use, with the exception of two neighbouring residential properties – Bronallt and Hafren to the east. It is not considered that the proposal would impact excessively upon the neighbouring properties. Concerns regarding the potential for disturbance resulting from increased activity can be appropriately dealt with through effective

management of the business. Given the characteristics of the surrounding area it is considered that the potential for late night disturbance is an issue which is already in existence and not a factor that can be controlled through this planning application. In terms of residential amenity this proposal is considered acceptable given its proximity to the main retail area of Llangollen.

iii) Impact upon tourism and retail area:

Policy TSM 4 allows for proposals which the tourism appeal of Llangollen. In this case the proposal is for a specific market aimed at backpackers and outdoor tourists. It is considered that the proposal would help widen the appeal of Llangollen as a tourist town and is therefore acceptable in terms of TSM 4. Similarly, policy RET 7 allows for retail fringe uses which do not harm the vitality and viability of the town centre. In this instance it is considered that the proposed use would potentially lead to an enhancement of the vitality and viability of the adjacent retail area. The proposal is therefore supported in terms of its impact upon the economy and trade of Llangollen.

SUMMARY AND CONCLUSIONS:

9. There are no material planning objections to this planning application and it is considered to be 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. The use hereby permitted shall be solely for that of tourist accommodation and no other type of accommodation use without the further grant of planning permission.
3. No sound amplification equipment or loudspeakers shall be operated either within or outside of the building unless agreed in writing with the Local Planning Authority.
4. Prior to the use hereby approved being brought into use and scheme of soundproofing shall be submitted to and approved in writing by the local planning authority and only those details approved shall be implemented prior to the commencement of the use.
5. Prior to the use hereby approved being brought into use a scheme of waste/refuse management shall be submitted to and approved in writing by the local planning authority and only those details approved shall be implemented.
6. The arrival and departure of guests between the hours of 0.00 and 6.30 Monday to Sunday inclusive shall not be permitted and prior to the use hereby permitted commencing details of measures to be taken to control the movement and activities of guests in and around the building shall be submitted to and approved in writing by the Local Planning Authority. Once approved those measures shall be implemented whilst guests are accommodated in the building thereafter.

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 afford the Local Planning Authority a degree of control over the proposed use of the dwelling in the interest of its impact upon the surrounding area.
3. In the interest of residential amenity.
4. In the interest of residential amenity.
5. In the interest of residential amenity.
6. In the interests of residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 2

WARD NO: Llangollen

APPLICATION NO: 03/2007/1045/ AD

PROPOSAL: Display of 2 No. wall mounted sign boards

LOCATION: Cwrt Glan y Gamlas Abbey Road Llangollen

APPLICANT: McCarthy & Stone (Developments) Ltd.

CONSTRAINTS: C2 Flood Zone
B Flood Zone
Groundwater Vulnerability 1
Conservation Area
Canal Consultation Zone

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

CONSULTATION RESPONSES:

1. LLANGOLLEN TOWN COUNCIL
"Members raised objections to this application on the basis that they were unsuitable for buildings within a Conservation Area."
2. CONSERVATION OFFICER
No objection.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 07/11/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks permission for the display of 2no. wall mounted signs, 1 on the east and 1 on the west elevation of Cwrt Glan y Gamlas. Both signs are of the same design and size, measuring approx. 3.3m in height and approx. 1.8m in width. The purpose of the advertisements is to market the apartments, and once all units are sold, the signage is to be removed. It should also be noted that the existing signage present on the development (granted consent in 2006) is to be removed should this application be approved.
2. Cwrt Glan y Gamlas is a recently completed development, consisting of 36 retirement apartments. It is sited within the Llangollen Conservation Area on Abbey Road.

RELEVANT PLANNING HISTORY:

3. 03/2006/0629/AD – Display of 2no. free-standing sign boards and 2no. flag poles – CONSENT – 23/09/07

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 11 – Advertisements within Development Boundaries
Policy CON 8 – Advertisements in Conservation Areas

SPG 17 – Advertisements
SPG 13 – Conservation Areas

GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)
TAN 7 – Outdoor Advertisement Control

MAIN PLANNING CONSIDERATIONS:

- 5.
- i) Visual amenity / impact upon Conservation Area
 - ii) Impact on highway safety
6. In relation to paragraph 5 above:-
- i) The proposed signs are to be sited on the side elevations of the building. This reduces the impact upon the street scene. It is considered that the 2 signs at 5.9 sq.m on side walls of 4 storey elevations are of appropriate proportion to the building upon which they are to be displayed, and the proposed colours to be used are sympathetic to the new development. It is not considered that the display of the signs would have a detrimental impact upon the Llangollen Conservation Area. Given that the signs are to be displayed for a temporary period only, it is reasonable to permit the application, in accordance with Policies CON 5 and CON 8 of the Denbighshire Unitary Development Plan.
 - ii) Given the size, location and lack of illumination with the signs it is not considered they would cause any highway safety concerns.

SUMMARY AND CONCLUSIONS:

7. The proposal is compliant with Planning Policy and the application is recommended for approval.

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

1. Following the sale of the last apartment, the signage hereby permitted shall be removed from the building and any damage caused by the fixings made good.

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

1. In the interest of the character and appearance of the Conservation Area.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Llangollen

APPLICATION NO: 03/2007/1078/ PF

PROPOSAL: Alterations to existing entrance and landscaping improvements to yard

LOCATION: Ectarc East Street Llangollen

APPLICANT: Sharon Thomas Ectarc

CONSTRAINTS: C2 Flood Zone
EA Floodmap Zone 2
Conservation Area

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

CONSULTATION RESPONSES:

3. LLANGOLLEN TOWN COUNCIL
"Members raised objections to this application on the grounds that the proposed design of the entrance was not sympathetic to the original building within a Conservation Area."
4. CONSERVATION OFFICER
"I can confirm that I have no objections to the principles as outlined but I would need to see more information on the paving and railings so I suggest these items are conditioned for future approval."

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 28/10/2007**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks permission to alter the existing entrance of Ectarc, by the installation of new glass doors and extension of the existing steps. The scheme also includes landscaping improvements to the yard and the erection of new wrought iron railings in place of the existing walls on the south side elevation, opposite the public car park.

2. The application site fronts onto Parade Street, Llangollen and has a side elevation onto East Street and Greenfield. The building is not listed, but is constructed from traditional red brick (probably Ruabon brick) and is likely to be of Victorian architectural design.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within development boundaries
Policy GEN 6 – Development control requirements
Policy CON 5 – Development within Conservation Areas

SPG 13 – Conservation Areas

Llangollen Town Centre Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Visual amenity impact / impact upon Conservation Area
6. In relation to the main planning considerations in paragraph 4 above:-
 - i) The site is located within the Development Boundary for Llangollen and it is therefore reasonable to allow small scale development on this site, in accordance with Policy GEN 1 of the Unitary Development Plan.
 - ii) Policy CON 5 of the adopted UDP requires development in Conservation Areas to preserve or enhance the character of the area. This proposal uses a glass frontage creating a neutral appearance. The main structural features of the frontage of the building at this point will remain and whilst the entrance glazing will be expanded the Conservation Architect does not feel this would impact upon the preservation of the character of the building or Conservation Area. Details of the paving and railings are to be conditional to ensure the character of the area is preserved.

As such, the proposal complies with Policies GEN 6 and CON 5 of the Denbighshire Unitary Development Plan, and guidance contained in Supplementary Planning Guidance note. No. 13.

SUMMARY AND CONCLUSIONS:

7. The proposal complies with planning policy and supplementary guidance and the application is recommended for approval.

RECOMMENDATION: - GRANT – subject to compliance with 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 plans, the written approval of the Local Planning Authority must be obtained for the details of the railings and pavers, and no materials other than those approved shall be used thereafter.

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 visual amenity of the Conservation Area.

NOTES TO APPLICANT:

None

ITEM NO:	4
WARD NO:	Llanarmon Yn Ial / Llandegla
APPLICATION NO:	15/2006/1461/ PO
PROPOSAL:	Development of 0.27 hectares of land for residential purposes (outline application)
LOCATION:	Land adjoining Canol Y Cae Village Road Eryrys Mold
APPLICANT:	Mr & Mrs G Roberts
CONSTRAINTS:	AONB
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. LLANARMON YN IAL COMMUNITY COUNCIL
"Application for development of land accepted in principle, but as there is no indication of the size, scale, number and style of dwellings the Community Council wish to reserve the right to comment further when such an application/s have been received."
2. ENVIRONMENT AGENCY
No objection.
3. DCC HEAD OF HIGHWAYS AND INFRASTRUCTURE
Considers that 'access' should be included as part of the application details, at this stage.
4. LLANARMON AND DISTRICT CONSERVATION SOCIETY
No objections in principle. If a proposal includes number and design of dwellings etc, the Society should be consulted.
5. THE COUNTRYSIDE COUNCIL FOR WALES
Initially, advised no objection in principle, subject to the following;
 - Consideration of the Bryn Alyn S.S.S.I boundary line (as the UDP map includes a different line)
 - Consideration of management of S.S.S.I
 - Site lies close to the AONB boundary, but within the AOB. If proposal approved, should ensure no detrimental impact on views in/out of the AONB; a high design standard necessary, with any proposal integrating with the landscape character (building material; natural slate roofing; stone/render walls and dry stone boundaries.
 - A Public Right of Way crosses the adjacent land, to the north,
 - Aware of the adjacent planning application – with similar issues regarding design and landscape character applicable.

A subsequent meeting highlighted additional, protected species issues, including bats and newts.

Revised plans were subsequently submitted, with the Bryn Alun S.S.S.I area

excluded from the application site.

Subsequent to a protected species survey report, CCW have confirmed:

- The bat survey is satisfactory;
- The nesting bird survey satisfactory. Highlights if works commence between March and August, advise that a further nesting bird survey should be undertaken
- Surveys undertaken at this time of year (August) do not prove absence. However in view of the size and location of the proposal, prepared to accept the great crested newt assessment subject to:
 - a) the application area is subject to a detailed terrestrial search before site works commence;
 - b) if one GCN is found, works must immediately stop. Works can recommence on receipt of the relevant licence.[NB it may be prudent to erect 1 way amphibian fencing before works commence]

6. DCC SENIOR DRAINAGE ENGINEER

Advises that whilst application forms indicate surface water drainage disposal, is unaware of any surface water systems in vicinity of the application site, and requests clarification from the Agent

7. DCC PUBLIC PROTECTION CONTAMINATED LAND OFFICER

Highlights potential for historical contamination through an old lead shaft, located within 25 m of the application site. Suggests inclusion of standard conditions.

8. DCC COUNTY ARCHAEOLOGIST – Confirms:

- Site lies in the centre of Eryrys close to areas involved with extensive lead mining activity in the 18th and 19th centuries.
- Additionally, possible prehistoric activity, given a possible standing stone, within the applicants ownership but outside of the proposed development areas.
- The archaeological report conclusion i.e. no definite evidence of archaeological remains in the immediate area of the proposed development. However, of note is a limestone outcrop and adjacent small mound, potentially masking remains of a small quarry or spoil from excavations. Accordingly, recommends that proposed structures are either kept away from these features, to mitigate potential damage, or if this is impossible, an archaeological watching brief condition should be attached in the event of any permission.

9. COUNTY ECOLOGIST

Initially, highlighted the following ;

- Boundary line amended, excluding Bryn Alyn S.S.S.I.
- Protected species – possibly nearest known record for great crested newt is approx 1 1/2 kms (approx 1 mile) to the north-east. CCW may have further, recent records, and will advise if a detailed survey required of nearby ponds. Given timing for surveys, spring survey conditioned, if required. Field boundaries are traditional, stone wall - should be re-established along the new field boundary.
- Long-term protection and conservation management of adjoining S.S.S.I calcareous grassland (within the applicant's ownership) important. Discussions highlight possibilities for site managed by a conservation organisation (e.g. NWWT or CCW) Asks if the planning process is able to secure some site protection through management by such bodies, with the owner to forward proposals for future site management

- Highlights a small area of open water, opposite, at Hen Ardd Common, which was not considered in the report.
10. CLWYDAIN RANGE AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE
 ' The JAC has no observations on the principle of developing this site but notes that the land in question adjoins Canol Y Cae which was the subject of a recent application for redevelopment and is in the same ownership. Both applications should be considered together in respect of the need for affordable housing and public open space. In addition, the JAC emphasises the need for the design of the replacement dwelling and associated boundary structures and landscaping to be sympathetic to the character of the AONB'.
 11. WELSH WATER
 Requests standard conditions be imposed, with separate foul and surface water discharges.
 12. DCC LANDSCAPE OFFICER
 Advises that this is a sensitive site, and should be in keeping with the village, particularly with the retention of the dry stone walls.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. S. Shepherd, Cross Guns, Eryrys
2. Allan Roberts, Bachgen Du, Pant Du Road, Eryrys

Summary of planning based representations

- (i) Design
 Changes the character of the area., with modern dwellings.
- (ii) Ecological & Geological
 Valuable area
- (iii) Visual
 Site in AONB and on higher ground – dominate skyline and traditional buildings.
- (iv) Infrastructure
 Site uneven and sloping – will require considerable earth works and disruption and impact on site viability.
- (v) Highways
 Traffic increase on local roads, with limited width and character
- (vi) Policy & community needs
 Only existing village amenities to support existing 52 dwellings are post office, public house, community centre – difficult for any increase to be catered for. Site not within existing village developed area. Green field site
- (vii) Social, Cultural and linguistic
 With a small hamlet – proposal will dilute existing situation.
- (viii) Others
 Local literature highlights site used for open cast lead mining.

EXPIRY DATE OF APPLICATION: 21/08/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This outline planning application involves a residential development on a site within the defined village development boundary for Eryrys, with all matters reserved for further approval. The applicant has another planning application on the agenda (code no. 15/2006/1462/PO), for the demolition of Canol y Cae dwellinghouse and redevelopment of the adjacent land for residential purposes, which is also in the same ownership.

The original plans have been amended, to exclude part of the Bryn Alyn S.S.S.I. site

The application forms indicate foul and surface water drainage via public sewer and surface water.

A public highway directly abuts the site along the existing south and eastern boundary, with a detached property, Canol Y Cae, to the west. A field runs along the northern boundary, which continues along part of the west boundary and forms part of the Bryn Alyn S.S.S.I. To the east exists a row of residential properties, of 'cottage' style, close to the adjacent highway.

The application submission includes

- Archaeology report
- Protected Species report

The report suggests that on this application site, there are no water bodies on or directly adjacent to Cornel Y Cae, with the presence of great crested newts unlikely.

RELEVANT PLANNING HISTORY:

None identified

PLANNING POLICIES AND GUIDANCE:

2. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd 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 7 – Welsh Language and Culture
 - Policy GEN 10 – Supplementary Planning Guidance
 - Policy ENV 1- Protection of the Natural Environment
 - Policy ENV 2- Development affecting the AONB/AOB
 - Policy ENV 4 –International/National Sites of Nature Conservation Value
 - Policy ENV 6 – Species Protection
 - Policy ENV7 – Landscape /Townscape features
 - Policy ENP 4 – Foul & Surface Water drainage
 - Policy REC 2 – Recreational Open Space in New Developments
 - Policy CON 11 –Areas of Archaeological Importance
 - Policy ENP 8 – Contaminated land
 - Policy HSG 4 – Housing Development in Main villages
 - Policy HSG 10 – Affordable Housing Within Development Boundaries.
 - Policy TRA 6 –Impact of new development o traffic flows.

Supplementary Planning Guidance

2	Landscaping
4	Recreational Public Open Space
15	Archaeology
18	Nature Conservation and Planning
21	Parking requirements in new developments
22	Affordable Housing in new developments
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 5 Nature Conservation and Planning

TAN 12 Design

TAN 18 Transport

TAN 20 The Welsh Language – Unitary Development Plans and Planning Control

Circular 60/96 Planning and the Historic Environment: Archaeology

MAIN PLANNING CONSIDERATIONS:

3.

- i) Principle
- ii) Archaeology
- iii) Protected Species
- iv) Impact on amenities
- v) Highways
- vi) Drainage
- vii) Cultural / language
- viii) Design
- ix) Others – affordable housing; open space;

4. In relation to the main planning considerations in paragraph 3 above:

- i) Principle
The site lies within the defined development boundary, and as such, subject to compliance with site specific issues and policy requirements, the principle of development is acceptable.
- ii) Archaeology
The County Archaeologist response highlights potential archaeological implications. The suggestion for a condition to control and preserve potential findings is in line with policy CON 11 and the accompanying SPG.

Any future detailed development proposals will have to have regard to this particular constraint.

- iii) Protected Species
The consultation response highlights sensitivity for the presence of newts. To ensure full compliance with government guidance (recently updated August 2007) a 'precautionary' approach has to be followed.

Further conditions can be imposed to control any engineering works on the

site, including turf stripping and removal of boundary walls, and to provide positive biodiversity features within any detailed scheme for the site.

Whilst it is not considered reasonable to require the applicants to commit to the management of the adjacent S.S.S.I, as part of this application, the applicants/owners have indicated a willingness to discuss details with the relevant conservation bodies.

iv) Impact on amenities

At this stage, no detailed dwelling unit design or numbers are involved. Any direct impact on adjacent residential properties is more appropriately dealt with at detailed application stage.

v) Highways

The site lies adjacent to the cross roads in the centre of the village, and has no existing direct access point onto the adjacent highway, which has a speed restricted 30 mph zone. Along the easterly site boundary, visibility is clear for a reasonable distance towards the north, and is more limited to the south, given the position of the Sun Public House.

Canol Y Cae cottage includes a vehicular access point onto the Cae'r Odyn highway.

TAN 18 advises combining individual access points to help improve safety and recommends a stopping distance of 70 metres in a 30 mph zone. The nature of the existing highway and character, including volume of traffic, together with the type of development, are relevant highway considerations.

From certain points along the easterly boundary, an acceptable visibility distance can be achieved for the site. Given the potential for combining one access point to serve both this proposal and the one on the adjacent land, it would be difficult to conclude that the proposal at this stage would conflict with the principles of TSN 18 and policy TRA 6.

Conditions can be included to control a joint access approach to serve the two sites, together with traffic calming measures.

vi) Drainage

The agent is aware of the Drainage Engineer's comments. No detailed drainage plan has been submitted. Any detailed drainage scheme will need to overcome Welsh Waters requirement for separation of foul and surface water. Habitat issues (given existing geology, archaeology and adjacent S.S.S.I character) are constraints which may influence any final, detailed scheme.

To ensure compliance with policy ENP 4, a full drainage scheme should be considered as an integral part of a reserved matters application in this particular case.

vii) Cultural/language impact

GEN 7 highlights the need to consider proposals in those areas with a strong social, cultural and linguistic identity, particularly based on the impact on the Welsh language.

The 2001 Census information for Llanarmon yn Ial indicates that of the 1,069 residents

- i) 509 were born in Wales
- ii) 257 Speak Welsh

- iii) 6 Holiday/second homes
- iv) Approximately 37% have one or more skills in Welsh

The existing number of houses in the village of Eryrys is approximately 60. The Land Availability figures indicate a total of 4 dwellings built in the period 1997 – 2007.

The following planning application on the agenda, for land at Canol Y Cae, is a relevant consideration, along with a recent application of 0.61 ha for 17 dwellings on land further south of the village centre, on land adjoining Bryn Tirion (code 15/2007/1065/PO).

Whilst accepting the impact on the Welsh language and culture is a material consideration, it would be difficult to conclude here that the development of sites within a development boundary would have an adverse impact to merit refusal of permission.

Given the size and character of the existing village and other current residential development applications, it is suggested a phasing approach involving both Canol y Cae applications would help to address concerns and can be controlled by a condition as part of any permission.

v) Design

The comments received from the Countryside Council for Wales, AONB Joint Committee, together with the Council's Landscape Officer, highlight quality of the local landscape, requiring careful attention to design, layout and overall features.

The existing stone boundary wall represents a key character/feature of the area and site and should be retained and enhanced as part of any detailed scheme for the site. Policy ENV 7 supports this stance. A condition to control this stone wall feature could be included.

Any detailed scheme will be assessed in detail in line with TAN 12 and SPG 25.

vi) Others – affordable housing; open space

Any detailed scheme for the site must include open space and affordable housing provision in accord with the County Council's policies. These matters can be controlled through conditions

UDP policies REC2 and HSG 10 cautions against piecemeal subdivision of land to overcome open space and affordable housing requirements, and the proposal should ensure a joint approach with the adjacent land at Canol Y Cae, reported on this agenda. These issues can be controlled to form part of a detailed reserved matters application, and can be assessed in line with the relevant requirements.

SUMMARY AND CONCLUSIONS:

5. The site lies within the development boundary. Site sensitive archaeological and protected species issues can be addressed by the suggested conditions. Further conditions can control open space; drainage; affordable housing and access, which will need to be fully addressed with a detailed application.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto 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. The means of access shall be designed to coordinate with the adjoining development area at Canol y Cae (code 15/2006/1462/PO), including an overall traffic management approach.
5. Landscaping details for the site shall include enhancement and provision of biodiversity features, taking into account the relationship with the adjacent S.S.S.I.
6. The reserved matter details shall include the submission of the following;
 - a. A detailed foul and surface water scheme
 - b. The identification and means of provision, including agreement for provision and maintenance for open space
 - c. A report detailing a terrestrial search and any associated mitigation works, including copies of any relevant licence approvals.
 - d. A phasing plan and details to include a joint approach with the adjoining development area at Canol Y Cae (code 15/2006/1462/PO)
 - e. Details of Affordable housing provision to include (i) of a type and location to be determined; ii) The timing of the construction of the affordable housing; iii) The arrangements 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.and the development shall be undertaken in accordance with the approved details
7. No work shall be permitted to commence until there has been a phased investigation carried out over the entire site to ascertain whether the development is contaminated land, and whether the development may impact on controlled surface waters or groundwater, such investigation should consist of a desk study and if deemed necessary within said study a comprehensive site investigation should be carried out in accordance with CLR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of each survey and its conclusions have been submitted to the Local Planning Authority for assessment in liaison with the Environment Agency Wales.
8. In the event that the site survey required by condition 7 of this permission reveals the presence of hazard from any contamination, 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 risks to water resources, surrounding land and property, wildlife, 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, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. 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.
9. No turf stripping; soil excavation; mounding; pilling depositing of any deleterious material; removal of any part of the stone boundary wall shall be undertaken at any time without first obtaining the formal written consent of the Local Planning Authority.
10. 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.

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 the interest of highway and pedestrian safety.
5. In order to ensure the provisions of nature conservation objectives are secured in accordance with the Authority's policies.
6. To ensure the provisions of acceptable drainage provision in the interests of safeguarding the amenities of the locality; to ensure open space provision in accordance with the Authority's policies; in the interests of national protection guidelines; in the interests of the cultural characteristics of the locality; to ensure affordable housing in accordance with the Authority's policies.
7. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
8. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
9. In the interest of the amenities of the locality.
10. In the interests of archaeological investigation and recording.

NOTES TO APPLICANT:

The applicant must carry out soil porosity tests in accordance with the procedures laid down in the Water Resources Act 1991 in order to determine the suitability of the sub-soil and area of land required for the soakaway. Should such test indicate that the soil conditions are unsuitable for the effective disposal of sewage effluent then the applicant should liaise with the Environment Agency regarding an acceptable alternative method of sewage treatment/disposal.

If the developer intends to discharge effluent from the septic tank/sewage treatment plant by other than a soakaway system, they must contact this Authority regarding the requirement for a discharge consent pursuant to the Water Resources Act 1991.

To secure a supply of mains water it will be necessary for a service pipe to be laid by, or at the expense of, the developer. Where any part of the service pipe is to be laid in a street only Dwr Cymru Welsh Water may undertake that portion of the work.

The developer will need to discuss the provision of a water supply and should contact the Distribution Manager, Allt y Ffynnon, Alltami Road, Mold, Flintshire CH7 6HD.

3. Further advice on compliance with planning conditions 6 & 7 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.

You are advised to contact the Countryside Council for Wales with a view to pursuing future possible management plans for the adjacent Bryn Alyn S.S.S.I.

ITEM NO:	5
WARD NO:	Llanarmon Yn Ial / Llandegla
APPLICATION NO:	15/2006/1462/ PO
PROPOSAL:	Demolition of existing buildings and development of 0.08 hectares of land for residential development (outline application)
LOCATION:	Canol Y Cae Village Road Eryrys Mold
APPLICANT:	Mr. & Mrs G. Roberts
CONSTRAINTS:	Previous Mining Area AONB
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

5. LLANARMON YN IAL COMMUNITY COUNCIL
'No objections, only to the replacement of the existing buildings'.
6. WELSH WATER
Requests standard conditions be imposed, with separate foul and surface water drainage.
7. CLWYDIAN RANGE AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE
'The JAC has no observations on the principle of redevelopment of this site, but would emphasise the need for the design of the replacement dwelling and associated boundary structures and landscaping to be sympathetic to the character of the AONB.'
8. LLANARMON AND DISTRICT CONSERVATION SOCIETY
Advise no objections to the existing replacement buildings, with concerns that they should be in keeping with surroundings, with stone, slate and rendering used.
9. THE COUNTRYSIDE COUNCIL FOR WALES
Advise of similar issues to the adjacent planning application site (code 15/2006/1461/PO). Additionally, recommends that the buildings should be assessed for bats prior to demolition, with a WAG licence possibly required and that the adjacent disused 'shaft' is also checked for bats.
10. HEAD OF HIGHWAYS AND INFRASTRUCTURE
Notes that development is proposed on land adjacent, and access details need to be co-ordinated.
11. COUNTY ARCHAEOLOGIST - Advises:
 - Similar to the adjacent application (code 15/2006/1461/PO) site lies in the centre of Eryrys close to areas involved with extensive lead mining activity in the 18th and 19th centuries.

- Additionally, possible prehistoric activity, given a possible standing stone, within the applicant's ownership but outside of the proposed development areas.
- This application site includes as a disused mine shaft marked within the development area, with possible related contamination and safety issues.

12. COUNTY ECOLOGIST

In relation to the bat survey report notes that the surveyor was unable to gain access to loft spaces, and has recommended, in the event of conversion or building involving roof works, that a further survey be carried out by creating a suitable access point into each roof void in autumn or early spring (only). Additionally, to carry out prior full survey of all roof areas in the event of demolition. This should be conditioned, including preparation of method statement if this is subsequently considered necessary.

RESPONSE TO PUBLICITY

None received in response to this application.

EXPIRY DATE OF APPLICATION: 21/08/2007

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations / additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This outline planning application involves the demolition and residential re-development on a site within the defined village development boundary for Eryrys, with all matters reserved for further approval. The applicant has another outline planning application on the agenda (code no. 15/2006/1461/PO), for the use of the adjacent land for residential purposes, which is also in the same ownership.
2. The application forms indicate foul and surface water drainage via public sewer and surface water; the use of an existing vehicular access, and that no trees or hedges will be removed.
3. A public highway directly abuts the site along the existing south west boundary, with fields along the remaining boundaries. Further south east is the Cae'r Odyn residential estate, with its vehicular access off the adjacent highway at a point directly opposite the existing Canol Y Cae property.
4. Canol Y Cae is a two storey property, majority slate roofed, with extensions and integral garage with mature evergreen trees along part of the south east boundary.
5. The application submission includes a Protected Species report. The report advises that on this application site:

Bats

Potential for the cottage, barn and the garage could all be used by bats. Suggests that no evidence found, and the inclusion of planning conditions; Before any works, a further survey undertaken by creating a suitable access point into each roof void. Any work involving the creation of an inspection hatch should take place either in the autumn or early spring to avoid any potential disturbance. In the case of demolition, a full survey of all roof areas should take place. If any evidence of bat use did become apparent, suitable mitigation measures would need to be considered

Barn Owls

There was no evidence of barn owl usage within the barn. There were also no suitable access points.

Newts

There are no water bodies on or directly adjacent to Cornel Y Cae which suggests presence of great crested newts is unlikely.

RELEVANT PLANNING HISTORY:

6. None

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd 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 7 – Welsh Language and Culture
 - Policy GEN 10 – Supplementary Planning Guidance
 - Policy ENV 1- Protection of the Natural Environment
 - Policy ENV 2- Development affecting the AONB/AOB
 - Policy ENV 4 –International/National Sites of Nature Conservation Value
 - Policy ENV 6 – Species Protection
 - Policy ENV7 – Landscape /Townscape features
 - Policy ENP 4 – Foul & Surface Water drainage
 - Policy REC 2 – Recreational Open Space in New Developments
 - Policy CON 11 –Areas of Archaeological Importance
 - Policy ENP 8 – Contaminated land
 - Policy HSG 4 – Housing Development in Main villages
 - Policy HSG 10 – Affordable Housing Within Development Boundaries.
 - Policy TRA 6 –Impact of new development o traffic flows.

Supplementary Planning Guidance

- | | |
|----|--|
| 2 | Landscaping |
| 4 | Recreational Public Open Space |
| 15 | Archaeology |
| 18 | Nature Conservation and Planning |
| 21 | Parking requirements in new developments |
| 22 | Affordable Housing in new developments |
| 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 5 Nature Conservation and Planning

TAN 12 Design

TAN 18 Transport

TAN 20 The Welsh Language – Unitary Development Plans and Planning Control

Circular 60/96 Planning and the Historic Environment: Archaeology

MAIN PLANNING CONSIDERATIONS:

- 8.

- i) Principle
- ii) Archaeology
- iii) Protected Species
- iv) Impact on amenities
- v) Highways
- vi) Drainage
- vii) Cultural / language
- viii) Design
- ix) Others – affordable housing; open space;

9. In relation to the main planning considerations in paragraph 8 above:

- i) Principle
The site lies within the defined development boundary, and as such, subject to compliance with site specific issues and policy requirements, the principle of development is acceptable.

- ii) Archaeology
The County Archaeologist response suggests no archaeological implications involved with this particular application, but highlights potential issues of contamination and safety considerations involved with a disused mine shaft. A contaminated land survey can be conditioned, as suggested on the adjacent planning application, as detailed in the previous report on the agenda, code 15/2006/1461/PO.

Any future detailed development proposals will have to have regard to this particular constraint.

- iii) Protected Species
The proximity of the Bryn Alyn S.S.S.I. and the consultation response highlights sensitivity for some protected species. To ensure full compliance with government guidance (recently updated August 2007) a 'precautionary' approach has to be followed.

Further conditions can be imposed to control any works on the site, including removal of roofs, together with mitigation works (if necessary) and biodiversity features within any detailed scheme for the site, and the adjacent site.

- iv) Impact on amenities
At this stage, no detailed dwelling unit design or numbers are involved. Any direct impact on adjacent residential properties is more appropriately dealt with at detailed application stage.

- v) Highways
The site lies close to the cross roads in the centre of the village, with an existing direct access point onto the adjacent highway, which has a speed restricted 30 mph zone. The applicants own land further along the western boundaries of the application site. Along the easterly site boundary, visibility is clear for a limited distance towards the south east, and is limited to the west, given the character and nature of the highway, which slopes down, further west.

TAN 18 advises combining individual access points to help improve safety and recommends a stopping distance of 70 metres in a 30 mph zone. The nature of the existing highway and character, including volume of traffic, existing highway points, together with the type of development, are relevant highway considerations.

Given the potential for combining one access point to serve both this proposal and the one on the adjacent land, it would be difficult to conclude that the proposal at this stage would conflict with the principles of TSN 18 and policy TRA 6.

Conditions can be included to ensure co-ordination of access arrangements to serve the two sites, together with traffic calming measures.

vi) Drainage

The agent is aware of the Drainage Engineer's comments. No detailed drainage plan has been submitted. Any detailed drainage scheme will need to overcome the Welsh Water requirement for separation of foul and surface water. Habitat issues (given existing geology, archaeology and adjacent S.S.S.I character) are constraints which may influence any final, detailed scheme.

To ensure compliance with policy ENP 4, a full drainage scheme should be considered as an integral part of a reserved matters application in this particular case.

vii) Cultural/language impact

GEN 7 highlights the need to consider proposals in those areas with a strong social, cultural and linguistic identity, particularly based on the impact on the Welsh language.

The 2001 Census information for Llanarmon yn Ial indicates that of the 1,069 residents

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 - iii) 6 Holiday/second homes
 - iv) Approximately 37%
- have one or more skills in Welsh

The existing number of houses in the village of Eryrys is approximately 60. The Land Availability figures indicate a total of 4 dwellings built in the period 1997 – 2007.

The previous planning application on the agenda, for land at Canol Y Cae, is a relevant consideration, along with a recent application of 0.61 ha for 17 dwellings on land further south of the village centre, on land adjoining Bryn Tirion (code 15/2007/1065/PO).

Whilst accepting the impact on the Welsh language and culture is a material consideration, it would be difficult to conclude here that the development of small sites within a development boundary would have an adverse impact sufficient to merit refusal of permission.

Given the size and character of the existing village and other current residential development applications, it is suggested a phasing approach involving both Canol y Cae applications would help to address concerns and can be controlled by a condition as part of any permission.

v) Design

The comments received from the Countryside Council for Wales, AONB Joint Committee, together with the Council's Landscape Officer, highlight quality of the local landscape, requiring careful attention to design, layout and overall

features.

The existing stone boundary wall represents a key character/feature of the area and site and should be retained and enhanced as part of any detailed scheme for the site. Policy ENV 7 supports this stance. A condition to control this stone wall feature could be included.

Any detailed scheme will be assessed in detail in line with TAN 12 and SPG 25.

- vi) Others – affordable housing; open space
Any detailed scheme for the site must include open space and affordable housing provision in accord with the County Council's policies. These matters can be controlled through conditions.

UDP polices REC2 and HSG 10 cautions against piecemeal subdivision of land to overcome open space and affordable housing requirements, and the proposal should ensure a joint approach with the adjacent land at Canol Y Cae, reported on this agenda. These issues can be controlled to form part of a detailed reserved matters application, and can be assessed in line with the relevant requirements.

SUMMARY AND CONCLUSIONS:

10. The site lies within the development boundary. Protected species issues can be addressed by the suggested conditions. Further conditions can control open space; drainage; affordable housing and access, which will need to fully addressed with a detailed application.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto 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. The means of access shall be designed to coordinate with the adjoining development area at Canol Y Cae (code 15/2006/1462/PO), including an overall traffic management approach.
5. Landscaping details for the site shall include enhancement and provision of biodiversity features, taking into account the relationship with the adjacent S.S.S.I.
6. The reserved matter details shall include the submission of the following;
 - a. A detailed foul and surface water scheme
 - b. The identification and means of provision, including agreement for provision and maintenance for open space
 - c. A report detailing a terrestrial search and further bat survey and any associated mitigation works, including copies of any relevant licence approvals.
 - d. A phasing plan and details to include a joint approach with the adjoining development area at Canol Y Cae (code 15/2006/1462/PO)
 - e. Details of Affordable housing provision to include i) of a type and location to be determined; ii) The timing of the construction of the affordable housing; iii) The arrangements

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.

and the development shall be undertaken in accordance with the approved details

7. No work shall be permitted to commence until there has been an investigation carried out over the entire site to ascertain whether there is any contamination present, and whether the development may impact on controlled surface waters or groundwater. Such investigation shall consist of a desk study, and if deemed necessary within said study, a comprehensive site investigation shall be carried out in accordance with CLR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") to include water monitoring data. The contents of each survey and its conclusions shall be submitted to the Local Planning Authority for assessment in liaison with the Environment Agency Wales.

8. In the event that the site survey required by condition 7 of this permission reveals the presence of hazard from any contamination, 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 risks to water resources, surrounding land and property, wildlife, 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, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. No units shall not be occupied 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.

9. No works including any buildings or engineering works including removal of any roof structure with the existing dwellinghouse and adjoining buildings, including roof works: turf stripping; soil excavation; mounding; piling depositing of any deleterious material; removal of any part of the stone boundary wall shall be undertaken at any time without first obtaining the formal written consent of the Local Planning Authority.

10. 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.

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 the interests of the interests of highway and pedestrian safety
5. In order to ensure the provisions of nature conservation objectives are secured in accordance with the Authority's policies.
6. To ensure the provisions of acceptable drainage provision in the interests of safeguarding the amenities of th locality; to ensure open space provision in accordance with

the Authority's policies; in the interests of national protection guidelines; in the interests of the cultural characteristics of the locality; to ensure affordable housing in accordance with the Authority's policies.

7. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
8. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
9. In the interest of the amenities of the locality.
10. In the interests of archaeological investigation and recording.

NOTES TO APPLICANT:

The applicant must carry out soil porosity tests in accordance with the procedures laid down in the Water Resources Act 1991 in order to determine the suitability of the sub-soil and area of land required for the soakaway. Should such test indicate that the soil conditions are unsuitable for the effective disposal of sewage effluent then the applicant should liaise with the Environment Agency regarding an acceptable alternative method of sewage treatment/disposal.

If the developer intends to discharge effluent from the septic tank/sewage treatment plant by other than a soakaway system, they must contact this Authority regarding the requirement for a discharge consent pursuant to the Water Resources Act 1991.

To secure a supply of mains water it will be necessary for a service pipe to be laid by, or at the expense of, the developer. Where any part of the service pipe is to be laid in a street only Dwr Cymru Welsh Water may undertake that portion of the work.

The developer will need to discuss the provision of a water supply and should contact the Distribution Manager, Allt y Ffynnon, Alltami Road, Mold, Flintshire CH7 6HD.

3. Further advice on compliance with planning conditions 6 & 7 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.

You are advised to contact the Countryside Council for Wales with a view to pursuing future possible management plans for the adjacent Bryn Alyn S.S.S.I.

ITEM NO: 6

WARD NO: Llandyrnog

APPLICATION NO: 18/2007/1061/ PF

PROPOSAL: Demolition of existing lean-to and erection of conservatory at side of dwelling

LOCATION: Cefn-Bithel Llandyrnog Denbigh

APPLICANT: Mr P Clark

CONSTRAINTS:

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

CONSULTATION RESPONSES:

13. LLANDYRNOG COMMUNITY COUNCIL

'Members object to this application. Although a stone plinth has been shown and a hardwood conservatory the design is out of keeping with Cefn Bithel/Hen Gapel. The use of Doric type columns and deep/narrow windows should be seriously reconsidered and maybe a pitch slate roof rather than a glass roof.'

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 22/10/2007**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks permission to remove the existing lean-to structure from the south facing elevation of the dwelling and to erect a conservatory with a projection depth of 4.2m.
2. The dwelling is one and half storey, constructed from stone with a slate roof. It is set in a relatively large garden which extends to the side and rear, with a parking and turning area. A lane leads from the main road (B5429) along the north side of the dwelling and into the parking and turning area. Hedging and trees run along the east and south boundary.

RELEVANT PLANNING HISTORY:

3. None.

PLANNING POLICIES AND GUIDANCE:

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

HSG 12 – Extensions to dwellings
SPG 1 – Extensions to dwellings
SPG 24 – Householder Design Guide

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of Development
 - ii) Visual amenity impact
 - iii) Residential amenity impact
6. In relation to paragraph 5 above:-
 - i) Principle
It is reasonable to allow a small scale development in this location, subject to compliance with criteria contained in HSG 12 of the Unitary Development Plan.
 - ii) Visual amenity
In terms of scale and form, the proposed conservatory is subordinate to the original dwelling, and would not lead to an overdevelopment of the site. The proposed conservatory is considered to be discreetly located, given the boundary treatments on site. The visual impact upon the neighbouring property and road scene would be minimal. The Community Council's comments are noted, but the site is not located within a conservation area nor is the building listed. The walls of the proposed conservatory (where it is not glazed) are to be constructed from stone, to match the existing dwelling. On balance, the proposal complies with Policy HSG 12 of the Unitary Development Plan and Supplementary Planning Guidance note no. 1.
 - iii) Residential amenity
It is not considered that the proposed development would result in a loss of residential amenity for the adjacent occupier given the separation distance of 8m between the side of the neighbouring dwelling and the conservatory.

SUMMARY AND CONCLUSIONS:

7. Overall, the proposal complies with Planning Policy and guidance 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

ITEM NO: 7

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 21/2007/0915/ PC

PROPOSAL: Continuation of use of land and buildings in connection with sawmills business

LOCATION: Bryn Ffynnon Farm Forestry Road Llanferres Mold

APPLICANT: Mr G.S Davies

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

1. LLANFERRES COMMUNITY COUNCIL
"Following the Community Council meeting held on 12 September 2007 and the extraordinary meeting held on the 24 September 2007 when this application was discussed at length.
The Community Council offer no formal objection or additional comments to this application.
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to a condition to ensure parking, loading and turning facilities.
3. FOOTPATHS OFFICER
No objection
4. PUBLIC PROTECTION
Suggest a number of conditions to control times of working, noise levels, lighting and dust.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. I & Hemming, 8, Bryn Eithin, Forestry Rd, Llanferres (via e-mai)
2. P. & G. Jelley, Bryn Ffynnon, Llanferres
3. Mr. & Mrs. R. A. Elliott, Bryn Saeson Ucha, Llanferres

Summary of planning representations:

- i) Concerns over vehicular and pedestrian safety
- ii) Concerns over impact on AONB
- iii) Concerns over increased intensity of use
- iv) Concerns over noise/dust

EXPIRY DATE OF APPLICATION: 17/09/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Bryn Ffynnon sawmills is located within the Clwydian Range AONB to the north west of 2No. existing detached dwellings. Bryn Ffynnon and Oldfield on the Tafarn-y-Gelyn to Llanbedr DC road some three quarters of a mile west of its junction with the A494.
2. This former working farm has been operating partly as a sawmill since early 1993. It is located within former agricultural buildings which sit at a slightly higher level than the dwellings previously mentioned. To the immediate north of the site is a further dwelling known as The Paddock which is associated with the business.
3. The site is accessed via a track located between the dwellings of Bryn Ffynnon and Oldfield. This track forms the vehicular route to the site and also links up with Public Footpath No 6 which continues to the north of the site.
4. Disused agricultural buildings and a slurry pit are located to the south east of the application site partly between the sawmills and Bryn Ffynnon. To the north west and north east of the site are located open fields at a higher level.
5. Permission is sought to continue to use the land and buildings in connection with the sawmills business. The original 1993 permission restricted all sawmill operations to the building and storage area to the west of the site (see plan at front of report). Additional parts of the agricultural building and a further area outside and to the north of the site have been used in connection with the sawmill. It is these areas to which the application relates. (see plan at front of report).

RELEVANT PLANNING HISTORY:

6. 31/13639 – Use of existing agricultural buildings for the processing and treatment of raw timber (retrospective application) – GRANTED 24 December 1993.
21/2004/1077/LE – Application for Certificate of Lawful Use of existing use of land for the storage of round and square timber – REFUSED TO CERTIFY 26 April 2005.

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development Outside development boundaries
Policy GEN 6 – Development Control Requirements
Policy EMP 5 – Small scale employment development outside development boundaries
Policy ENV 2 – Development in AONB
Policy TRA 6 – Impact of new development on traffic flows
Policy ENP 2 – Pollution sensitive development
Policy EMP 8 – Bad neighbour employment/Uses

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002
TAN 18 – Highways

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Impact upon neighbour amenity
 - ii) Impact upon visual amenity/AONB

iii) Impact upon highway safety/footpath

9. In relation to the points identified in paragraph 8 above:-

i) Impact upon neighbour amenity

It is clear that the application site and use has expanded and intensified since the original 1993 consent. It is also clear that much of this expansion may have been operational for some years prior to the application for a Certificate of Lawfulness in 2003. However, it should be noted that the use of the site in its current form as a sawmill is having an impact upon the residential amenity of nearby properties. Having regard to the positioning of nearby dwellings, the history of the site and the potential controls a new set of planning conditions could give, one would have to assess whether this 'impact' is significant enough to warrant refusal and to instigate enforcement proceedings.

The area generally has been associated with forestry/agricultural operations and Forestry Road is already used by some large vehicles. There will remain redundant buildings and areas of the site which will not be used in connection with the sawmills and these areas appear to be the closest, geographically, to Bryn Ffynnon and Oldfield respectively. Planning Policies EMP 5 and EMP 8 allow for the use of such former agricultural buildings for this type of employment use and whilst the movement of vehicles is noted it is considered that through the imposition of relevant conditions the impact on neighbour amenity could be controlled better than it is currently.

ii) Impact upon visual amenity/AONB

The application site is located within a prominent location within the designated AONB and contains a number of agricultural buildings and areas previously associated with a working farm. The original planning permission allowed for a storage area to the west of the buildings. As such, the main increased visual impact would be the formalisation of the area to the north of the agricultural buildings. This is where the timber is stored for collection and a parking, turning and delivery area are located. This area has been used, in part, since 1993 for deliveries as this is the only vehicular access route to the site. Whilst further storage of timber in this area will have some impact upon the area, it is not considered this will be significant given that it would be hidden from view from the dwellings to the south. Further conditions will also serve to control this potential impact.

iii) Impact upon highway safety/footpath

Concerns have been raised in respect to the vehicular movements associated with the use in and around the site. It is clear that the 3 No. dwellings which are located close to the vehicular access to the site will experience some disturbance from in and outgoing timber movements. One must have regard, however, to the agricultural use of the site and buildings previously and the established sawmill use from 1993. The site has been assessed by our Highway Engineers and Footpaths Officer having regard to the intensity of the current use and it is considered that subject to conditions on turning areas and adequate signage being erected warning pedestrians of the potential for vehicle movements there is no objection to the application. The Highway Engineer has warned, however, that any increase in size and operation at this site may require some future access improvements to be carried out.

SUMMARY AND CONCLUSIONS:

10. Subject to the relevant conditions being imposed and adhered to, the application is acceptable and would seem to give a greater degree of control to the use than is currently experienced.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The hours of operation shall be limited to 0800 hrs - 1700 hrs Monday to Friday and 0800 hrs - 1300 hrs on a Saturday. There shall be no working on Sundays or Bank Holidays.
2. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority within 1 month of the date of this permission. Such an area as subsequently agreed shall be thereafter retained for that purpose.
3. A maximum noise level, measured out any position on the site boundary line, of 47 dB LAeq(1hr) freefield shall be adhered to. This equates to 45 dB LAeq (1hr) freefield at the nearest noise sensitive premises during site working hours as set out in condition 1 of this permission.
4. There shall be no storage of further timber, machinery or other equipment outside of the areas indicated on approved Block Plan Rev B July 2007. Storage within approved areas shall not exceed 3m in height unless otherwise agreed in writing by the Local Planning Authority.
5. Within 1 month of the date of this permission details of measures to be taken to warn pedestrians of the presence of lorries entering and leaving the site shall be submitted to and approved in writing by the Local Planning Authority. Those details subsequently approved shall be installed/erected within 1 month of that approval and maintained thereafter.

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

1. In the interest of neighbour amenity.
2. To enable all vehicles to enter and leave this site in a forward gear.
3. In the interests of neighbour amenity.
4. In the interests of visual amenity.
5. In the interest of pedestrian safety.

NOTES TO APPLICANT: None

ITEM NO: 8

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 21/2007/1100/ PF

PROPOSAL: Construction of play area

LOCATION: Ysgol Bro Famau Uned Llanferres Tyn Llan Llanferres Mold

APPLICANT: Corporate Director Of Life Long Learning

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

5. LLANFERRES COMMUNITY COUNCIL
Awaiting response.
6. JAC AONB COMMITTEE
"The JAC supports the application and welcomes the reduced scale of the proposed play area. However, the Committee still requests that additional informal landscaping be carried out around the play area to reduce visual impact, ideally incorporating the adjoining land within the applicant's ownership."

RESPONSE TO PUBLICITY:

None at time of writing report.

EXPIRY DATE OF APPLICATION: 01/11/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site consists of an area of sloping field just to the west of Ysgol Bro Famau in Llanferres. The Council owned land is sited just outside the village boundary of Llanferres to the immediate south of an existing recreational play area and residential dwellings on Ty'n Llan.
2. The land slopes from west to east within the designated AONB and is bounded predominantly by established hedging. To the school side and road frontage the site is bounded by post and wire fencing.
3. Permission is sought to construct a hard surfaced play area (30.5m x 15.25m) which will involve a levelling of part of the site in order to provide a flat playing surface. New 2m high rebound fencing will be sited on the north and west sides of the pitch only. No existing trees or hedges will be affected by the proposal with a further scheme of landscape planting around the pitch as suggested by the Council's Landscape Architect. The play area has been reduced from an original 38m x 20m following discussions with the community.

4. The area will be used by Ysgol Bro Famau. It will be used during school hours for breaks and games lessons but will also be used for after school activities. The scheme is the result of extensive consultation between the School and Community Council and this site has been chosen due to there being no alternative sites available within the development boundary. The original location of the playground needed to be adjusted to prevent it being built underneath the canopy of the nearby memorial tree.

RELEVANT PLANNING HISTORY:

5. None.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy REC 5 - Recreational Facilities Outside Development Boundaries
Policy ENV 2 - Development Affecting the AONB

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

TAN 16 Sport and Recreation

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development having regard to relevant policy.
 - ii) Impact on AONB.
 - iii) Highway implications.
 - iv) Neighbour amenity.
8. In relation to the points identified in paragraph 7 above:-
 - i) The school currently has limited facilities for outdoor play and a justifiable need has been identified for such a proposed facility. Given the area of land around the school which is in the control of the school, this site was the only feasible option for the requirements and size of the proposed play area. Policy REC 5 allows for recreational facilities outside development boundaries where there are no alternative sites within. Attempts have been made to site this facility so as not to form a significant encroachment outside the defined settlement boundary. The application site and play area are positioned so as to follow the curve of the adjacent road, effectively siting between the school building and the established public play area to the north. By siting it in this location a significant proportion of the existing open field will remain as such. The proposed positioning will also seek to minimise the amount of excavation and re-levelling of this sloping site. It is considered that the principle of siting this needed facility abutting the development boundary is acceptable.
 - ii) A further criteria of Policy REC 5 and the established principle of any development within the designated AONB in that any development should not unacceptably harm the character of the area. Clearly by encroaching into this currently open field to provide this play area there will be some impact on the visual character of the area. The scheme has been designed in consultation with the Council's Landscape Architect who has had due regard to the unique character of the AONB. The banks created by the excavation work will be seeded with grass and a wildflower mix. Further hard and soft landscaping

around the play area will provide the necessary accessibility whilst helping to blend the development harmoniously into the backdrop of the open fields beyond. It is considered, therefore, that the impact upon the character of the AONB location has been kept to a minimum.

- iii) The facility will remain within the school grounds and will only be used for school related activities. The school will manage the facility and clearly access to it will need to be limited. It is not considered, therefore, that, based on the information given, there would be any likely highway implications from this development. Whilst most schools have parking issues at peak times the provision of this facility should not exacerbate the problems.
- iv) It is acknowledged that certain properties opposite and facing the site will be able to see the proposed facility. However, given the school related nature of its use, the lack of external lighting proposed and the comprehensive landscaping scheme it is not considered any nearby residents should experience any significant loss of amenity.

SUMMARY AND CONCLUSIONS:

- 9. The facility has been designed and located having regard to the needs of the local community and school. Whilst it encroaches outside the village boundary, it complies with the relevant adopted policy for such types of development (Policy REC 5). Subject to controls over its use and good, secure management, the development is acceptable.

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 lighting, sound or amplification equipment shall be permitted to operate from the facility hereby permitted.
- 3. The use of the facility hereby permitted shall be for activities as authorised by Ysgol Bro Famau and Denbighshire County Council.
- 4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons [following the occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] 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. Prior to its installation, full details of the proposed perimeter fencing shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter.
- 6. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

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 amenity of the locality.
3. In order that the Local Planning Authority can retain a degree of control over the use of the facility in the interests of the amenity of the locality.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.

NOTES TO APPLICANT:

None

ITEM NO:	9
WARD NO:	Bodelwyddan
APPLICATION NO:	40/2006/1018/ PF
PROPOSAL:	Development of equine treatment and therapy centre, and stud farm including ancillary stabling, wardens flat and educational training facility, use of adjoining pasture land for grazing of horses and sheep, installation of private treatment plant, close off existing access and formation of new vehicular access
LOCATION:	Tytynyrch Land Glascoed Bodelwyddan
APPLICANT:	Mr & Mrs D Taff
CONSTRAINTS:	Groundwater Vulnerability
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. **BODELWYDDAN TOWN COUNCIL**
 " The Town Council do not wish to object to this application but would like the following observations noted:
 Highway access – alterations to the highway should be carried out first before any other development takes place on the site; The current existing trees should be protected from felling; the development should be suitably screened".
2. **CEFNMEIRIADOG COMMUNITY COUNCIL**
 "It was felt that this proposal was inappropriate in this area. It goes against the green belt with little benefit to the local people. The council has concerns regarding the traffic flow, present and proposed. We have further concerns regarding the new access to the road by Gloddfa".
3. **LANDSCAPE ARCHITECT**
 Object. The complex of large modern buildings would be located on the hillside in a distinctive and almost unspoilt landscape. The site is very close to the lodge which marks the Glascoed entrance to the Grade II* Historic Park & Gardens of Kinmel Park, and is also adjacent to the Grade II Bodelwyddan Castle Historic Park & Garden. The two areas of parkland together create a landscape type defined as having a distinct character area within the Denbighshire Landscape Strategy, with the visual quality of this character area assessed as being high.
4. **COUNTY ECOLOGIST**
 No response received
5. **HEAD OF TRANSPORT & INFRASTRUCTURE**
 No objection subject to the inclusion of conditions
6. **DWR CYMRU WELSH WATER**
 No response received

7. ENVIRONMENT AGENCY
No objection subject to the inclusion of a condition
8. CADW
No objection
9. COUNTRYSIDE COUNCIL FOR WALES
No response received
10. BRITISH HORSE SOCIETY
No response received
11. THE MINISTRY OF DEFENCE
Concerns expressed relating to the proximity of horses to the Kinmel Park Training area, where firearms are used, which may cause disturbance or distress to the animals.
12. CAMPAIGN FOR THE PROTECTION OF RURAL WALES
The views of the wood at the top of Engine Hill, when viewed across the fields that are subject to the this application, are especially attractive; and form a natural barrier between the industry lower down the hill and the countryside at the top. The whole area here has the 'feel' of historic landscape, unchanged for centuries, and is worth preserving.

RESPONSE TO PUBLICITY:

Letters of objection received from:

1. J.E. & M.E. Harrop, Pen Isa, Glascoed
2. Mr. J. Hutchinson & Ms. L. Liddal, Gloddfa, Engine Hill, Glascoed

Summary of planning based representations:

- i) Inappropriate in terms of scale and location
- ii) The proposal is a large scale, building intensive, industrial enterprise which in no real sense 'takes account of the existing landscape'.
- iii) Development of a greenfield site
- iv) Adverse impact on the landscape and character of Glascoed
- v) First step towards ribbon development linking the Kinmel Industrial Estate with Cefn Meiriadog
- vi) Would represent development 'sprawl'
- vii) Impact on the listed building at 'Pen Isa'r'
- viii) Impact on traffic flow causing noise, nuisance and danger

Letters of support received from:

1. Ms. C. H. Beech, Ty Fferm, Pentre Uchaf Farm, Mount Lane, St. Asaph
2. Brynle Williams AM
3. Mr P G Smith, Medina House, Highfield Hall, Northop. Nr Mold. CH7 6AX.
4. Mr J McInally Saunders Stud 3 Elwy Meadows Lower Denbigh Rd St Asaph L
5. Mr A Hubbard, 61 Green Lane, Great Sutton, Cheshire. CH66 4LG
6. Miss Fiona Roberts, 1 Glen View Rhyd y Foel, Abergele, Conwy LL22 8EB
7. Mr. A. Jones, Ynys Rhys, Llangernyw, Abergele
8. Mr. T. & Mrs. J. Keeley, Bryn Moel, Clawddnewydd
9. Mr. M. W. Edwards, 2, Maes y Felin, Llanrhaeadr
10. Mr. D. Worthing, Worthy Stud, Treetops, Gofer Farm Cottages, Abergele
11. D. & J. Roberts, Plas yn Trofarth, Llangernyw
12. J G Berry, Betws Stud Ponies, Can Yr Afon, Capel Curig
13. Miss Mandy Jones, Wadham House, Rhualt, St. Asaph
14. E Black, Arfryn, Rhualt, St. Asaph

Summary of planning based representations:

- i) There is real need for such a facility in North Wales
- ii) The facility would bring substantial benefit to the county
- iii) Creation of jobs in the area

EXPIRY DATE OF APPLICATION: 17/12/2006

REASONS FOR DELAY IN DECISION:

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

Discussions have been ongoing with the applicant, in relation to landscape and highway issues, and in particular, with regard to the location of the development in an attempt to obtain additional information relating to the choice of this site, and what attempts have been made to acquire existing buildings or land closer to existing settlements.

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises an open field located within the open countryside in between Bodelwyddan and Glascoed. There are no existing buildings on the site. The site is located approx 460m away from the Bodelwyddan development boundary. The land slopes gently and is currently in agricultural use. Bounding the site to the south and west are the woodlands of Kinmel Park, a Grade II* historic park and garden, and opposite the site is the Grade II historic park and garden of Bodelwyddan Castle. There is currently a field gate which provides access to the site. The residential property of 'Gloddfa' is located at the bottom end of the site, opposite on Engine Hill.
2. This application is a full application for the development of an equine treatment and therapy centre and stud farm, including ancillary stabling, associated residential dwelling and educational training facility. The application also includes the use of the adjoining pasture land for grazing of horses and sheep, installation of a private treatment plant and alterations to the existing vehicular access.
3. The application site comprises a total of approx 10 hectares of agricultural land, which is classed as Grade 3 agricultural land. In support of the application, and having regard to UDP policy GEN 3 and EMP 5, the applicant has asked that the proposal be viewed as an acceptable 'exceptions' development on the following grounds:
 - Open countryside location essential due to the nature of the proposal
 - Supports diversification of the rural economy in a controlled manner in line with top objectives
 - Proposal is a non-speculative small scale employment development with up to 14 full time posts identified
 - Meets criteria as set out in BHIC strategy (British Horse Industry Confederation) in conjunction with Welsh Assembly Government and DEFRA (Department for Environment, Food & Rural Affairs).

RELEVANT PLANNING HISTORY:

4. 40/2006/0752/AG Erection of multi-purpose agricultural building DETERMINE THAT PRIOR APPROVAL IS NOT REQUIRED 14th July, 2006

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 6 Location
 - Policy STRAT 7 Environment
 - Policy STRAT 8 Employment
 - Policy GEN 3 Development Outside Development Boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy ENV 1 Protection of the natural environment
 - Policy CON 12 Historic Landscapes, Parks & Gardens
 - Policy HSG 6 New Dwellings in the Open Countryside
 - Policy EMP 5 Small Scale Employment Development outside Development Boundaries
 - Policy TRA 6 Impact of new development on traffic flows

Technical Advice Note 6: Agricultural & Rural Development (June 2000)

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of the development
 - ii) Principle of a new dwelling
 - iii) Impact on visual amenity/character of the area
 - iv) Highway considerations
7. In relation to the main planning considerations noted above:
 - i) Principle of the development
Whilst acknowledging the applicant's case, due consideration has to be given first to the issue of compliance with the development plan policies. In this regard: -

Policy GEN 3 states that development will not be permitted outside development boundaries but provides exceptions, including development in connection with the diversification of the rural economy and rural tourism, leisure and recreation, provided that there is no unacceptable impact on the social, natural and built environment.

Policy EMP 5 i) allows for small scale employment development outside development boundaries through the conversion of existing buildings.

Policy EMP 5 ii) allows consideration of 'exceptional circumstances' to allow for genuine, non-speculative and small scale employment development outside, but adjoining development boundaries. It states that in exceptional circumstances, where no land or buildings are available within the development boundaries of main or minor villages, small scale development on the edge of settlements will be permitted, subject to various criteria, with particular relevance to this application, provided that the development relates physically to the settlement and does not result in insensitive ribbon or isolated development or disjointed and fragmented development pattern, and a logical new boundary is formed and accompanied by sensitive landscape measures.

In relation to Policy GEN 3, it is not considered that the proposal can be considered as an exception as there would clearly be an adverse impact on the natural environment. The site is located in the open countryside, with no existing buildings on the site, it is unrelated to any existing settlement and therefore development of the site would result in an unacceptable impact on the natural environment.

In essence, Policy EMP 5 allows for small scale employment development through the conversion of existing buildings or where this is not possible, specifically refers to small scale employment development being permitted in exceptional circumstances on the **edge** of settlements, physically relating well to the existing built up area so as not to result in a poor or harmful pattern of development.

The basic thread of policy EMP 5 is reflected in paragraph 7.3.2 of Planning Policy Wales states '*Whilst some employment development can be created in rural locations by the re-use of existing buildings, new development will be required in many parts of rural Wales. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply, should generally be located within defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small scale rural enterprise **in or adjoining small rural settlements***' (officers emphasis).

Local and national planning guidance therefore supports the development of small scale employment development, however it is clear that developments must be sited on the edge of or adjoining settlements. In this case, the application site is located approximately 460m away from the nearest development boundary, at Bodelwyddan, and the site is clearly separated from the development boundary by open countryside/fields.

It is appreciated that the proposed use requires a location which is rural in nature, and requires open land for grazing purposes, however the development clearly does not relate physically to a settlement, and would result in an isolated development in the open countryside and would not form a logical 'new' boundary to a settlement.

It is acknowledged that there may be a demand for the facility, however no evidence has been submitted from the applicant to demonstrate that other sites with existing buildings or land closer to an existing settlement have been fully explored. Accommodation for horses and equine activities can be an ideal new use for redundant farm buildings, offering diversification opportunities for farm enterprises.

The principle of the development is therefore considered unacceptable and in clear conflict with Policy EMP 5 in the UDP, and Planning Policy Wales.

ii) Principle of a new dwelling

With regard to the residential unit proposed to house a warden, Policy HSG 6 allows for new dwellings in the open countryside only to provide essential housing for farm or forestry workers, and only where specific financial and functional tests as outlined in TAN 6 relating to agricultural development are met. Whilst it is acknowledged that there may at times be a need for a warden or supervisor on site, it would be inappropriate to consent to a residential unit

within a business enterprise yet to be established, and where viability over a period of time can not be proven, as this would be clearly contrary to planning policies. Advice in TAN 6 suggests, in the first instance, temporary accommodation should be considered as an option, where there is a prospect of viability, and to allow opportunity to establish both the financial and functional need for an on site presence. This is clearly fails to comply with Policy HSG 6 in the UDP and Government Guidance contained within TAN 6.

iii) Impact on visual amenity/character of the area

The site would be located on the hillside adjoining a woodland which is part of the grade II* Kinmel Park historic park and garden. It is located opposite the grounds of the grade II historic park and garden at Bodelwyddan Castle. Within the register of parks and gardens, the site itself is not within an area considered important as an essential setting or significant view in relation to the historic park. However, the site is located in between two areas of parkland that together create a landscape which constitutes a distinctive character area in the Denbighshire Landscape Strategy. The character area description refers to the rolling wooded estate farm landscape established on the north facing slopes as deriving its character from the parkland surrounding the two important houses of Bodelwyddan Castle and Kinmel.

The application has been submitted with a detailed landscaping plan, and it is proposed to remodel the ground to provide an earth bank with extensive planting. This would be on the northern boundary adjacent to where it is proposed to site the buildings, in an attempt to soften views on the approach to the site from Bodelwyddan, along Engine Hill, as the site is located on a hillside. The concern here is that the development would stand out within what is a very simple unspoiled parkland. The proposed building would also be located in close proximity to the Kinmel Park woodland, and concerns are expressed by the Landscape Architect relating to the growth of the trees within the wood, which should grow very large in time and make a strong contribution to the landscape quality. The Council's Landscape Architect objects to the proposal. It is therefore considered that the proposal would have an adverse impact on the character of the area, with an unacceptable effect on the distinctive character of the open parkland landscape.

iv) Highway Considerations

The proposal would result in the re-siting and improvement of the current field access. The Head of Highways has assessed the site and is satisfied that a new access, with acceptable visibility splays can be achieved on site subject to the submission of appropriate details. It is therefore not considered that the proposal would result in an adverse impact on highway safety.

SUMMARY AND CONCLUSIONS:

8. The principle of the development is considered unacceptable in this location, and would result in an isolated development within the open countryside. The development would have an unacceptable impact on the rural character of the area and on the distinctive character of the open parkland landscape. There would be no unacceptable impact on highway safety subject to the submission of appropriate details. Whilst the comments relating to employment generation and the need for such a facility are noted, it is not considered that these issues outweigh the policy conflicts.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the view of the Local Planning Authority that the proposal is unacceptable in principle, assessed against policies contained within the Denbighshire Unitary Development Plan and Planning Policy Wales. The proposal would be contrary to criteria vi) of Policy GEN 3 as the case for development is not considered to be an 'exception', and would have an adverse impact upon the natural environment; Policy HSG 6, as there is no essential need proven for a dwelling; and criteria ii) c) and d) of Policy EMP 5, as the development does not physically relate to a settlement, would result in an isolated development and a logical new boundary would not be formed. The proposal would be contrary to guidance contained within chapter 7 of Planning Policy Wales in that the site does not adjoin a rural settlement.

The site is located adjacent to the Grade II* Kinmel Park Historic Park & Garden and opposite the Grade II Bodelwyddan Castle Historic Park & Garden. The proposal to form a large complex of modern buildings would be harmful to the character and appearance of the area, resulting in an unacceptable impact on the distinctive character of the open parkland landscape, contrary to Policy ENV 1 and Policy CON 12 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO:	10
WARD NO:	Prestatyn South West
APPLICATION NO:	43/2007/0394/ PF
PROPOSAL:	Erection of 51 no. dwellings, construction of new vehicular and pedestrian access and associated works (site area 2.3 hectares)
LOCATION:	Land off Tip Lane Prestatyn
APPLICANT:	Anwyl Construction
CONSTRAINTS:	250m Of Landfill Site Public Footpath / Bridleways B Flood Zone
PUBLICITY UNDERTAKEN:	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 objection subject to condition
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

Original response received 9th May, 2007

No objection subject to condition relating to finished floor levels

Additional response received 20th September 2007

Request the application be deferred until additional information relating to contamination and surface water regulation for the site has been submitted.

Response received 15th October, 2007

No objection subject to the inclusion of conditions requiring:

- A detailed scheme for the provision of surface water drainage works;
- A scheme for the provision of a surface water flood flow route through the site and overland flood storage areas
- Liaison with Environment Agency during works on site should contamination be discovered

13. CADW
No objection
14. CLWYD BADGER GROUP
Response awaited.
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.
17. CHIEF FIRE OFFICER
Has no comments to make

RESPONSE TO PUBLICITY:

For clarification purposes, there were in excess of 170 letters received from local residents in April 2007, however these were in response to the press notice published by the developer in relation to land ownership of the site, and not in regard to the planning application, which had not been registered with the Authority.

Letters received in response to public consultation from the Local Planning Authority which contain material planning considerations:-

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 Penrhwyfla, Prestatyn. LL19 8BP.
34. G Jones, 55 Ffordd Penrhwyfla, Prestatyn. LL19 8BP.
35. S H Smith, Railway Cottage, 2 Ffordd Penrhwyfla, 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 Standring, 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 Lavery, 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
 117.Miss G Ambrose, Salisbury Drive, Prestatyn
 118.Mr & Mrs Chandler, 93 Winchester Drive, Prestatyn
 119.Mr & Mrs Collins, 35 The Meadows, Prestatyn.
 120.Mrs B Williams, 46 Bangor Crescent, Prestatyn.
 121.G Cooper, 116 Fforddisa, Prestatyn.
 122.D Bone, 2 St Brelades Drive, Prestatyn.
 123.Mrs S A Oliver, 80 Fforddisa, Prestatyn
 124.G Pridding, 39 The Meadows, Prestatyn.
 125.G Daley, 12 Heather Crescent, Prestatyn.
 126.M George, 36 The Meadows, Prestatyn.
 127.Mr & Mrs Morgan, 87 Ffordd Penrhwylyfa, Prestatyn.
 128.R A H Morris, Parkgate House, Deeside.
 129.S Ali, 83 Fforddisa, Prestatyn
 130.Mrs E Bird, 58 Bangor Crescent, Prestatyn
 131.Chris Ruane MP
 132.Mrs O Smith, 118 Fforddisa, Prestatyn
 133.R Sherrington, 108 Fforddisa, Prestatyn
 134.Mrs R L Jadson, 9 St Georges Drive, Prestatyn.
 135.Mr & Mrs J Burns, 29 St Georges Drive, Prestatyn
 136.Mr N Jones, 40 St Georges Drive, Prestatyn.
 137.Mr & Mrs A Bones, 37 Princes Avenue, Prestatyn
 138.Mr & Mrs Phillips, 25 St James Drive, Prestatyn
 139.Mrs J Price, 1 St Georges Drive, Prestatyn
 140.Mr & Mrs M Burton, 8 St James Drive, Prestatyn
 141.M Roberts, 51 St Georges Drive, Prestatyn
 142.A Lees, 9 St James Drive, Prestatyn
 143.Brian Thomas – via e-mail
 144.Barbara Wilson, 21 Canterbury Drive, Prestatyn
 145.R Price, 2 The Meadows, Prestatyn
 146.Mrs M L Meredith-Price, 6 Canterbury Drive, Prestatyn
 147.Robin Morris, Guy Woodcock, Parkgate House, Welsh road, Deeside.
 148.Brian Row, 4 Heather Crescent, Prestatyn
 149.Mr Beckinsale – via e-mail
 150.C G Chestney, 3 St James Drive, Prestatyn
 151.Gaynor Hughes – via e-mail

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 site lies within the development boundary of Prestatyn where housing development is acceptable in principle. The site has no specific planning policy protection and is not designated as open space.
2. The application site comprises 1.8ha of vacant land off Tip Lane. 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.
3. 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.
4. 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
5. The application proposes 30% of the number of units would be available for affordable housing. It proposes a range of highway alterations/improvement, including:
 - 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 standard T junction access with 10.5m minimum 2.4 by 90m sightlines in each direction.

Additional off-site highway 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
 - re-location of existing bus stop on Fforddisa to avoid conflict with new crossing and junction layout.
6. Officers are aware of and have attended public meetings in respect to flooding issues in Prestatyn. This particular application has been discussed as part of these wider public meetings.
 7. Following receipt of the application, officers arranged a meeting to brief local members and arranged an additional meeting following the submission of amended plans, to provide a further update, which also included three representatives from the local residents group.

RELEVANT PLANNING HISTORY:

8. None

PLANNING POLICIES AND GUIDANCE:

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd 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:

10.

- 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

11. 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 relevant material planning considerations pertaining to this application are 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 regard to the siting of existing development which surrounds the site. This demonstrates that minimum distances between existing and proposed properties, as outlined in SPG 25 – Residential Development Design Guide, would be achieved. This includes standard distances of 21 metres between the main rear elevations of properties. Relationships between proposed units and existing dwellings on Ffordd Isa and Winchester Drive are considered acceptable. The house types proposed have also been designed to minimise the impact on neighbouring properties, with main windows located on principal elevations to avoid overlooking. The properties have been orientated to provide greater levels of security and amenity to enable benefits to both current and proposed inhabitants. The development provides properties with acceptable amenity levels including front and rear amenity areas, and off street parking, and it considered that an acceptable level of amenity would be afforded to future

occupiers of the dwellings. In this respect, the development is considered to be acceptable in terms of Supplementary Planning Guidance and the general amenity considerations in Policy GEN 6 of the Unitary Development Plan.

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

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 considered that the development would not 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 considered that the density of the proposal is not over-intensive 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 with the layout, siting and design complying with the intentions of Policy GEN 6.

v) Highway considerations

The application has been accompanied by a Transport Assessment and proposes a number of alterations relating to highway matters, summarised in paragraph 5 of the report.

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 and it is clear that the proposal complies with adopted Policy TRA 6 and TRA 9 subject to compliance with suggested conditions.

vi) Affordable Housing

The applicants have confirmed the intention to make 30% of the units available for affordable purposes. This would be consistent with the principles of the SPG on affordable housing and can be secured through a Section 106 obligation.

The submitted information confirms the following :

Number of units proposed	51 units
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 sq m

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 possible 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 with this floorspace being spread throughout the site.

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

Type	General	Sheltered
1 bed flat	522	157
1 bed house	13	0
1 bed bungalow	89	176
2 bed bungalow	441	144
2 bed flat	425	0
2 bed house	92	183
3 bed house	397	0
3 bed bungalow	23	4
4 bed or above	136	0

The above information demonstrates there is significant demand for affordable housing in the area, and it is considered that the development would assist in meeting an identifiable need.

vii) Open Space

The scheme indicates a children's play area on the site, with an area of 1517 sqm. Having regard to the provisions of Policy REC 2 and guidance within SPG 4 this provision would exceed the requirements. The siting of the play area in relation to proposed dwellings meets spacing standards, 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 with this approach complying with policy and guidance.

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, following receipt of the response from Environment Agency in September, the applicant has provided calculations. The calculations submitted show that for the 1 in 100 year storm event, plus an additional 20% volume for climate change, an attenuation volume of approximately 680m³ is required to achieve this run-off. The plan submitted shows that this attenuation volume can be provided in pipes and manholes

under roadways.

It is noted that the surface storage scheme is subject to detailed design and therefore the Environment Agency recommend that a condition for detailed surface water system design be included, should permission be granted. There are limits to the water flows allowed, which should not exceed 4.3 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. It is clear, however, that the proposal, having regard to responses from specialist consultees complies with adopted policies and guidance. The statutory consultees, within subsequent and more recent letters to the Authority, have not altered their position and subject to the inclusion of conditions have "no objection" to the proposed development.

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 and our own adopted policies.

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. Given the specialist advice received and the suggested conditions the scheme would comply with adopted policies relating to ecology which in turn would be in line with National Guidance on the subject.

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 which has been evaluated by the Council's Contaminated Land Officer. The Officer is satisfied that any issues relating to the proximity to the landfill site have been addressed in this report. 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 a suggested condition. Following receipt of the Environment Agency's response in September, the applicant has provided them with information relating to contamination. The Agency, in subsequent correspondence, have raised no objection subject to the inclusion of conditions ensuring the developer liaises with them during development.

SUMMARY AND CONCLUSIONS:

12. Whilst acknowledging the application has generated considerable local reaction and objection, the reality here is that the development is acceptable in terms of planning policy and principles, and specific matters of concern are addressed by the detailing of the scheme and suitable planning conditions.

13. The site is within the development boundary and has no specific policy designation. 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 is 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. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Surface Water runoff from the site shall be limited to 4.3l/s with attenuation on site for the 1% storm, plus 20% increase in volume for climate change. Such scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.
6. No development approved by this permission shall be commenced until a scheme for the provision of a surface water flow route through the site and overland flood storage areas has been approved by the Local Planning Authority.
7. The finished floor levels of plots 26-33inc and 46-51inc shall be set no lower than 5.85m AOD.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.

15. 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.

16. Should contamination material be observed (visual or olfactory) during development then the Environment Agency Wales must be contacted and a site investigation to determine the nature and extent of contamination will be required. In the event that contamination is confirmed the developer must liaise with the Environment Agency Wales on measures required to protect surface water and groundwater interests. This may include undertaking a risk assessment and derivation of appropriate remedial targets.

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 prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
6. To prevent the increased risk of flooding by ensuring the provision of a satisfactory surface water flood flow route and overland storage area.
7. To minimise the risk of inundation.
8. 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.
9. 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.
10. 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.
11. In the interests of nature conservation.
12. In the interests of visual amenity.
13. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
14. 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.

15. 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.

16. To prevent pollution of the water environment

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 on 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).

ITEM NO:	11
WARD NO:	Prestatyn North
APPLICATION NO:	43/2007/0486/ PO
PROPOSAL:	Development of 0.05 hectares of land by erection of 1 dwelling and construction of new vehicular access (Outline application inc. siting and access)
LOCATION:	Land between 62 and 64 Victoria Road West Prestatyn
APPLICANT:	Mrs B Lynch
CONSTRAINTS:	C2 Flood Zone Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
'Objection Backland development and infill development leading to overintensification of site'.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
Awaiting response
3. PRINCIPAL COUNTRYSIDE OFFICER
No objection, subject to condition that any site clearance should be undertaken outside the bird nesting season.
4. COUNTY ECOLOGIST
'Due to the recorded badger activity within parts of the application areas and the area immediately to the north on the edge of the Ffrith, it is recommended that the applicant provides a badger mitigation scheme (to record extent of activity and in particular the possible of occurrence of badger setts either within the application area or area immediately adjacent, and to provide a scheme to mitigate the effects of the development)'.
5. WELSH WATER/ DWR CYMRU
No objection subject to conditions
6. ENVIRONMENT AGENCY WALES
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. F.G. Arnold, 60 Victoria Road West, Prestatyn
2. George Green, 7 Oldgate Road, Prestatyn

Summary of representations:

- i) Development will improve the visual amenity of the area
- ii) Concerns over presence on badgers on site

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 21/06/2007

REASON WHY DELAYED: Protracted negotiations/ amendments

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Outline planning permission is sought for the erection of a dwelling and construction of new vehicular access. The application includes the means of access and the siting of the dwelling with all other matters reserved for future approval. The site area is 0.05ha, with the access directly off Victoria Road West. The proposed dwelling is sited in line with the adjacent dwellings at no. 62 and 64, with a parking and turning area to the front and private amenity space to the rear.
2. Located between bungalows at no. 62 and 64 Victoria Road West, the application site comprises of an area of overgrown scrub with a brick wall and hedge boundary to the adjacent dwellings. The site area is comparable to the adjacent plots.
3. The site is located within the development boundary of Prestatyn. The site is located in a C1 Flood zone as defined by the development advice maps in TAN15 Development and Flooding.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 1 Development within Development Boundaries
Policy Gen 6 Development Control Requirements

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Visual appearance
 - iii) Amenity
 - iv) Highway safety
 - v) Ecological impact
 - vi) Floodrisk
7. In relation to the issues raised in the above paragraph:
 - i) Principle
The site is located within the development boundary of Prestatyn where the principle of residential development is generally acceptable.
 - ii) Visual appearance
Although this application included only the siting and access, the siting appears to be in keeping with the pattern of development surrounding the site. A condition will be attached to ensure that the development will be in the form of a bungalow, in keeping with the streetscene.
 - iii) Amenity
In terms of residential amenity the proposed siting demonstrates that

adequate amenity space is proposed for the dwelling, with spacing to the boundaries of no. 62 and 64.

- iv) Highway Safety
The proposal will not impact on highway safety; the original scheme has been amended to include visibility splays at the request of the Highways Department.
- v) Ecological Impact
The County Ecologist has advised that there may be badger activity in the vicinity of the site therefore a condition will be attached to mitigate against any potential disturbance.
- vi) Floodrisk
Although the site is located within a flood risk area this is an established residential area and the Environment Agency Wales are satisfied that the submitted Flood Consequence Assessment demonstrates that the proposal can be accommodated on site. Conditions suggested by the Environment Agency will be attached to the permission.

SUMMARY AND CONCLUSIONS:

8. Subject to conditions the proposal is acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the design and external appearance of the buildings 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. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
3. 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. 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.
5. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is brought into use.
6. Finished floor levels of the dwelling shall be set at a minimum of 6.0m AOD.
7. Prior to the commencement of development a scheme for the provision of and implementation of surface water regulation system shall be submitted to and approved by the Local Planning Authority. The approved drainage 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 to be agreed with the Environment Agency.
8. The building proposed to be erected on site shall be a bungalow of single storey construction only.
9. Prior to the commencement of the development detailed mitigation proposals and compensation schemes in respect of 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 site clearance shall be undertaken during the bird nesting season from March to September.

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 91 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. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
6. To minimise the risk of flood inundation of the property.
7. To prevent the increased risk of flooding on and off site.
8. To ensure the development respects the character of development in the area
9. In the interest of any protected species on the site.
10. In the interest of the protection of any birdlife and biodiversity on the site.

NOTES TO APPLICANT:

Owing to the location of the site within a flood risk area the Environment Agency have recommended that flood proof construction techniques are included in the design of the building. Further information on this can be found at www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Foul water and surface water discharges shall be drained separately from the site to prevent the integrity of the Public Sewerage System.

No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the public sewerage system to prevent hydraulic overload of the public sewerage system and pollution of the environment.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

ITEM NO:	12
WARD NO:	Prestatyn North
APPLICATION NO:	43/2007/0487/ PO
PROPOSAL:	Development of 0.05 hectares of land by erection of 1 dwelling and construction of new vehicular access (Outline application inc. siting and access)
LOCATION:	Land at rear of 64 Victoria Road West fronting Sandiway Prestatyn
APPLICANT:	Mrs B Lynch
CONSTRAINTS:	C2 Flood Zone Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
'Object. Backland development'
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection, subject to condition
3. PRINCIPAL COUNTRYSIDE OFFICER
Awaiting response to amended scheme
4. COUNTY ECOLOGIST
'A small amount of badger activity was recorded at the eastern edge of this site. Due to its proximity to areas that may support badger setts, it is advised that a badger mitigation scheme (to record extent of activity and in particular the possible of occurrence of badger setts in areas immediately adjacent, and to provide a scheme to mitigate the effects of the development)'
5. WELSH WATER/ DWR CYMRU
No objection subject to conditions
6. ENVIRONMENT AGENCY WALES
No objection

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. J. Coplestone, 1 Sandiway, Prestatyn
2. G. Green, 7 Oldgate Road, Prestatyn
3. J Clark, 3 Sandiway, Prestatyn

Summary of representations:

- i) Threat to trees
- ii) Highway safety, restricted access, loss of parking
- iii) Private access road
- iv) Concerns over presence on badgers on site

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 05/12/2007

REASON FOR DELAY IN DECISION:

- Negotiations/amendments

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Outline planning permission is sought for the erection of a dwelling and construction of new vehicular access. The application includes the means of access and the siting of the dwelling with all other matters reserved for future approval. Located to the rear of 64 Victoria Road West, the site area is 0.05ha. Vehicular access is proposed directly off Sandiway and unadopted access road off Victoria Road West. The proposed dwelling is sited centrally on the plot, with a parking and turning area to the front and private amenity space to the side.
2. Located to the rear of 64 Victoria Road West, the application site comprises of an area of land used as part of the garden area of no. 64. The south and west of the site is bounded by mature Monterey Cypress trees. The private access road serves 3 dwellings.
3. The site is located within the development boundary of Prestatyn. The site is located in a C1 Flood zone as defined by the development advice maps in TAN15 Development and Flooding. The proposal has been amended since its original submission in order to retain the existing trees on site, 3 trees are proposed to be removed, one of which is in poor condition and requires felling.

RELEVANT PLANNING HISTORY:

4. No planning history

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 1 Development within Development Boundaries
Policy Gen 6 Development Control Requirements

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Visual appearance
 - iii) Amenity
 - iv) Highway safety
 - v) Ecological impact
 - vi) Floodrisk
7. In relation to the issues raised in above:
 - i) Principle
The site is located within the development boundary of Prestatyn where the principle of residential development is generally acceptable.
 - ii) Visual appearance
Although this application included only the siting and access, the siting appears to be in keeping with the pattern of development surrounding the site. A

condition will be attached to ensure that the development will be in the form of a bungalow, in keeping with the character of the area.

iii) Amenity

In terms of residential amenity the proposed siting demonstrates that adequate amenity space is proposed for the dwelling, with spacing to the boundaries of no. 64 and the adjacent dwelling at 3 Sandiway. The amenity space remaining for no. 64 is considered adequate and in keeping with surrounding plots.

iv) Highway safety

The proposal will not impact on highway safety. Whilst the comments relating to the right of way have been noted these are of a legal nature and have no bearing on the planning merits of the application.

v) Ecological Impact

The County Ecologist has advised that some badger activity was noted on the site. Therefore a planning condition will be attached to mitigate against the effects of the development on any nearby badger sett.

vi) Floodrisk

Although the site is located within a flood risk area this is an established residential area and the Environment Agency Wales are satisfied that the submitted Flood Consequence Assessment demonstrates that the proposal can be accommodated on site. Conditions suggested by the Environment Agency will be attached to the permission.

SUMMARY AND CONCLUSIONS:

8. Subject to conditions the proposal is acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the design and external appearance of the buildings 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. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
3. 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. 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.
5. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is brought into use.
6. Finished floor levels of the dwelling shall be set at a minimum of 6.0m AOD.
7. Prior to the commencement of development a scheme for the provision of and implementation of surface water regulation system shall be submitted to and approved by the Local Planning Authority. The approved drainage 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 to be agreed with the Environment Agency.

8. The building proposed to be erected on site shall be a bungalow of single storey construction only.
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.

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 91 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. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
6. To minimise the risk of flood inundation of the property.
7. To prevent the increased risk of flooding on and off site.
8. To ensure the development respects the character of development in the area
9. In the interest of any protected species on the site.

NOTES TO APPLICANT:

Owing to the location of the site within a flood risk area the Environment Agency have recommended that flood proof construction techniques are included in the design of the building. Further information on this can be found at www.planningportal.gov.uk/uploads/br/flood_performancee.pdf
Foul water and surface water discharges shall be drained separately from the site to prevent the integrity of the Public Sewerage System.

No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the public sewerage system to prevent hydraulic overload of the public sewerage system and pollution of the environment.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

ITEM NO: 13

WARD NO: Prestatyn East

APPLICATION NO: 43/2007/0866/ PF

PROPOSAL: Erection of retail units, provision of parking and servicing areas, new highway access, and associated landscaping and site works

LOCATION: Land off Nant Hall Road Prestatyn

APPLICANT: Stadium (Prestatyn) Ltd.

CONSTRAINTS: Footpath
C1 Flood Zone
Tree Preservation Order

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

CONSULTATION RESPONSES:

7. PRESTATYN TOWN COUNCIL
"No objection"
8. HEAD OF TRANSPORT AND INFRASTRUCTURE
Acknowledges previous permissions have been granted on the basis of a roundabout arrangement for the main access off Nant Hall Road, and accepts, for predicted traffic flows, that this would work satisfactorily. Highways officers have sought dialogue with the agents to investigate the potential for the introduction of a traffic light controlled junction in the same location, as this is considered a preferable 'technical' arrangement, offering advantages for the safety of pedestrians and cyclists. In acknowledging that this option would involve the loss of a number of mature trees protected by a Tree Preservation Order, highway officers suggest the safety of pedestrians and children should be paramount.
9. ENVIRONMENT AGENCY
No objection subject to conditions
10. WELSH WATER
Would require further information on drainage.
11. COUNTY ARCHAEOLOGIST
Supports requirement for watching brief.
12. CLWYD POWYS ARCHAEOLOGICAL TRUST
Recommend watching brief.
13. HEAD OF DEVELOPMENT SERVICES
No reply.
14. PRESTATYN BUSINESS ASSOCIATION
No reply.

15. NETWORK RAIL

No objection in principle but request that detailed operational requirements are taken into account.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Mrs. Hillidge, 11 Lon Delyn, Prestatyn
2. Mr. A. Jones, 14, Glyn Avenue, Prestatyn
3. Christina Shaw, 23 Parc Cemlyn, Prestatyn
4. Mr. G. A. Bourne, 14, Lon Eirlys, Prestatyn (3)
5. Jenny Williams, 7 Clwyd Avenue, Prestatyn
6. Mrs P Johnson, 30 Nant Hall Road, Prestatyn (2)
7. Linda Solomon, 50 Ffordd Parc Bodnant, Prestatyn
8. T Atkins, 21 Parc Cemlyn, Prestatyn
9. L Morgan, 19 Parc Cemlyn, Prestatyn
10. A Hughes, 15 Parc Cemlyn, Prestatyn
11. A Joyce, 13 Parc Cemlyn, Prestatyn
12. A Sweetman, 11 Parc Cemlyn, Prestatyn
13. N Street, 9 Parc Cemlyn, Prestatyn
14. H Layton, 6 Parc Cemlyn, Prestatyn
15. A Morton, 3 Parc Cemlyn, Prestatyn
16. Mr & Mrs Carter, 4 Parc Cemlyn, Prestatyn
17. G Aybourne, 14 Lon Eirlys, Prestatyn

Summary of planning based representations:

In objection:

- i) Impact on traffic flows on Nant Hall Road and town centre – congestion
- ii) Impact of servicing and service yard on residential property – need to control hours / address privacy issues.
- iii) Will lead to parking on adjoining residential streets e.g. Glyn Avenue
- iv) Loss of employment area (safeguarded in UDP)
- v) Impact of buildings, stair wells, waste disposal on neighbouring properties.
- vi) There should be no loss of trees.

In support (letter 5)

- i) Boost to economy
- ii) Improved appearance of area

EXPIRY DATE OF APPLICATION: 02/09/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Full planning permission is sought for the redevelopment of a roughly rectangular site of around 3 ha to the north of Nant Hall Road. The proposal is for 13,400 sq.m

(144,000 sq.ft) of retail floor space (gross).

2. The proposal indicates 12 no. retail units comprising around 9,000 sq.m of ground floor space and 4,400 sq.m of mezzanine. A maximum of around 2,800 sq.m would be used for food/convenience retailing. The retail units would be grouped in an L shape running along the northern and eastern portions of the site with servicing to the rear.
3. The development includes for 2 no. vehicular access points from Nant Hall Road with the existing Kwik Save access road providing a service access to the retail units and new junction by Glyn Avenue on at Nant Hall Road to provide access to the retail development. The new retail park access would lead to parking areas for 353 cars. Pedestrian and cycleway routes are shown within the site to provide access to the retail units and link to the adjoining site to the north west (Tesco).
4. The application has been accompanied by a planning statement, retail assessment, transport assessment, design and access statement and flood consequences assessment. The planning statement sets out the main planning issues, including relationship to planning policies. The remaining reports are summarised as follows:
 - a) Retail Assessment
This concludes that there is “a quantitative and qualitative need for the additional retail floorspace in the study area. As the site is primarily with Prestatyn Town Centre, it is the most sequentially preferable location for the proposed development”.
 - b) Transport Assessment
The transport assessment indicates that with specific improvements the proposed development could be accommodated within the capacity of existing junctions. Two junctions which have been shown to have capacity problems would be improved with traffic signals proposed for the Nant Hall Road/High Street junction and a widening scheme for the Bridge Road/High Street junction. Direct access into the site is proposed from a new roundabout, located at the junction of Nant Hall Road and Glyn Avenue. This arrangement was shown previously on the plans granted permission in May 2005 and December 2006. It is suggested that existing facilities exist to allow access to the development site by a range of modes of transport.
 - c) Flood Consequences Assessment (FCA)
This concludes that the site is adequately protected for a tidal event and there is only a minor risk of a fluvial event giving rise to flooding. A surface water drainage strategy is recommended, to include Sustainable Urban Drainage Systems (SUDS).
 - d) Design and Access Statement
The statement refers to the design relating to pedestrian flows from Nant Hall Road and the car park and the relationship of the shopfronts and elevational treatment (render, timber, stone and glazing) to the town centre. The access strategy seeks to design out barriers within the site.
5. The site has a complex planning background. The application site now has the benefit of outline and full planning permissions for food and non-food retail development and a business centre. The outline permission also extends to include part of the site granted outline planning permission for Tesco in November

2000. The Tesco scheme, which also includes the Carousel Blinds and G K Evans sites, which are not part of this current application, is being progressed by a Compulsory Purchase Order.

RELEVANT PLANNING HISTORY:

6. **43/1997/0910/PO** – Development of 2 hectares of land by the erection of a food store and petrol filling station (outline application) – GRANTED 30TH November 2000 (adjacent site for Tesco)

43/2003/1360/PR – Details of foodstore under planning permission ref : 43/1997/0910/PO. Approved 26th July 2006 (adjacent site for Tesco).

43/2004/0341/PO – Development of 4.1 hectares of land by erection of food and non-food retail units, post office, sorting office, business centre. GRANTED 19 May 2005, subject to 16 no. conditions and a Section 106 obligation. (outline permission)

43/2005/1033/PF – Proposed retail and commercial development. GRANTED subject to 17 conditions and Section 106 obligation. 14/12/2006 (full permission)

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE COUNTY COUNCIL UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Strategic Policies 1,5, 6, 7, 10, 11 and 13.

Policy GEN 1 – Development within development boundaries

Policy GEN 2 – Development of unannotated land

Policy GEN 6 – Development Control Requirements

Policy GEN 8 – Planning Obligations

Policy CON 6 – Development adjacent to Conservation Areas

Policy CON 11 – Areas of archaeological importance

Policy EMP 4 – Foul and surface water drainage

Policy EMP 6 – Flooding

Policy EMP 7 – Unstable land

Policy EMP 1 – Employment land

Policy EMP 4 – Employment development within development boundaries

Policy EMP 10 – Protection of employment land/buildings

Policy RET 1 – Town and District Centres

Policy RET 3 – Food Supermarkets

Policy RET 4 – Non food retail stores and warehouses

Policy RET 7 – Fringe areas adjacent to town and district centres

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 Notes No's 2, 8, 13, 14, 15.

Denbighshire Retail and Leisure Study

GOVERNMENT GUIDANCE

Planning Policy Wales – March 2002

TAN 4, 12, 15 & 18

Welsh Office Circulars 60/96 & 61/96 – Archaeology and Historic Buildings in Conservation Areas

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Principle of retail development in this location taking into account relevant planning policies, impact on Prestatyn town centre and flood risk.
 - ii) Loss of employment land and other employment issues
 - iii) Accessibility by different modes of transport.
 - iv) Acceptability of highway proposals.
 - v) Parking and servicing provision.
 - vi) Impact on residential amenity.
 - vii) Impact on the conservation area and listed buildings.
 - viii) Archaeological implications.
 - ix) Ground conditions, drainage and flooding issues.
 - x) Relationship to other proposals and CPO

9. In relation to the main planning considerations in paragraph 8:
 - i) Principle

The proposal complies with the overall emphasis of retail planning policies at national and local level which seek to guide new retail development to within existing town centres. The majority of the application site lies within the defined town centre boundary in the UDP and thus Policies RET 1, RET 3, RET 4 and RET 7 of the UDP generally support the proposals. That part of the application site beyond the town centre boundary is dealt with below. The general area was identified in the Roger Tym Denbighshire Retail and Leisure Study as an area for retail development. The proposals comply with the sequential approach set out in both national and local policy and given that the majority of the site lies within the town centre there is no requirement to demonstrate need. In any event the food store element of the proposals equate to existing development in the form of the Kwik Save store. The non-food elements meet an identified need for non-food retail floor space in an acceptable town centre location.

In relation to flood risk, it is considered that the proposal satisfies the tests within paragraph 6 of TAN 15 in that the proposal is necessary to assist a local authority strategy, to reinforce town centres; it is previously developed land; and the consequences of a flooding event have been considered and are acceptable (see paras 4 and 8 (ix)).
 - ii) Employment and Regeneration Issues

Part of the site (the north east corner comprising the former warehouse depot) is allocated in the UDP as employment land under Policy EMP 1. Policy EMP 10 seeks to protect employment land and buildings. Whilst the proposal involves the development of this allocation for retail purposes, the scheme indicates the potential for 400 jobs (full and part time). Overall the scheme is adjudged to have positive employment and regeneration benefits, particularly as it will assist in the overall regeneration of the town centre.
 - iii) Accessibility

The location of the site within and adjacent to the town centre allows access to the development by means other than private car including rail, bus, taxi, by cycle and on foot. It is considered that the proposals satisfy planning policy requirements for access by alternative means of transport. This is a relevant consideration when reviewing the issue of parking provision (para. (v) following).

iv) Acceptability of Highway Proposals

The transport assessment considers the acceptability and capacity of the existing highway network to serve the development. It recommends improvements to 2 no. junctions with provision of traffic lights at the Nant Hall Road/High Street junction, and improvements to the Bridge Road/High Street junction. These measures together with the provision of a new junction on Nant Hall Road are considered acceptable in principle. As noted previously, Highways officers have been in discussion with the applicants consultants over the option of a traffic light controlled junction at the main site entrance (Nant Hall Road / Glyn Avenue), which could offer advantages in respect of pedestrian and cycleway safety, but would involve the loss of a number of significant trees protected by a Tree Preservation Order. The applicants are willing to adopt either option. In officer's opinion the loss of the trees would not be an acceptable trade off, and the recommendation which follows is based on the provision of the roundabout, with suitable pedestrian safety measures. Further details of these highway works will be required, but these can be safeguarded by conditions and legal agreements. Nant Hall Road is considered suitable to serve the development, notwithstanding the concerns of the neighbours.

v) Parking and Servicing Provision

The proposal for 353 parking spaces is clearly below the maximum parking requirement set out in the Council's SPG – Parking Requirements in New Developments, which is some 700 spaces for this type of development. It is to be noted however that the SPG standard is a maximum requirement, and the location and type of development needs to be taken into account in determining the acceptability of the level of provision. In this instance, the site is well served by other modes of transport and as a town centre sustainable location would be likely to generate a significantly lesser car parking generation than out of centre development. Parking provision is acceptable.

Servicing provision for the retail development and business centre is shown separate from customer access points. Whilst the service road makes use of the existing access which is adjacent to residential development, the existing Kwik Save store and warehouse site are served solely from this existing access. Subject to controls over delivery times it is not considered that the proposals would result in unacceptable increased noise and disturbance for adjacent residents. The applicants have indicated a management regime for the site, to include litter provision and collection.

vi) Impact on residential amenity

The development would lie adjacent to existing residential development on Bodnant Park estate and Nant Hall Road. However, the site is already commercially developed and whilst traffic movements would increase, the overall impact in an area close to the town centre would be unlikely to be significantly detrimental. Controls can be exercised over servicing hours by condition.

vii) Impact on the Conservation Area and Visual Amenity

The Conservation Area lies to the west of the development site and there would be no significant impact on views into the Conservation Area. The overall siting, and scale of the development is considered to relate well to the town centre and edge of centre development, with its face towards the centre. A feature rotunda is sited adjacent to Nant Hall Road to form a focal point when viewed from the High Street direction.

The materials proposed would provide an appropriate appearance to relate to

the town centre, the adjacent housing areas, and when viewed from the railway. Overall there would be a significant enhancement to the appearance of the site.

The proposal for a traffic light controlled access (TLCJ) is likely to lead to the loss of trees covered by a TPO. Further information is being sought from the applicants. The safety provided by a TLCJ is considered to outweigh the impact of loss of trees.

viii) Archaeology

The application site includes land which has been identified as being of archaeological sensitivity given historic deposits found on nearby land. Archaeological work has already been carried out on the Tesco site and this has not revealed any significant finds. A condition requiring an archaeological watching brief would be sufficient. Given the lack of previous finds and archaeological works already carried out it is considered that a condition would be acceptable to deal with the archaeological issues.

ix) Ground conditions, drainage and flooding issues

Concerns have been raised in relation to previous development about ground conditions in the area. The applicants have been made aware of ground conditions. In addition a condition is recommended requiring site investigation which combined with building regulation controls would ensure that the development took into account the nature of the ground.

The proposal indicates foul and surface water drainage to be dealt with by tapping into the existing mains drainage system. There are some concerns from Welsh Water and the Environment Agency about connecting surface water into mains drainage. It is recommended that a condition be imposed to require surface water regulation as part of the development.

The site lies within the indicative tidal flood plain for Prestatyn (Zone C1). The FCA indicates that the low risk can be managed. The Environment Agency does not object given the non-residential nature of the development. In view of the above circumstances the proposal is considered acceptable in the context of flood risk.

x) Relationship to other proposals and the compulsory purchase order

The site (Phase 1) is not subject to the compulsory purchase order (CPO). The implementation of the site subject to the CPO by Tesco would further reinforce the town centre regeneration.

PLANNING OBLIGATION

10. For the reasons stated, it is considered that the principle of development, and the particular details are acceptable. However, certain matters relating to the development will need to be secured through an obligation under Section 106 of the Town and Country Planning Act 1990, which the applicants have agreed to enter into. The following items would form the heads of terms of the agreement:
- i) Off site highway works including improvements to the High Street/Nant Hall Road and Bridge Road/High Street junctions and provision of a new junction to the site.
 - ii) The provision of and/or a contribution towards a Tourist Information Centre.
 - iii) Improvements to the highway network to facilitate cycle links.
 - iv) Availability of the car park for combined town centre trips for shopping.
 - v) Provision of CCTV on the site to link with the town centre system.
 - vi) Provision of information panels for tourism purposes to the site frontage.

SUMMARY AND CONCLUSIONS:

11. It is recommended that the proposals be supported in that they comply with retail planning policy, would not materially impact on employment policies, and would be acceptable in terms of accessibility and highway access. The recommendation is subject to the applicants first entering into an obligation under Section 106 of the Town and Country Planning Act covering the matters set out in paragraph 10 above. A number of planning conditions are also recommended.

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 (other than the service road to the eastern boundary) 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. Provision for disabled people to gain access to the buildings shall be implemented in accordance with approved details before the development hereby permitted is first brought into use.
4. No development shall take place until a scheme of foul drainage and surface water drainage to include surface water attenuation 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. 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.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons [following the occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] 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.
7. None of the units hereby approved shall be brought into use until the approved access, parking and servicing arrangements have been completed.
8. Measures shall be incorporated within the construction of the foundations of the buildings, roads, footways,, parking areas and services, to reflect ground conditions and any ground water in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such measures shall be fully implemented during the development.
9. The highway alterations, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, shall be carried out, substantially completed and be available for use in accordance with the

approved plans prior to the commencement of use of any retail floorspace. Such details shall include the layout, design, surfacing, means of construction, drainage, lighting, signing, roadmarkings and traffic claming for the carriageways, roundabouts, footways, cycleways and crossings.

10. Prior to the commencement of any of the development hereby permitted a phasing programme and methodology for the carrying out of construction works including off-site highway works and routing of construction traffic shall be submitted to and approved in writing with the Local Planning Authority.

11. Provision shall be made for cycle parking within the development prior to the commencement use of any retail floorspace in accordance with details to be submitted to and agreed by the Local Planning Authority.

12. Prior to the commencement of use of any retails floorspace, details of the times of delivery to the retail development shall be submitted to and agreed in writing by the Local Planning Authority and the approved delivery times shall be adhered to unless otherwise agreed in writing by the Local Planning Authority.

13. The retail units hereby permitted shall not exceed the following floorspace, unless otherwise agreed in writing:-

Total = 13,377 sq.m of which no more than 2,787 sq.m shall be used for food retail purposes.

14. No work shall be permitted to commence until there has been a phased investigation carried out over the entire site to ascertain whether the development is contaminated land, and whether the development may impact on controlled surface waters or groundwater, such investigation should consist of a desk study and if deemed necessary within said study a comprehensive site investigation should be carried out in accordance with LCR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of each survey and its conclusions have been submitted to the Local Planning Authority for assessment.

15. In the event that the site survey required by condition _ of this permission reveals the presence of hazard from any contamination, 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 risks to water resources, surrounding land and property, wildlife, 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, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. 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.

16. Provision shall be made for an unfettered pedestrian link to the land to the north-west of the site prior to the commencement of trading, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

17. Details of any mezzanie(s) to be installed as part of any building within the development shall first be submitted to and approved in writing by the Local Planning Authority. The total aggregate amount of mezzanie floorspace within the site shall not exceed 4459 sq.m.

18. 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.

19. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the finished floor levels of all buildings, which need to be set at a minimum of 5.0m 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 suitable access for the disabled to the building.
4. To ensure satisfactory drainage of the site and to avoid flooding.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. In the interests of amenity and highway safety by ensuring that adequate on-site parking and turning space is available.
8. In order to ensure that the development takes into account ground conditions.
9. To ensure a safe means of access to the development.
10. In the interests of highway safety and amenity.
11. To facilitate access by a range of transport modes.
12. In the interests of highway safety and amenity.
13. To ensure that the development complements and does not detract from the vitality and viability of Prestatyn Town Centre.
14. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
15. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
16. To ensure an element of integration between Phase 1 and 2 in the interest of the regeneration of the town centre.
17. To ensure the extent of contamination is established and that adequate steps are to be taken to deal with the contamination.
18. In the interests of archaeological investigation and recording.
19. To minimise the risk of flooding.

NOTES TO APPLICANT:

The Environment Agency strongly recommends that all practical mitigation measures are incorporated within the development e.g. SUDS principles implemented prior to the construction of any impermeable areas. Also flood proof construction techniques should be incorporated into the design of the buildings.

You should also be aware that any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings.

Further advice on compliance with planning conditions 14 & 15 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.

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 by the planning authority. Access, at any reasonable time, should be given to this archaeologist to enable the observation and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records must be deposited within 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.

ITEM NO: 14

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2007/1033/ TP

PROPOSAL: Felling of 1 Copper Beech tree in Area G11 on plan annexed to the Prestatyn Urban District Council Tree Preservation Order 1950

LOCATION: Dyreham Ffordd Bryniau Prestatyn

APPLICANT: Mr David Griffiths

CONSTRAINTS: Tree Preservation Order
Previous mining area
Article 4 Direction
AONB

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"The Council object to the application. Mature tree should be preserved".
2. PRINCIPAL COUNTRYSIDE OFFICER
"At first inspection the tree appears to be in good condition however Dr Spencer has identified a number of potential and actual problems which are not immediately obvious but are valid and cannot be ignored. Given the details contained in the report and the clear recommendation that he has made I cannot see that we have any other choice but to approve the application.
It is likely that the application will generate some opposition and may include suggestions to crown reduce or pollard the tree, Severe pruning on the scale that would be necessary to make the tree safe would almost certainly create a particularly unsightly tree and quite possibly result in the death of the tree altogether. I am not convinced this would be the right option and would prefer to see appropriate replanting".

RESPONSE TO PUBLICITY:

Representations received from:

1. Mr Derek Hughes, Woodlands, Ffordd Bryniau, Meliden, Prestatyn

Summary of planning based representation:

- i) The tree may become dangerous in time

MEMBERS' COMMENTS:

None

EXPIRY DATE OF APPLICATION: 24/10/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

2. The proposal is to fell one Copper Beech tree protected by the Prestatyn Urban District Council Tree Preservation Order 1950. The application is accompanied by a detailed report from Peter Spencer – Cambrian Woodland Services.

Dyreham is within an Area of Outstanding Natural Beauty and located in an elevated position to the south of Meliden centre. The area consists of numerous well established trees of various varieties.

RELEVANT PLANNING HISTORY:

2. None

PLANNING POLICIES AND GUIDANCE:

3. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within development boundaries
Policy ENV 2 – Development affecting AONB / AOB
Policy ENV 7 – Landscape / Townscape Features

MAIN PLANNING CONSIDERATIONS:

4.
 - i) Visual Appearance
5. In relation to the main planning consideration in paragraph 3 above:
 - i) The tree may present a future health and safety risk and as replacement trees will be required as part of the Planning Permission it is concluded the proposal will be visually acceptable.

SUMMARY AND CONCLUSIONS:

6. As the report produced by Cambrian Woodland Services states that the long term stability of the tree is in doubt, the principle countryside officer has no objection to the work. The owner is willing to plant 2 replacement trees of our choice, therefore, it is concluded the proposed work is acceptable and recommended for approval.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Prior to the felling of the tree, details of two replacement trees (species, size and location) one of which will be a Copper Beech tree shall be submitted to, and approved in writing by the Local Planning Authority.
2. The replacement trees shall be planted in the first planting season following the felling, if either of the trees within a period of five years of planting dies or becomes seriously damaged or diseased it shall be replaced in the next planting season with another tree of the same species.
3. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.

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

1. In the interests of visual amenity.
2. In the interest of visual amenity.
3. In the interests of good arboricultural practice.

NOTES TO APPLICANT:

None

ITEM NO: 15

WARD NO: Rhyl East

APPLICATION NO: 45/2007/1023/ PF

PROPOSAL: Change of use of Class A1 shop to residential to form lounge within existing dwelling

LOCATION: Post Office Counters Ltd 31 Rhyl Coast Road Rhyl

APPLICANT: Mr & Mrs D Dodwell

CONSTRAINTS: CLA-Class A Road
C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

3. RHYL TOWN COUNCIL-
'Object, loss of an A1 use is not acceptable for the following reasons:
The unit is one of two serving a significant population base. The loss of one unit would potentially undermine the viability of the other unit.
It is noted that the Post Office has ceased to become viable however alternative A1 uses could be accommodated (such as a convenience store) it is accepted that alternative A1 provision is located at Ty Newydd Junction however the local community has a significant elderly population (double national average) and these may not be able to access alternative provision'.
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Owner/Occupier Rowland's Pharmacy, 33 Coast Road, Rhyl

Summary of planning based representations:

- i) Impact on viability of town centre
- ii) Impact on character of the area.

EXPIRY DATE OF APPLICATION: 09/10/2007

REASON WHY DELAYED:

- Awaiting additional supporting information

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for the change of use of part of no. 31 Coast Road to residential. The application site has for many years operated as a sub-post office with associated living accommodation. No structural alterations are proposed to

accommodate the change of use, as the remainder of the property comprises a dwelling. The post office area is proposed to be used as a lounge area for the dwelling.

2. No. 31 is located on the southern side of the Coast Road within the development boundary of Rhyl. No. 31 and No. 33 are bounded by Lyton Walk to the west and Maes Y Don Drive to the east. No. 33 is a pharmacy.
3. The applicant has submitted the following evidence in of his application:
 - i) Supporting letter outlining reason for putting the application forward.
 - ii) A letter from Estate Agent Peter Large stating the property has been marketed as a going concern for a period of 3 years.
 - iii) Copies of post office payslips and terms of employment for the applicant showing a drop in salary for the applicant.
 - iv) Flyer regarding TV Licensing which has had a major bearing on the viability of the post office.
 - v) Copies of post office accounts which demonstrate a reduction in pension and allowance payments, also the applicant personal trading accounts (confidential information).
 - vi) Letter of support from Secretary of the National Federation of Sub Postmasters which refers to the reasons for the decline of post offices nationally, such as the moving pension payments to high street banks, loss of facilities such as bill payments to systems such as 'payzone' and 'paypoint' and the loss of TV Licensing.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2003)
Policy GEN 1 Development within Development Boundaries
Policy RET 12 Local Shops and Post Offices

Planning Policy Wales

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle
7. In relation to the main planning considerations in paragraph 6:
 - i) Principle
Policy Ret 12 relates specifically to local shops and post offices, this policy states that the council will resist development which would result in the loss of existing local shop and post office facilities and change of use will only be permitted where it can be demonstrated that the business is no longer commercially viable and other means of retaining the shop have been explored. Paragraph 10.3.5 of Planning Policy Wales states the Local Planning Authorities should seek to retain an adequate level of provision for food shopping, together with post offices and pharmacies in existing town centres and district centres.

The applicant has put a case forward for the change of use which demonstrates that attempts have been made to market the property for three years and that the post office is no longer viable.

There are four post offices within a mile distance of the application site at Highfield Park, Grange Road, St Margaret's Drive and Water

Street/Wellington Road in Rhyl, also 1.8 mile east at Ffrith, Prestatyn. The area is well served by a range of community facilities. Retail facilities are available at 0.1 mile in the Local Neighbourhood Centre at Tynewydd Junction and 1 mile in Rhyl Town Centre. Surrounding the application site the area is accessible by private car and well served by public transport, as the application site is located off one of the main roads into Rhyl town centre from the east. There is a bus stop adjacent to the application site allowing direct access to the town centres of Rhyl and Prestatyn.

Whilst the importance of local shops and post offices is acknowledged, Policy Ret 12 recognises that land use planning alone cannot stop shops and post offices closing therefore individual cases must be assessed on their own merits. Advice from Planning Policy Wales is similar and adds that the existing provisions in the town centre must be considered. The case put forward by the applicant combined with the proximity to alternative services are key considerations in determining this application. It is considered that this particular area would not be unduly disadvantaged by the loss of the post office or that the change of use of 31 Rhyl Coast Road to a single dwelling would impact on the vitality and viability of Rhyl Town Centre or the defined Local Neighbourhood Centre at Tynewydd Road.

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.

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: 16

WARD NO: Rhyl East

APPLICATION NO: 45/2007/1077/ PF

PROPOSAL: Retention of 3 No. dormer windows to roof of dwelling

LOCATION: 11 Chester Street Rhyl

APPLICANT: Mr & Mrs L F & N G Powis

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

4. RHYL TOWN COUNCIL
'Object, dormer windows are out of keeping with the rest of the streetscene'

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 30/10/2007

REASON FOR DELAY IN DECISIONS

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks retrospective permission to retain dormer windows installed at no. 11 Chester Street in Rhyl. 3 no. pitched roof dormer windows have been installed to enable the conversion of the attic space to a bedroom and en suite. One small dormer has been installed on the front roof plane, a similar dormer to the rear and a slightly larger dormer to the side elevation.
2. Located on the eastern side of Chester Street within the development boundary of Rhyl the semi-detached 1930's style dwelling has a small rear and front garden and has not been extended previously. The adjacent dwellings or of similar style, on the western side of Chester Street is a more modern complex of sheltered housing, the north of Chester Street is a seafront hotel fronting East Parade.
3. The applicant has advised that the dormers were installed in September 2007. Planning permission was not sought prior to installation as they had been ill-advised. However having discovered that planning permission was required the application was submitted to regularise the situation.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2003)
Policy GEN 6 Development Control Requirements
Policy HSG 12 Extensions to Dwellings

Supplementary Guidance Notes
SPG 1 Extensions
SPG 24 Householder Design Guidance

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:

- i) Principle of development
- ii) Visual Appearance
- iii) Residential Amenity

7. In relation to the main planning considerations as noted in paragraph 6:

- i) Principle of development
The principle of the proposal is acceptable and in line with Policy HSG 12 which permits household extensions where the scale and form are subordinate to the existing dwelling, the design and materials are in keeping with the existing, and the proposal would not adversely impact on the character and appearance of the locality. The proposal does not represent an overdevelopment of the site.
- ii) Visual appearance
The visual appearance of the dormers are acceptable in keeping with the general criteria of SPG 1 and SPG 24. Owing to the small scale and unobtrusive nature of the dormers the original features of the dwelling are preserved.
As there is a mix of dwelling types and styles in the general area the development does not appear out of character with the area.
- iii) Residential amenity
The proposal will not impact significantly on the privacy and amenity of nearby occupiers owing to the spacing around the dwellings. The side dormer window serves the en suite.
There is adequate amenity space and parking remaining to accommodate the requirements of the extended dwelling.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT-

1. No conditions, retrospective application.

NOTES TO APPLICANT:

None

