

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 24 ain Tachwedd 2010**  
**Eitem: 2**

**PLANNING COMMITTEE**  
**MEETING – 24<sup>th</sup> November 2010**  
**Agenda Item: 2**

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

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

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

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

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

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

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

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

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

**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE  
INDEX TO REPORT**

<b>Item No</b>	<b>Application No</b>	<b>Location and Proposal</b>	<b>Page No</b>
1	03/2010/1054/PF	<b>Land To The Rear Of The Old Vicarage Vicarage Road Llangollen</b> Erection of (on 0.23 ha of land) 2 No. 5-bed detached dwellings and 2 No. 3-bed semi-detached dwellings, new double garages to plots 1 and 4, new vehicular and pedestrian access to each plot and all associated external works.	1
2	17/2010/1163/PF	<b>Land Adjacent To Pen Y Stryt Farm Llandegla Wrexham</b> Substitution of house types on plots 24 and 25 (previously approved under pp code no. 17/2008/0989)	11
3	28/2010/1207/PF	<b>12 Bryntirion Henllan Denbigh</b> Erection of a conservatory to front of dwelling	16
4	43/2010/1014/PF	<b>(Land adjoining 30) 28 Calthorpe Drive Prestatyn</b> Erection of a detached dwelling and construction of new vehicular access	19
5	44/2009/1500/PC	<b>6, Grove Terrace Princes Road Rhuddlan Rhyl</b> Construction of a new vehicular access involving removal of frontage wall (retrospective application) <b>FOLLOWED BY ENFORCEMENT REPORT</b>	25 29
6	45/2009/0999/PR	<b>Land at Rhyl South East between Bro Deg and Dyserth Road Rhyl</b> Details of phases 2 and 3 development including siting, design and external appearance of 217 dwellings, landscaping, access roads and associated works submitted in accordance with condition no's 1 and 7 of outline planning permission code no. 45/2004/1376/PO	31
7	45/2010/0830/PF	<b>Garage Block off Lynton Walk and part rear garden of 15 Rhyl Coast Road Rhyl</b> Proposed erection of a detached dormer bungalow and single garage on plot of land comprising former garage block and part-rear garden of 15 Rhyl Coast Road	42
8	45/2010/1174/PS	<b>Cwybr Fawr Cwybr Rhuddlan Rhyl</b> Removal of condition no. 2 part (iii) of planning permission code no. 45/2009/1574 ('No caravan shall be permitted to be present on the site for a period in excess of 21 consecutive days, or to return to the site within a period of 21 days from the date it was last present on the site')	49
9	46/2009/1521/PF	<b>Bryn Derwen Bryn Gobaith St. Asaph</b> Extension and alterations to existing care home and the introduction of a small day care centre	55

**ITEM NO:** 1

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2010/1054/ PF

**PROPOSAL:** Erection of (on 0.23 ha of land) 2 No. 5-bed detached dwellings and 2 No. 3-bed semi-detached dwellings, new double garages to plots 1 and 4, new vehicular and pedestrian access to each plot and all associated external works.

**LOCATION:** Land To The Rear Of The Old Vicarage Vicarage Road Llangollen

**APPLICANT:** Mr Carl Hughes Castlemead Group Ltd

**CONSTRAINTS:** World Heritage Site Buffer  
Tree Preservation Order

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

**CONSULTATION RESPONSES:**

LLANGOLLEN TOWN COUNCIL  
"No objections to this application".

LLANGOLLEN CIVIC SOCIETY  
Accept development will take place at some stage here, but do not accept now is the time or that the plans are appropriate.

Are concerned over site access for construction vehicles off Hill Street (steep, narrow road, no footpaths in parts), and suggest development should be put on hold until the highway works required in connection with the main development site on Vicarage Road are complete. Do not agree with some of the suggestions relating to trees on the site, and plans should be adapted to take into account specimens which should remain.

COUNTRYSIDE COUNCIL FOR WALES  
Does not object. Any permission should include recommendations in ecology report relating to protection of bats and birds.

CADW – Ancient Monuments Division  
Comments relate solely to impacts on scheduled monuments or Registered Historic Landscapes, Parks & Gardens. Note site is in the vicinity of the Historic Landscape known as Vale of Llangollen and Elgwyseg, but have no concerns with the application.

DWR CYMRU/WELSH WATER  
Request addition of conditions and advisory notes relating to detailed drainage arrangements if permission is granted.

AONB JOINT ADVISORY COMMITTEE  
"As previously expressed, the JAC has no objection to the principle of residential development in this location and welcomes the intention to conserve the majority of the trees around the site given their significance in the local landscape. The intention to plant a new hedge and carry out other planting is also welcomed, but this should form part of a comprehensive landscaping scheme for the site.

The JAC remains disappointed that the trees in the centre of the site would be lost as a result of the development, and continue to suggest that the layout and design of the scheme be reconsidered with a view to their retention. The JAC also maintains its view that the design of the dwellings is suburban in character and would prefer a scheme which was more locally distinctive, including for example the use of natural slate roofs”.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
SENIOR BIODIVERSITY OFFICER**

No objection subject to implementation of recommendations in the ecology report (scrub clearance outside nesting season, assessment of bat presence in trees to be removed, and section felling of trees).

**HEAD OF HIGHWAYS & INFRASTRUCTURE**

As the land had permission for 3 dwellings, the principle of development of 4 units does not pose a problem. Revised plans provide for a footway, and matters of detail relating to drainage and construction can be covered by condition. Off street parking is acceptable.

Has sought clarification of the highway improvement works illustrated on the original plans, including a turning head arrangement, levels, connection of driveways to the highway.

**FWAG Tree Consultant**

Confirms the arboricultural impact report is thorough and reasonable, and is of the opinion that the proposals will not have any significant impact on the important trees, subject to implementation of recommendations in the report.

**AFFORDABLE HOUSING OFFICER**

On the basis of constraints on development from the Tree Preservation Order, accepts the level of provision (1 unit), which should be a 3 bed property and meet relevant space and design standards.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr. J. Parry, Maes y Bryn, Vicarage Road, Llangollen  
Mr. C. Millwad-Hopkins, 3 Castle Buildings, Vicarage Road, Llangollen

Summary of planning based representations:

Trees – supports retention of the significant trees;

Highways – Turning space is essential, along with footway improvements/development should only follow road improvements along Willow Hill.

Sustainability – Supports proposals for sustainability – composting, collection of rainwater.

Drainage – Queries over statements in submission over drainage proposals.

Others – Supports completion of development as site is an eyesore and dumping ground.

Assurances should be sought that the building company do not contravene legislation.

**EXPIRY DATE OF APPLICATION: 07/12/2010**

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

- re-consultations / further publicity necessary on amended plans

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission to erect a total of 4 dwellings on a plot south of the Old Vicarage in Llangollen.
- 1.1.2 The submission shows details of two 5 bedroom detached houses and a pair of 3 bedroom semi detached houses, to be set back from Vicarage Road. The units would be accessed directly off Vicarage Road. The 5 bed houses would each be served by 4 parking spaces and a detached garage within the plots, and each of the 3 bed units would have 4 parking spaces within the plots. A new length of footway would be constructed along the road frontage.
- 1.1.3 The proposed dwellings would be constructed of a mix of facing brick and render on the external walls, with concrete tiles on the roofs.
- 1.1.4 The site contains a number of trees including limes along the boundary with the Youth Club fields on the west side, and yews along the boundary with the driveway serving the residential home at the Old Vicarage. The proposals involve the retention of the mature trees along these boundaries, but the removal of a lime and yew tree considered to be in poor condition and the removal of a copper beech, willow, and rowan tree near the centre of the site, to be compensated by the planting of two replacement trees and new hedgerows along the rear and part of the highway boundaries.
- 1.1.5 The application is accompanied by a Design and Access Statement, an ecological survey and an Arboricultural Impact Assessment. Relevant points in these documents include:
  - the proposal to offer the Plot 2 semi detached unit as an affordable dwelling;
  - no significant trees would be lost and the lesser species removed would be compensated by replacement planting;
  - there are no protected species supported on the site;
  - the development would meet basic sustainability tests, being on a site within a town boundary and accessible to services and transport facilities;

1.2 Description of site and surroundings

- 1.2.1 The site lies to the south of the town centre, immediately to the east of the Youth Club playing fields, south of the Old Vicarage (a residential day and respite facility), and west of existing dwellings along vicarage Road. A track running south off Vicarage Road accesses the town's Cemetery.

- 1.2.2 Vicarage Road is a narrow highway which runs from west to east and links to the A5 via the highway network serving this part of Llangollen, along Hill Street and Willow Street.
- 1.2.3 Immediately to the south east, in front of the Castle Buildings is a site which has a valid and commenced permission for 47 dwellings (see planning history section).
- 1.2.4 The character of residential development in the locality is mixed, consisting of a number of 'modern' dwellings, housing estates, and traditional terraced properties. Land levels rise up to the south.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Llangollen in the Unitary Development Plan, and is within the Area of Outstanding Beauty and the Buffer Zone of the Pontcysyllte Aqueduct and Canal World Heritage Site. Trees in this area are included in a Tree preservation Order.

### 1.4 Relevant planning history

- 1.4.1 There has been a long history of applications relating to residential development on Vicarage Road. In the 1990's the local planning authority dealt with applications which sought permission to develop a larger site on the south side (to the east of Castle Buildings) as well as smaller sites including the current plot in front of the Old Vicarage, a site immediately to the east of the access track to the Vicarage, and another to the west of a proposed new link road across the youth Club field.
- 1.4.2 There was considerable local concern over the highway implications of these developments, and there were refusals of permission which were subsequently dealt with at appeal. The appeals established the principles for handling subsequent applications, insofar as the development of the larger site and the one to the west of the Youth Club field was dependent on the construction of a new link road to Willow Street, through the Youth Club field, and the current application site was considered acceptable for development with access onto Vicarage Road without the need for improvements.
- 1.4.3 The latest application relating to the current site was Code No. 03/847/97/PF, but it was withdrawn and development has never been commenced.
- 1.4.4 Initial site works were commenced on the access into the larger site to the south east in 2005, ostensibly to keep that permission alive. The development of the 47 dwelling site requires the completion of the highway works outlined in 1.4.2.

### 1.5 Developments/changes since the original submission

- 1.5.1 The applicants have been made aware of the concerns raised by the Civic Society over the loss of trees, and have confirmed that their tree consultant has concluded the retention of the Norway Maple is not justified as it is of no particular merit, and a replacement of the same species would be proposed as part of a later landscaping scheme, including a mixed indigenous hedgerow along the north and south boundaries.
- 1.5.2 Other revisions have been made to the layout to address concerns over the dominance by driveways and parking areas between the dwellings and the

highway.

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

### 2.1 03/847/97/PF

Erection of 3 dwellings and construction of new vehicular and pedestrian access  
Vicarage Road, Plots 51, 52 & 53 – WITHDRAWN 1998

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

The main planning policies and guidance are considered to be:

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

Policy STRAT 1 - General

Policy STRAT 6 - Location

Policy STRAT 7 - Environment

Policy GEN 1 – Development within development boundaries

Policy GEN 2 – Development of an annotated land

Policy GEN 6 – Development Control requirements

Policy GEN 8 – Planning Obligations

Policy ENV 2 – Development affecting the AONB/AOB

Policy ENV 6 – Species Protection

Policy HSG 2 – Housing development in Main Centres

Policy HSG 10 – Affordable housing within development boundaries

Policy TRA 6 – Impact of new development on traffic flows

Policy TRA 9 – Parking and Servicing provision

### 3.2 Supplementary Planning Guidance

6 - Trees and Development

8 - Access for all

18 - Nature Conservation

22 - Affordable Housing

### 3.3 WELSH ASSEMBLY GOVERNMENT POLICY AND GUIDANCE

Planning Policy Wales Edition 3 2010

TECHNICAL ADVICE NOTES

TAN 2 - Affordable Housing

TAN 12 - Design

TAN 22 - Sustainability

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

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

4.1.1 Principle

4.1.2 Access/highways

4.1.3 Design/visual amenity

4.1.4 Residential amenity

4.1.5 Trees/ecological impact

4.1.6 Affordable housing

4.1.7 World Heritage Site Buffer Zone impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

The Unitary Plan's Strategic policies STRAT1 and 6, General policies GEN1 and 2 and Housing policy HSG2 establish the general principle that new

housing should be located in established settlements for reasons of sustainability.

The application site is within the development boundary of Llangollen which is a main centre in the Unitary Plan. The erection of a small number of dwellings on a site within a town would be compatible with the principles of the Plan's general policies, subject to consideration of the localised impact of such development, reviewed in the following paragraphs.

#### 4.2.2 Access/highways

The main policies relevant to assessment of highway impact are TRA6 and TRA9. TRA6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA9 requires adequate provision within sites for parking and servicing. GEN6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network.

Access to serve the 4 dwellings is proposed directly off Vicarage Road, with some minor realignment of the highway, also involving the provision of a new footway. With respect to concerns expressed, and the suggestion that no development should take place without the new section of road to link with Willow Street, highway officers raise no objections to this scale of development using the road network, subject to conditions.

Whilst accepting concerns over the road network in the locality, officers would not consider there are reasonable grounds to resist the development of 4 dwellings on this plot. The larger site on the south side of Vicarage Road can only be developed alongside a new section of highway linking with Willow Street and Hall Street, and this would eventually serve the whole of Vicarage Road including the application site. It is however considered essential to ensure construction vehicles are routed along Hill Street since the current Willow Street route is not able to accommodate larger vehicles; hence any permission should include a condition requiring approval of a detailed construction method statement.

#### 4.2.3 Design/Visual Amenity

The need to take account of design and amenity considerations is set out in GEN6 and generally in Planning Policy Wales, and TAN12 which require due assessment of the acceptability of the detailing of a scheme and its visual impact on an area.

The applicants' submission argues the design approach adopted respects the building styles in the area, and incorporates a number of features common to development nearby. The AONB Joint Advisory Committee expresses reservations over the suburban nature of the design and suggests the use of slate on the roof.

In officers' opinion, the physical form of the dwellings and the layout would be acceptable in the context of the mixture of modern styles evident along Vicarage Road, and given the backcloth of mature trees, and subject to appropriate landscaping, it is considered the impact of the scheme would be limited here. It is not considered reasonable to insist on the use of slates on the roofs given the materials evident on many modern properties nearby, which have grey concrete tiles.



#### 4.2.4 Residential Amenity

The need to ensure new development does not unacceptably affect the amenity of local residents and provides satisfactory amenity standards is an important test in Policy GEN6(v).

As the site is some distance from any dwellings – the nearest being some 36 metres from the gable end of the house on the east side of the access drive to the Old Vicarage, and the Vicarage buildings would be some 29 metres away, it is not considered there would be any issues of overlooking or loss of privacy arising in relation to the proposals. All proposed dwellings would have generous plots, affording occupiers adequate amenity space.

#### 4.2.5 Trees/Ecological Impact

The general requirement to consider the impact of development on ecological interests is set out in the strategic policies of the Unitary Plan, STRAT1 – General, STRAT7 – Environment and in the Part 2 policies ENV6 and GEN6. These establish a basic obligation to protect and enhance the biodiversity of the County, and support national policy, guidance in Planning Policy Wales and TAN5, SPG18, as well as Legislation relating to the safeguarding of protected species.

One of the issues arising on the application relates to the loss of a small number of trees within the site, which is of concern to the Civic Society, and the AONB's Joint Advisory Committee. The applicants have sought further advice from their tree consultant and argue the trees to be lost are not significant specimens, there are proposals to replant, and the mature trees around the boundaries are to be retained. Whilst the Civic Society remain opposed to the loss of any trees, the Council's Tree Consultant is satisfied the proposals will have no significant impact on important trees. The ecological survey reveals no protected species present on the site and the County's Biodiversity Officer had no objections here.

Whilst appreciating the desire to retain trees within development sites, the number of specimens lost here would not be extensive, and the development would still be set in a most attractive setting, surrounded by mature trees. It is not considered the loss of these trees from the centre of the site would justify a refusal of permission given the proposals to replant, including a frontage hedgerow.

#### 4.2.6 Affordable Housing

The requirement to consider provision of affordable housing on sites in main centres is set out in HSG10 of the Unitary Plan, which reflects Welsh Assembly policy in Planning Policy Wales, TAN2, and the Council's Supplementary Planning Guidance Note 22.

The applicants are offering one of the 3 bed semis as an affordable unit for sale at a discounted price. The Affordable Housing Officer has confirmed that there is a need for a 3 bed unit in Llangollen. The unit offered would meet the floorspace and design requirements.

In the circumstances, it is considered the proposals are acceptable in relation to the policy, and can be supported. Any permission would need to be subject to a Section 106 agreement to secure the affordable unit.

#### 4.2.7 World Heritage Site Buffer Zone

The majority of Llangollen town is located within the buffer zone of the Llangollen Canal World Heritage site. The designation obliges due

consideration of potential impact of new development on the setting of the canal/its buffer zone.

In this instance, the topography of the site and the extent of natural tree cover mean it is not widely visible in the local landscape, and there are no objections raised from any consultees on the impacts on the buffer zone.

In officers' opinion, the proposed development of a small plot in this location would have no detrimental impact on the character of the buffer zone, or the canal (the world heritage site itself).

#### 4.2.8 Design and Access/Sustainability Code Issues

Guidance in TAN12 Design and TAN22 sustainable Buildings oblige applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary plan STRAT1 and 13 to ensure sustainable development principles are embodied in schemes.

The application is accompanied by the obligatory Design and Access Statement and details of how sustainable building standards are to be met. The plans also show how external access for persons with disability can be achieved.

Officers consider the approach to Design, Access and Sustainability are acceptable in this instance. Conditions can be included on any permission to safeguard construction of dwellings in accordance with sustainability codes.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The application relates to a small site within the town development boundary, where the principle of residential development is acceptable under Unitary Plan policies. Whilst respecting issues raised over the loss of trees and the access road, it is not considered there are any strong grounds to oppose the grant of permission.

5.2 As this is a full planning application and there is an affordable housing element involved, this would need to be subject to a legal agreement under Section 106 of the Planning Act.

The recommendation is subject to:

- (a) the completion of a Section 106 agreement within 12 months of the date of this committee, otherwise the application would be brought back before committee for reconsideration against the relevant policies and guidance applicable at that time. The Section 106 would secure:
  - (i) The provision of 1 affordable unit in accordance with the Council's policies and guidance;
- (b) Compliance with the conditions specified below. The Certificate of Decision would be released only on completion of the Section 106 agreement.

**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 works on the external faces of the walls, or the roofs of any buildings shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to precise details of:
  - (a) The proposed render (colour, type and finish), and facing bricks;
  - (b) The roof materials (type, profile/colour);The development shall be carried out strictly in accordance with the details approved under this condition.
3. None of the dwellings shall be occupied until the access and parking areas and associated pathways, ramps and entrances to the units has been completed in accordance with the approved plans and details required by the conditions of this permission.
4. None of the dwellings shall be occupied until the written approval of the Local Planning Authority has been obtained to the detailing of the hard and soft landscaping of the site (boundary and screen wall treatment, railings, surfacing, tree and hedge planting etc), and the approved details have been completed.
5. Notwithstanding the submitted details, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the improvements to Vicarage Road, the new footway, drainage works and the treatment of boundary walls relative to the visibility splays, and the development shall be completed strictly in accordance with the details approved under this condition, prior to occupation of any of the dwellings.
6. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene1 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009.
7. No development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority shall otherwise consent in writing.
8. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 credits under Ene1 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.
9. The development shall proceed strictly in accordance with the recommendations in the submitted Ecological Report.
10. **PRE-COMMENCEMENT CONDITION**  
No development shall take place, including any removal of trees, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) the routing of all construction vehicles;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel washing facilities;

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

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

2. In the interests of visual amenity.
3. To ensure the development is served by a suitable access and parking area
4. In the interests of visual amenity.
5. To ensure the access arrangements are satisfactory.
6. To ensure the development meets national planning policy standards with respect to sustainable building construction.
7. To ensure the development meets national planning policy standards with respect to sustainable building construction.
8. To ensure the development meets national planning policy standards with respect to sustainable building construction.
9. In the interests of users of the highway network.
10. To ensure there is no detriment to ecological interests.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. With regard to Conditions of this permission, you are advised to contact the Highways Officer to clarify the relevant details prior to any formal submission for approval.

Your attention is drawn to the attached County Council's specification for road construction, highway lighting installations, and traffic signs and road markings.

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

You should contact the Highways Officers to discuss the details required in connection with Condition 10 of this permission.

You are reminded that the trees surrounding the site are protected by a formal Tree Preservation Order and that no works other than those permitted by this permission should be allowed to proceed other than with the relevant written consent from the local planning authority.

**ITEM NO:** 2

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

**APPLICATION NO:** 17/2010/1163/ PF

**PROPOSAL:** Substitution of house types on plots 24 and 25 (previously approved under pp code no. 17/2008/0989)

**LOCATION:** Land Adjacent To Pen Y Stryt Farm Llandegla Wrexham

**APPLICANT:** Bloor Homes Ltd. (North West)

**CONSTRAINTS:**

**PUBLICITY** Site Notice - No

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

**CONSULTATION RESPONSES:**

LLANDEGLA COMMUNITY COUNCIL

"The Community Council has discussed the above application and object to the proposals. The change from semi-detached houses to detached homes this could prove detrimental to the community in the long term for the following reasons;

1. The two plots are in close proximity to a road junction and it is felt that given the extra car spaces the additional associated traffic could create road safety issues.
2. As market prices for semi detached houses are usually lower than for detached, it is felt the change would exclude buyers in the lower price bracket from purchasing housing stock on this development. It is considered that Llandegla has sufficient stock of detached houses and the emphasis should be more or affordable or low cost housing".

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 11/11/2010**

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

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the substitution of house types on plots 24 and 25 of a previously approved scheme for the erection of 27 dwellings and the construction of a new vehicular/pedestrian access on a site granted planning permission under ref 17/2008/0989/PF in 2009.
- 1.1.2 The approved Pen y Stryt development comprises the erection of 27 dwellings, including a mix of 2, 3 and 4 bed detached and semi detached properties, with 8 affordable housing units. The development will also provide

a Local Area of Play to the western part of the site which would have a pedestrian link to the existing playing field and it proposes the widening of Village Road with the provision of a footpath and the re-positioning of an existing bus stop. All this can proceed in accordance with the July 2009 approval.

1.1.3 This application relates solely to the substitution of house types on the previously approved plots numbered 24 and 25. The house types as currently approved are for 3 bed semi-detached properties, and the proposal seeks permission to erect two 3 bed detached properties.

1.1.4 The applicant has confirmed some works have begun in connection with the planning consent. Tree protection is in place and the roadside hedgerow has been removed, but no construction has commenced on the dwellings or highways works as yet. The applicant has stated that the changes to the house types proposed are to 'reflect the current challenging marketing conditions'.

#### 1.2 Description of site and surroundings

1.2.1 The site comprises former agricultural land located within the development boundary of the village of Llandegla. The site is bounded on its north eastern, south east and western boundaries by mature hedgerows and is open to its north western boundary to the remaining part of the field. The site slopes down to the east, but at the road frontage, is located at a higher level than the adjoining highway.

#### 1.3 Relevant planning constraints/considerations

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

#### 1.4 Relevant planning history

1.4.1 Full planning permission has been granted for the development of 27 dwellings and the construction of a new vehicular access.

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

1.5.1 None

#### 1.6 Other relevant background information

1.6.1 None

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

2.1 17/2006/0800/PO Development of 0.83ha of land for residential purposes and construction of new vehicular/pedestrian GRANTED 18<sup>th</sup> April, 2007 at Planning Committee.

17/2008/0989/PF Erection of 27 no. dwellings and construction of new vehicular/pedestrian access (site area of 0.99ha) GRANTED 9<sup>th</sup> July, 2009 at Planning Committee.

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

The main planning policies and guidance are considered to be:

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

Policy GEN 6 Development Control Requirements

Policy GEN 1 Development within Development Boundaries

Policy HSG 4 Housing Development in Villages

3.2 Supplementary Planning Guidance  
Supplementary Planning Guidance 25: Residential Development Design Guide

3.3 GOVERNMENT GUIDANCE  
Planning Policy Wales (3rd Edition, 2010)  
TAN 12: Design (2009)

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

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

- 4.1.1 Principle
- 4.1.2 Visual impact
- 4.1.3 Residential Amenity
- 4.1.4 Highways
- 4.1.5 Dwelling Mix

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy relevant to the principle of residential development in villages is Policy HSG 4, which seeks to locate new housing within identified development boundaries. The principle of residential development has previously been established by the granting of both outline and full planning permission. The issues to address here can only relate to the acceptability of the detailing of the two detached dwellings in the context of the rest of the approved development and the character of the surrounding area.

4.2.2 Visual impact

Policy GEN 6 requires that proposals for development should not harm the visual amenity of the area and respect the site and surroundings in terms of siting, scale, form, design and materials. The proposal is to substitute a pair of 2 storey semi detached 3 bed properties for two detached 2 storey 3 bed properties. The semi detached dwellings approved would have an internal floor area of 77m<sup>2</sup> and the detached dwellings proposed have an internal floor area of 88m<sup>2</sup>, both being 3 bed properties. The dwellings differ in design in that the semi detached dwellings have gables on the sides with a ridge height of 8m, and the proposed detached dwellings having a gable fronting the road and ridge height of 8.5m.

4.2.3 The house types proposed here have already been approved on other plots within the approved layout and are therefore considered to be in keeping with the detailing within the overall housing development. Proposed materials are as approved in the main planning permission, Hanson Old English brindled red brick, with antique brown roof tiles.

4.2.4 Residential Amenity

Policy GEN 6 seeks to safeguard sufficient privacy and amenity levels for occupiers of existing and new properties.

In this case, officers suggest it is the amenities of future occupiers of the residents on the adjacent plots that needs to be considered as there are no existing dwellings nearby. In this context, the siting of the units is considered acceptable in relation to the neighbouring properties, with detached garages proposed to the rear with off street parking to the side and front of the properties. All windows within the proposed dwellings are located to the front and rear only, with no side windows proposed, which would avoid overlooking of neighbouring properties.

The dwellings would be provided with sufficient off street parking and front and rear amenity areas, and therefore it is considered a sufficient standard of amenity would be afforded to future occupiers of the properties.

#### 4.2.5 Highways

Policies GEN 6, TRA 6 and TRA 9 require due consideration of the highway impacts of a development.

The Community Council have commented that the change from semi-detached houses to detached homes could prove detrimental to the community in the long term and the first reason given is that the two plots are in close proximity to a road junction where it is felt that given the extra car spaces the additional associated traffic could create road safety issues.

The concerns of the Community Council are duly noted, however, the dwellings as approved on the plots are 3 bed units as are the dwellings now proposed, so it is considered the traffic likely to be generated would be no different to what has already been approved. As approved and as proposed, each property would have a detached garage and 2 off street car parking spaces. It is not considered the proposal raises any new highway safety issues.

#### 4.2.6 Dwelling Mix

The Community Council have commented that the change from semi-detached houses to detached homes could prove detrimental to the community in the long term, as market prices for semi detached houses are usually lower than for detached. The Community Council consider the change would exclude buyers in the lower price bracket from purchasing housing stock on this development. It is considered that Llandegla has sufficient stock of detached houses and the emphasis should be more on affordable or low cost housing.

For the record, the housing development will provide 8 no affordable homes, which has been agreed by a Section 106 agreement.

The concerns of the Community Council are duly noted, however, it is considered that there will remain a reasonable mix of unit sizes and designs within the overall development. The proposal to substitute the existing semi detached properties to detached properties would result in a relatively minor change to the size of the units proposed, with an increase from 77 to 88 m2 in floor area.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1.1 The principle of residential development has been established by previous planning permissions. It is not considered that there would be any adverse visual impact or any detriment to residential amenity, or unacceptable impacts on highway safety or dwelling mix.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.



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:** 3

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 28/2010/1207/ PF

**PROPOSAL:** Erection of a conservatory to front of dwelling

**LOCATION:** 12 Bryntirion Henllan Denbigh

**APPLICANT:** Mr Smith

**CONSTRAINTS:** 250m Of Landfill Site

**PUBLICITY UNDERTAKEN:** Groundwater Vulnerability 1  
Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**

HENLLAN COMMUNITY COUNCIL

- "1. The proposed extension of a conservatory is beyond the natural building line of the property  
2. The extension is out of character to the property and other surrounding properties  
3. The extension would start an out of character trend"

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mrs Olwen Bellis, 7 Bryntirion, Henllan  
Miss Jennifer Bellis, 6 Bryntirion, Henllan

The Letters express support for the proposals

**EXPIRY DATE OF APPLICATION: 28/11/2010****PLANNING ASSESSMENT:****6. THE PROPOSAL:**6.1 Summary of proposals

- 6.1.1 The proposal is for the erection of a small extension at the front of the dwelling.
- 6.1.2 The extension would project 1.8m out from the front wall and would be 2.5m in width, with a ridge height of 3 metres.
- 6.1.3 The extension would have a 1m high facing brickwork plinth, and glazing above on all sides.

6.2 Description of site and surroundings

- 6.2.1 The existing property is a detached pitched roof bungalow. The existing property has large windows on the front elevation. The one which would be retained as part of the proposals measures 2.4m in width and 1.5m height.

6.2.2 The property is within a large residential estate where there are a number of detached houses, and bungalows of similar design to the application property. There is an example of a front porch and bay window on other properties on the estate.

6.3 Relevant planning constraints/considerations

6.3.1 The property is within the development boundary of Henllan village.

6.4 Relevant planning history

6.4.1 None

6.5 Developments/changes since the original submission

6.5.1 None

6.6 Other relevant background information

6.6.1 None

**7. DETAILS OF PLANNING HISTORY:**

7.1 None

**8. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy HSG 12 - Extensions to Dwellings

Policy GEN 6 - Development Control Requirements

Supplementary Planning Guidance

SPG 1 - Extensions to Dwellings

SPG 24 - Household Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (July 2010)

TAN 12 - Design (2009)

**9. MAIN PLANNING CONSIDERATIONS:**

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

9.1.1 Principle

9.1.2 Detailed design and impacts

9.2 In relation to the main planning considerations:

9.2.1 Principle

The principle of extending existing dwellings is acceptable in relation to policies HSG 12 and GEN 6 of the Unitary Development Plan (UDP). Supplementary Planning Guidance (SPG) 1 and 24 give more specific guidance on what is acceptable and details of best practice. HSG 12 permits extensions to a dwelling subject to four tests. These tests are an assessment of the acceptability of; scale and form; design and materials; the impact on the character, appearance and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. The assessment of these impacts is set out in the following section. GEN 6 contains a wide range of general development control requirements that all development proposals need to comply with. The purpose of this general policy is to help ensure that proposed development is of a high standard and has minimal adverse impacts. SPG 1 sets out the general principles of acceptable extensions to dwellings and SPG 24 offers basic

advice on the principles to be adopted when designing domestic extensions.

#### 9.2.2 Detailed design and impacts

- *Scale and form*

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

- *Design and materials*

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

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

Whilst the proposed development would introduce a larger area of glazing to the front of the property, it is considered that this would be in keeping with the character of the area as properties in the locality have large front windows, and there is an example of a porch/bay windows on the front of dwellings in the Bryntirion estate. Additionally the scale of the proposed extension means that the impact on the wider locality and nearest neighbours would be minimal. Therefore it is felt that, with respect to the comments of the Community Council, the development is acceptable in terms of character, appearance and amenity standards of the locality.

- *Overdevelopment of the site*

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

The comments of the Community Council are duly noted. It is considered that the proposed development would appear little different to a porch and would have an acceptable impact on the character of the area and the property itself. As is noted in the detailed design and impacts, it is considered that properties in the locality are characterised by large areas of glazing to the front of the property. Considering this and the scale of the development, it is considered that the impact of the proposals will be minimal to the locality and the property itself.

#### **10. SUMMARY AND CONCLUSIONS:**

- 10.1 It is considered that the proposal complies with policy and it is recommended that permission be granted.

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

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

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

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

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

None

**ITEM NO:** 4

**WARD NO:** Prestatyn Meliden

**APPLICATION NO:** 43/2010/1014/ PF

**PROPOSAL:** Erection of a detached dwelling and construction of new vehicular access

**LOCATION:** (Land adjoining 30) 28 Calthorpe Drive Prestatyn

**APPLICANT:** Mr & Mrs M Murphy

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

“Object. Over intensification of site and potential overlooking of neighbouring properties. Not in keeping with surrounding buildings.”

DWR CYMRU/WELSH WATER

No objections subject to conditions and advisory notes

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objections

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Alex Hogg, 26 Calthorpe Drive, Prestatyn

Mrs Julia Hogg, 26 Calthorpe Drive, Prestatyn

A Knapp, 22 Calthorpe Drive, Prestatyn

S McEwen, 24 Calthorpe Drive Prestatyn

Neil & Jan Drinkwater, 30 Calthorpe Drive, Prestatyn

Owner /Occupier, 36 Calthorpe Drive Prestatyn

Owner/Occupier, 19 Calthorpe Drive, Prestatyn

M A Clarke, 11A Calthorpe Drive, Prestatyn

A Knapp, 22 Calthorpe Drive, Prestatyn

M E Hedley, 17 Calthorpe Drive, Prestatyn

B Jones, 21 Calthorpe Drive, Prestatyn

J Miguel, 15 Calthorpe Drive, Prestatyn

Summary of planning based representations:

-Character of development would not be in keeping with the surrounding area – inappropriate design/3 storey/too close to boundaries/cramped/overdevelopment/larger than previous refusal

-Impact on highway safety and lack of off road parking – larger unit means potentially more traffic/access on a bend.

-Impact on residential amenity – additional windows/overlooking potential/use of roofspace as bedrooms. Inadequate space for access from side door/levels appear raised

Other matters

Questions over land ownership – retaining wall would be on adjacent owner's land.

**EXPIRY DATE OF APPLICATION: 03/10/2010**

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

- Awaiting decision by Committee;

**PLANNING ASSESSMENT:**

**11. THE PROPOSAL:**

11.1 Summary of proposals

11.1.1 The application relates to the details of a detached dwelling and construction of associated vehicular access on Calthorpe Drive, Prestatyn.

11.1.2 The site has been the subject of a number of applications and a planning appeal following refusal of detailed plans for a two storey, 3 bedroom dwelling at Committee in February 2009. The Committee's decision was overturned by the Planning Inspectorate in August 2009, in allowing the appeal.

11.1.3 The current application is also for a 3 bedroom dwelling, of similar design detailing and siting as the scheme granted on appeal in 2009. The main differences from the approved plans are:

- the proposal to use the roof space for 'domestic storage'
- the introduction of a monopitch roof feature above what was previously a flat roofed projection with a balcony over at the rear (i.e. eliminating the balcony)
- the introduction of a number of additional windows:
  - 4 skylights and a gable end window to serve the 'domestic storage' space in the roof area
  - A bathroom window at first floor level on the east elevation
  - A kitchen window at ground floor level on the west elevation

11.2 Description of site and surroundings

11.2.1 The site is a broadly rectangular piece of land with a depth of 53m and a width of 9.7m. It is within a residential area with two storey houses to each side, and it backs onto open land used by the St Melyd Golf Course.

11.2.2 The land slopes downwards from east to west, with the property to the east (no.30) set at a higher level with habitable room windows facing the site, and the property to the west (no.26) set at a lower level and at an angle to the site.

11.3 Relevant planning constraints/considerations

11.3.1 The site is located within the Prestatyn Development Boundary where the principle of residential development is acceptable subject to detailed assessment of impact.

11.4 Other relevant background information

11.4.1 A site meeting has taken place with Councillor June Cahill and local residents to discuss the local issues over the proposal, material considerations, and

planning procedure.

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

12.1 43/2006/0243/PO -Outline application with all matters reserved for the erection of one detached dwelling: Committee Decision, approved 24 May 2006, subject to conditions relating to the submission of reserved matters, landscaping and parking

12.2 43/2007/1089/PR -Details of siting, design, external appearance of dwelling, means of access and landscaping of site submitted in accordance with condition no.1 of outline planning permission ref 43/2006/0243/PO: Committee Decision, refused 18 February 2009.

The reason for refusal was:

"In the opinion of the Local Planning Authority, the proposed dwelling would be unacceptable in terms of design and would appear as a cramped form of development out of character with development in the area, contrary to Policy GEN 6 (1) of the Denbighshire Unitary Development Plan."

12.3 Subsequent appeal allowed, 5 August 2009. The Planning Inspector's decision letter concluded the main issue was the effect of the dwelling on the character and appearance of the area. She considered the dwelling would not appear as cramped or overdevelopment and would not harm the character and appearance of the area. In relation to local concerns, she did not accept there would be any significant loss of light to neighbouring occupiers, and she was satisfied at the parking and access arrangements. A copy of the Inspector's decision letter is included at the front of the report.

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

The main planning policies and guidance are considered to be:

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

Policy GEN 1- Development within Development Boundaries

Policy GEN 6- Development control requirements

Policy TRA 6 – Impact of new development on traffic flows

Policy TRA 9 – Parking and Servicing Provision

13.2 Supplementary Planning Guidance  
SPG 25 – Residential Development Design Guide

13.3 GOVERNMENT GUIDANCE  
Planning Policy Wales, Edition 3, 2010  
TAN 12 - Design

## **14. MAIN PLANNING CONSIDERATIONS:**

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

14.1.1 Principle

14.1.2 Design/Visual Amenity

14.1.3 Privacy and residential amenity

14.1.4 Highways

14.2 In relation to the main planning considerations:

14.2.1 Principle

The Unitary Plan's Strategic policies, STRAT 1 and 6, General Policies GEN 1 and 2 relate to the principle of housing development in the County's main settlements. The development of a plot within the development boundary of Prestatyn would be in accord with these policies, subject to the detailed tests required by other policies in the plan. The principle of the development has clearly been established as acceptable through the planning history at the plot. The Inspector's decision on the 2009 refusal is a material consideration in respect of both matters of principle and detail on the current scheme.

#### 14.2.2 Design/Visual Amenity

Design and amenity considerations are set out in Unitary Plan policy GEN 6, Planning Policy Wales and TAN 12, and require assessment of the acceptability of the detailing of development, including its visual impact and effect on the character of an area.

There are local concerns over the design of the dwelling, including the Town Council, who consider it would not be in character with the area, and an over intensification.

Whilst respecting comments on the design, officers inevitably have to refer members to the plans at the front of the report which show the detailing of the dwelling approved on appeal in 2009, and the current plans. It is not considered there are any significant changes now proposed to the basic form, style or siting of the dwelling as approved, which could justify a refusal at this stage on grounds of design, overdevelopment or impact on the character of the area, particularly given the clear conclusions of the appeal Inspector in 2009.

#### 14.2.3 Privacy and residential amenity

The requirement to consider the effect of new development on the amenities of local residents and whether development provides satisfactory amenity standards for the occupiers of a proposed dwelling is set out in policy GEN 6.

There are a number of concerns from residents and the Town Council over elements of the proposed dwelling, in particular from the potential for overlooking from the roofspace area and from additional windows and raised floor levels. The applicant's agents have provided additional sectional plans to help assess the relationship with adjacent property.

Looking in turn at the different elements of the scheme:

- the use of the roofspace as a 'domestic store' does require due consideration, as the rooflight windows would be on the 'sides' of the roof facing adjacent properties. Having regard however to the cill height of these windows (1.5m above floor level) and their position in the roof, it is not considered these would result in an unacceptable potential for overlooking;
- the side kitchen window at ground floor level would look out onto a 2m high hedge along the boundary with No. 26, limiting the potential for overlooking at the side of that property, but as this is not a permanent screen, it would be reasonable to require this window to be fitted with obscure glazing.
- the side bathroom window at first floor level would have obscure glazing.

Overall, whilst acknowledging the basis of local concerns, officers do not consider the detailing of the revised plans would lead to unacceptable impacts on occupiers of adjacent property, and would consequently not conclude the proposals are unacceptable on residential amenity grounds.



The plans show there would be satisfactory amenity standards for occupiers of the new dwelling itself.

#### 14.2.4 Highways

Highway considerations are set out in policies TRA 6 and 9, and GEN 6. These require assessment of impact on the local highway network and provision of adequate parking with new development.

Local concerns are expressed over the potential use of the roofspace as additional bedroom accommodation, imposing additional demands for parking and over the safety of the access. The Highway Officers raise no objection to the proposals.

In acknowledging the points raised by objectors, officers do not consider there are reasonable highway grounds for resisting the proposals. The access and parking arrangements are similar to those previously approved as part of the 2009 appeal and even if the roofspace was to be used as an additional bedroom, it is considered there is space for the parking of 3 vehicles within the site, which would be adequate to serve the size of dwelling.

#### Other matters

The Authority can not intercede in private legal issues over the precise location of the boundary relative to a proposed retaining wall. It would be normal to include a note to the applicant on any decision, to draw attention to claims over ownership so these matters can be resolved privately before any development proceeds.

### 15. SUMMARY AND CONCLUSIONS:

- 15.1 The site has been the subject of a previous detailed application refused by the Committee in 2009, which was overturned on appeal. Whilst there are a number of amendments to the approved scheme proposed here, the basic detailing of the dwelling remains similar to that approved on appeal. Having regard to the comments of the objectors and Town Council, and the actual details of the dwelling, officers do not consider the changes are so significant or unacceptable to justify refusal, hence the recommendation is for grant of permission..

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the detailing on the approved plans, the windows in the ground floor kitchen window shall be fitted with obscure glazed panes at all times.
3. The access, parking and turning area shall be completed prior to the bringing into use of the dwelling, and the surfacing shall be of a non-friable material.
4. **PRE-COMMENCEMENT CONDITION**  
No development shall be permitted to commence until the written approval of the local planning authority has been obtained to the external wall and roof materials.

#### 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 amenities of occupiers of adjacent property.
3. In the interests of highway safety.
4. In the interests of visual amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. You are advised that the Authority's attention has been drawn to the delineation of the site boundary close to the proposed retaining wall, and you should ensure there are no private legal constraints on the implementation of the permission. If the permission can not be implemented because of inaccuracies in the submitted plans you should seek advice on how to proceed.

**ITEM NO:** 5

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2009/1500/ PC

**PROPOSAL:** Construction of a new vehicular access involving removal of frontage wall (retrospective application)

**LOCATION:** 6, Grove Terrace Princes Road Rhuddlan Rhyl

**APPLICANT:** Mr Keith Smith

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

RHUDDLAN TOWN COUNCIL  
"Recommend for permission"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
CONSERVATION ARCHITECT

Notes that this part of the conservation area is characterised by a number of Victorian terraced properties, generally little altered from their original appearance, and that these buildings add uniformity, rhythm and townscape value to the conservation area. Considers the boundary walls to these properties, and indeed other properties in Princes Road are important and characteristic features of the conservation area, reinforcing the continuity of the street boundary, and the demarcation between small private gardens and the public realm; and that the gardens and boundary walls are important elements of the townscape. Suggests the incremental loss of these should be resisted, as the loss of boundary walls results in a blurring of private and public space, creating an unsatisfactory and scruffy environment which neither preserves nor enhances the character and appearance of the conservation area.

DCC HEAD OF HIGHWAYS AND INFRASTRUCTURE  
No objection subject to conditions

**RESPONSE TO PUBLICITY:**

Letter in support -  
Stacey Hesford, 200 Lords Street, Cadishead, Salford, Lancashire, M44 5HW

Summary of points in support:  
Improved highway safety

**EXPIRY DATE OF APPLICATION: 18/10/2010**

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

- timing of receipt of representations

**PLANNING ASSESSMENT:**

## **16. THE PROPOSAL:**

- 16.1 Summary of proposals
  - 16.1.1 This is a retrospective planning application seeking the retention of a vehicular access at 6 Grove Terrace, Rhuddlan.
  - 16.1.2 The application comprises of the removal of the front boundary wall in order to facilitate vehicular access to the front garden of the residential property.
  - 16.1.3 The applicant has stated that the development is required to provide off road parking in order to avoid damage being caused to his vehicle whilst parked on Princes Road. Incidents of previous damage have been registered with the Police.
- 16.2 Description of site and surroundings
  - 16.2.1 The property is a terraced residential dwelling located within the Rhuddlan Conservation Area.
- 16.3 Relevant planning constraints/considerations
  - 16.3.1 The property is within the development boundary of Rhuddlan and the Rhuddlan Conservation Area.
- 16.4 Relevant planning history
  - 16.4.1 There have been a number of planning applications, and an enforcement history relating to the creation of new accesses in the immediate locality.
  - 16.4.2 Permission was granted in 1987 by the former Rhuddlan Borough Council at 3 Grove Terrace for the creation of a new access with a condition requiring the installation of a gate to mitigate the visual impact.
  - 16.4.3 In 1991, an application was refused by Rhuddlan for the creation of a new access at no. 6 Derwen Terrace due to impact on the conservation area. A subsequent appeal was dismissed. The appeal inspector commented that the removal of the front boundary wall would have not preserve or enhance the character and appearance of the conservation area. Additionally the inspector commented that existing parking spaces within front gardens did not justify the development and that future development of this type would be very damaging to the street scene.
  - 16.4.4 In 2002, an application was refused by Denbighshire for the creation of a new access to 1 Grove Terrace on the grounds of impact on the conservation area, and the harmful precedent that would be set.
- 16.5 Developments/changes since the original submission
  - 16.5.1 None
- 16.6 Other relevant background information
  - 16.6.1 Enforcement action has been considered previously at 4 and 7 Grove Terrace in relation to the creation of accesses but due to the amount of time lapsed since the works were carried out, this was not considered expedient to pursue.
  - 16.6.2 The application is referred to committee as it is a retrospective application, recommended for refusal and separate enforcement action.

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

17.1 2/RHU/0108/87/P - Planning application for the formation of a vehicular access and construction of hardstanding in the garden area of 3 Grove Terrace. Granted permission on 28/05/87 (Rhuddlan).

17.2 2/RHU/0206/91/P - Planning application for new vehicular access at 6 Derwen Terrace was refused due to negative visual impact and highway safety grounds 16/07/1991.

Reason 1: The proposal, resulting in the loss of the front boundary wall and the hard-surfacing of the front garden, would be seriously detrimental to the appearance of the existing terrace, the street scene and the conservation area.

Reason 2: The proposed access would be detrimental to the safety and convenience of highway users of Princes Road by reason of insufficient manoeuvring area within the site resulting in vehicles reversing onto a classified highway and lack of pedestrian visibility.

Subsequent appeal dismissed as removing the wall would have a detrimental impact on the character of the Conservation Area and set a precedent that could mean harmful future development of a similar nature would be difficult to resist.

17.3 44/2002/0136 - Application for the erection of a flat-roofed extension at rear of dwellinghouse and formation of new vehicular access at 1 Grove Terrace. Refused 26/04/2002.

Reason: The proposed vehicular access would result in the removal of a section of front boundary wall and a pier, and the hard surfacing and parking of a car in the front garden, which would detract from the character and appearance of the Rhuddlan Conservation Area in conflict with Policy C3 of the Rhuddlan Borough Local Plan, Policy G3 of the Clwyd Structure Plan, Policy CON6 of Denbighshire County Council Unitary Development Plan (Proposed Modifications Version) and Government Advice in Welsh Office Circular 61/96. The proposal, if permitted, would make it more difficult for the Local Planning Authority to resist similar proposals elsewhere in the locality to the further detriment of the Conservation Area.

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

The main planning policies and guidance are considered to be:

18.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy CON 5 - Development within Conservation Areas  
Policy GEN 1 - Development within development boundaries  
Policy GEN 6 - Development control requirements

18.2 Supplementary Planning Guidance  
SPG 13 Conservation Areas

18.3 GOVERNMENT GUIDANCE  
Planning Policy Wales 3<sup>rd</sup> Revision 2010

## **19. MAIN PLANNING CONSIDERATIONS:**

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

- 19.1.1 Principle
- 19.1.2 Character and Appearance of Conservation Area
- 19.1.3 Highway Safety

19.2 In relation to the main planning considerations:

- 19.2.1 Principle  
The principle of development within development boundaries is acceptable in

relation to Policy GEN1 of the Unitary Development Plan subject to meeting the requirements of other policies. The main UDP policies relating to this application are Policy CON 5 and Policy GEN 6, which respectively require that applications demonstrate they preserve or enhance the character or appearance of conservation areas and do not unacceptably affect the form and character of the townscape/historic environment and are acceptable on highway safety grounds.

#### 19.2.2 Character and Appearance of Conservation Area

Policy CON 5 requires that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area.

The Conservation Architect considers front boundary walls to be “important and characteristic features of the conservation area” and the removal of these features “results in a blurring of private and public space, creating an unsatisfactory and scruffy environment which neither preserves nor enhances the character and appearance of the conservation area”. The harm of the removal of these features has also been highlighted in previously determined planning application and appeals in the locality.

For these reasons it is considered that the development has an unacceptable impact on the character and appearance of the Conservation Area, and should not be supported.

#### 19.2.3 Highway Safety

Test vi) and vii) of Policy GEN 6 require that development should provide safe and convenient access and not have an unacceptable impact on the highway network. The Head of Highways has raised no objection to the application subject to conditions and it is therefore considered that the development is acceptable in relation to highway safety issues

### **20. SUMMARY AND CONCLUSIONS:**

- 20.1 It is considered that the development has an unacceptable impact on the character and appearance of the Conservation Area. Permitting development of this type would set a precedent that would mean future development would be difficult to resist. This would lead to an incremental loss of key Conservation Area features which would have a considerable adverse impact on the quality of the environment.

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

1. In the opinion of the Local Planning Authority, the removal of the front boundary wall, which is a key feature of the Conservation Area, has a detrimental impact on the character and appearance of the Conservation Area which is in conflict with Policy CON 5 of the Denbighshire Unitary Development Plan and advice set out in Supplementary Guidance Note 13 Conservation Areas. The grant of permission would make it more difficult to resist proposals elsewhere in the locality, to the further detriment of the Conservation Area.

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

None

## **PLANNING ENFORCEMENT REPORT**

REFERENCE: ENF/2010/00092  
LOCATION: 6 Grove Terrace, Princes Road, Rhuddlan  
INFRINGEMENT: Unauthorised development – removal of boundary walls and creation of hardstanding

### RELEVANT PLANNING POLICIES AND GUIDANCE

#### DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 - Development Control Requirements  
Policy CON 5 - Development within Conservation Areas  
Policy CON 7 - Demolition within Conservation Areas

Supplementary Planning Guidance Note 2 - Landscaping  
Supplementary Planning Guidance Note 13 - Conservation Areas  
Supplementary Planning Guidance Note 24 - Householder Development Design Guide

### GOVERNMENT GUIDANCE

Planning Policy (Wales) 2002  
Technical Advice Note (Wales) 9 – Enforcement of Planning Control

### HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against breaches of planning control. In this instance the matter under consideration is whether the owner of a residential property within a Conservation Area, has a right to demolish boundary walls and create an access and a hard-standing area, without the required Local Planning Authority approval. The general public interest outweighs any rights which may be claimed by the land owner in this case. No specific human rights issues have been raised by the land owner or any other interested party.

## 1. BACKGROUND INFORMATION

- 1.1 The property in question is one of a row of Victorian terraced dwellings known as Grove Terrace, Princes Road, Rhuddlan and lies within the Rhuddlan Conservation Area.
- 1.2 On the 24 August 2009, a complaint was received to the effect that the owner of 6 Grove Terrace had demolished the boundary wall fronting the property and adjacent to the highway. A subsequent site visit undertaken on the 28 August 2009, by a Planning Compliance Officer, confirmed this to be the case.
- 1.3 Following consultation with the Highways Department and Conservation Section, on the 10 November 2009, a letter was forwarded to the owner of 6 Grove Terrace to outline the concern at the action he had taken. The letter presented the owner with the options of re-instating the boundary walls, or seeking approval of the Local Planning Authority and Highways Department by the submission of an application for

planning permission.

- 1.4 Planning permission is required to construct an access onto a classified road. The complete removal of a section of wall would require Conservation Area Consent if this was undertaken as a separate operation, but in this instance forms a consideration on a planning application for an access and hardstanding.
- 1.5 On the 19 November 2009, the property owner submitted an application for planning permission; code number 44/2009/1500/PC refers. At this stage the application was declared 'invalid' for the want of additional plans and fee.
- 1.6 The application was not validated until the 24 August 2010. Following further consultation and consideration of the planning matters relevant to the case, the application is not supported by officers.

## 2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised development has taken place within the last 4 years.
- 2.2 It is considered that the Victorian terraced properties comprising Grove Terrace are generally little altered from their original appearance. These buildings add uniformity, rhythm and townscape value to the Conservation Area. The boundary walls to these properties are considered to be important characteristic features of the area and whilst some have been removed over time, where incremental loss can be resisted, action should be taken to do so.
- 2.3 The removal of the boundary wall at 6 Grove Terrace does not preserve or enhance the character or appearance of the Conservation Area and is therefore contrary to Policy GEN 6 (i), (ii) and (xii), Policy CON 5, Policy CON 7, SPG Note 2 (Landscaping), SPG Note 24 (Conservation Areas) and SPG Note 24 (Householder Development Design Guide).
- 2.4 The imposition of planning conditions as part of any grant of planning permission would not overcome the highlighted concerns.

## 3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the re-instatement of the demolished boundary wall, to a design approved by the Local Planning Authority.
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
  - (iii) Period for compliance 4 months.



SES

**ITEM NO:** 6

**WARD NO:** Rhyl South East

**APPLICATION NO:** 45/2009/0999/ PR

**PROPOSAL:** Details of phases 2 and 3 development including siting, design and external appearance of 217 dwellings, landscaping, access roads and associated works submitted in accordance with condition no's 1 and 7 of outline planning permission code no. 45/2004/1376/PO

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

**APPLICANT:** Anwyl Construction Company Ltd.

**CONSTRAINTS:** Section 106  
PROW  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

"No Objection subject to the relocation of the emergency drop bollards located adjacent to plots 319/320 to a position closer to the junction with Clos Teg Fan".

DWR CYMRU WELSH WATER

No objection

ENVIRONMENT AGENCY

No objection

COUNTRYSIDE COUNCIL FOR WALES

No objection

THE CLWYD-POWYS ARCHAEOLOGICAL TRUST

No objection, the archaeological fieldwork has been completed. In response to local concerns, has advised that:-

- The previously submitted Transport Statement demonstrated the road network, with improvements would be able to accommodate demand for up to 600 units. There is no reason to doubt the existing network can operate within capacity, subject to agreed improvements.
- In terms of design standards, Rhodfa Maen Gwyn is considered suitable to serve up to 300 dwellings with a minimum 5.5m wide carriageway.
- Off street parking has been improved in accordance with the council's standards.

RAMBLERS ASSOCIATION

No response received

BADGER GROUP  
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
HEAD OF TRANSPORT & INTRASTRUCTURE  
No objection subject to the inclusion of conditions

FOOTPATHS OFFICER  
No objection, advisory note required

PUBLIC PROTECTION  
No response received

BIODIVERSITY OFFICER  
No objection

COUNTY ARCHAEOLOGIST  
No objection

HEAD OF HOUSING  
No objections

DRAINAGE ENGINEER  
No objection

TREE CONSULTANT  
No response received

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
Mr F Farley, 39 Rhodfa Maen Gwyn, Rhyl  
Mr & Mrs P A Roberts, 1 Clos Teg Fan, Rhyl  
John Lyons, 8 Porth y Llys, Rhyl  
Mrs. P. Parsons, 37, Rhodfa Maen Gwyn, Rhyl  
A. Roberts, 6, Clos Teg Fan, Rhyl  
S.M. & G.A. Thomas, 3, Clos Teg Fan, Rhyl (via e-mail)  
D. Thomas & M. Elson, 7, Clos Teg Fan, Rhyl  
S. & J. Weir, 10, Pen y Llys, Rhyl (e-mail)  
Mr. P. Smith, 36, Rhodfa Maen Gwyn, Rhyl  
P. & M. Murray, 20, Rhodfa Maen Gwyn, Rhyl  
Mr. S. Barker, 22, Rhodfa Maen Gwyn, Rhyl  
Ms. A. Davies, 1, Rhodfa Maes Hir, Rhyl  
Mr. & Mrs. Dawkin, 2, Rhodfa Maes Hir, Rhyl  
S. Handley, K.T. & A. Smith, 4, Rhodfa Maen Gwyn (e-mail)  
P. & A. Conde, 8, Clos Teg Fan, Rhyl  
Sally Anderson & Mrs Sarah E A Anderson (e mail)

Mr. P. Murray, 20, Rhodfa Maen Gwyn, Rhyl - 217 signature petition opposing "The Proposed change to use Rhodfa Maen Gwyn, Bryn y Llys and Porth y Llys as an access and exit road for the Aberkinsey Park development".

Summary of planning based representations:  
Highways

The opening up of Pen y Llys as a walkway or vehicular access; the use of Rhodfa Maen Gwyn as an access road as it will cause problems to existing residents in the area with parking and safety issues

Affordable Housing

Proximity of affordable housing to properties on Pen y Llys; concentration of affordable housing units;

Residential Amenity

Proximity of houses to existing bungalows;

Drainage

Concerns that the existing drains will not cope with the new development connecting into existing drains

**EXPIRY DATE OF APPLICATION: 26/09/2010**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**21. THE PROPOSAL:**

21.1 Summary of proposals

21.1.1 This application is for reserved matters approval dealing with the details of the Phases 2 and 3 development at Rhyl South East, also known as Aberkinsey Park. The details include siting, design and external appearance of 217 dwellings, landscaping, access roads and associated works, all submitted in accordance with condition no's 1 and 7 of outline planning permission code no. 45/2004/1376/PO.

21.1.2 Outline planning permission was granted in November 2006 for the 17.68ha site to be developed for residential purposes with associated open space, school, community centre and means of access, on land between Bro Deg and Dyserth Road. The site is allocated within the Unitary Development Plan as a Major Mixed Development Area (Policy MDA 1).

21.1.3 The development of Phase 1 is well under way in accordance with details approved in April 2008 with a substitution of house type application subsequently approved, which reduced the overall number of dwellings down to 144. Details of the 3 phases are summarised below in paragraph 4.1.2 'Phasing of the Development'.

21.1.4 This reserved matters application comprises the erection of 217 dwellings; a mix of 2,3,4 and 5 bed properties in the form of semi detached, detached and mews style properties, both 2 storey and single storey properties. Details of all hard and soft landscaping have been submitted for the phases. Phase 2 and 3 also contains a 0.84ha area consisting of a playing field and Multi Use Games Area, a 0.4ha area for a community centre and a 1.5ha site for a school site. Further details are summarised below in para 4.1.2 'Phasing of the Development'. The layout is shown at the front of the report.

21.2 Description of site and surroundings

21.2.1 The site is located on the eastern edge of Rhyl about 2.5 miles south east of the town centre. The site as a whole stretches from Dyserth Road in the north

to Bro Deg in the south, including the Aberkinsey Stream.

- 21.3 Relevant planning constraints/considerations  
21.3.1 The site is an allocated Major Mixed Development Area in the Unitary Development Plan and is located within the development boundary of Rhyl.
- 21.4 Relevant planning history  
21.4.1 Outline planning permission has been granted for the development of 17.68ha of land for residential purposes with associated open space, school, community centre and means of access, on land between Bro Deg and Dyserth Road. The Phase 1 details were approved in April 2008 with amendments agreed in September 2009.
- 21.5 Developments/changes since the original submission  
21.5.1 Changes have been made to the distribution of affordable housing; car parking provision and landscaping details.
- 21.6 Other relevant background information  
21.6.1 The outline application was subject of a detailed Section 106 agreement which sets out the developer's obligation in relation to highway issues, affordable housing, open space provision, environment and landscape, and the provision of the school and community centre.

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

2.1 2/RYL/373/91 – Residential development (outline application) GRANTED on appeal 5<sup>th</sup> April 1993 with costs awarded against the Local Planning Authority.

45/2000/0498/PF Erection of 90 two storey dwellings and construction of associated estate roads GRANTED 26<sup>th</sup> April, 2001.

45/2004/1376/PO Development of 17.68 ha of land for residential development with associated open space, school, community centre and means of access (outline application) RESOLVED TO GRANT at Planning Committee on 23<sup>rd</sup> March, 2005. Section 106 completed and planning permission GRANTED 22<sup>nd</sup> November, 2006.

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

45/2009/0750/PF Substitution of house types on Plots 1-8, 12-40, 57-61, 103-111 & 144 (Amendments to previously approved scheme for Phase 1 ref 45/2007/1233/PR) GRANTED 30<sup>th</sup> September, 2009

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

The main planning policies and guidance are considered to be:

- 23.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
- |                 |   |
|-----------------|---|
| Policy STRAT 1  | General                                   |
| Policy STRAT 6  | Location                                  |
| Policy STRAT 13 | New Development                           |
| Policy STRAT 15 | Housing                                   |
| Policy GEN 1    | Development Within Development Boundaries |
| Policy GEN 6    | Development Control Requirements          |

Policy GEN 8	Planning Obligations
Policy ENV 1	Protection of Natural Environment
Policy ENV 6	Species Protection
Policy ENV 7	- Landscape/Townscape Features
Policy ENP 4	Foul and Surface Water Drainage
Policy ENP 6	Flooding
Policy HSG 2	Housing Development in Main Centres
Policy HSG 10	- Affordable Housing within Development
Policy MDA1	Major Mixed Development Area: Land at Rhyl South East
Policy REC 2	Amenity and Recreational Open Space Requirements in New
Developments	
Policy CF 1	Community Facilities – General
Policy CF3	School Sites
Policy CF4	Community Facilities
Policy TRA 6	Impact of New Development on Traffic Flows
Policy TRA 7	Road Design
Policy TRA 8	Transport Requirements in Major Developments

#### 23.2 Supplementary Planning Guidance

Supplementary Planning Guidance Site Planning Brief No. 1 Rhyl South East  
 Supplementary Planning Guidance 21: Parking Standards in New Developments  
 Supplementary Planning Guidance 22: Affordable Housing in New Developments  
 Supplementary Planning Guidance 25: Residential Development Design Guidance

#### GOVERNMENT GUIDANCE

Planning Policy Wales (3<sup>rd</sup> Edition, 2010)

TAN 2:	Planning and Affordable Housing
TAN 5:	Nature Conservation and Planning
TAN 12:	Design
TAN15:	Flooding
TAN 18:	Transport

### 24. MAIN PLANNING CONSIDERATIONS:

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

- 24.1.1 Principle
- 24.1.2 Phasing of the development
- 24.1.3 Visual and landscape impact
- 24.1.4 Residential Amenity
- 24.1.5 Highway considerations
- 24.1.6 Public Open Space Provision
- 24.1.7 Affordable Housing
- 24.1.8 Flood Risk
- 24.1.9 Ecological Impact
- 24.1.10 Archaeological Impact
- 24.1.11 Impact on local services/facilities
- 24.1.12 Drainage

24.2 In relation to the main planning considerations:

#### 24.2.1 Principle

The principle of the development has been established by the granting of outline planning permission for the major mixed development area in November 2006. This is a reserved matters application dealing with the details of the development and therefore Policy GEN 6 is the most relevant along with guidance contained within SPG 25 Residential Development Design Guidance. Detailed policies and impacts will be discussed in the paragraphs to follow.

#### 24.2.2 Phasing of the development

The development is subject to an approved phasing condition which is consistent with the completed Section 106 agreement relating to highway issues, affordable housing, open space provision, environment and landscape and the provision of the school and community centre.

In relation to phase 1, the following has been agreed through a planning condition and S106:

- **Prior to the occupation of the 50<sup>th</sup> dwelling:**
  1. Complete LEAP and associated public open space and landscaping
  
- **Prior to the occupation of the 100<sup>th</sup> dwelling:**
  1. Complete spine road connection to Bro Deg
  2. New Mini roundabout at Trellewelyn Road/Bro Deg/Colin Drive
  3. Additional traffic calming measures on Pen y Maes Avenue between Bro Deg and Dyserth Road (subject to public consultation from the Local Highway Authority)
  4. Complete NEAP and agreed works to Aberkinsey Stream
  5. Payment of one third of the required commuted sum for public open space.
  
- **Prior to the occupation of the 150<sup>th</sup> dwelling:**
  1. Complete the MUGA and laying out of the playing field
  2. Transfer the freehold of the MUGA and playing field to the Council
  3. Transfer the freehold of the land for the provision of the school and community centre to the Council.
  4. Pay the commuted sum for Habitat and Conservation maintenance
  
- **Prior to the occupation of the 200<sup>th</sup> dwelling:**
  1. Construct a new link signal junction at Dyserth Road/ Pen y Maes Avenue
  2. Construct a new mini roundabout at Pen y Maes/Trellewelyn Road
  3. Undertake 'safe routes to school' work in conjunction with the opening of the new primary school.

The questions of phasing and the staged completion of the works outlined above are not for consideration as part of this application, which involves solely the details of siting, design and external appearance of 217 dwellings, landscaping, access roads and associated works in relation to phases 2 and 3.

#### 24.2.3 Visual and landscape impact

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

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

Details of the materials have not been submitted, but a planning condition could be included to ensure a suitable mix of materials are used in construction of the dwellings.

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

#### 24.2.4 Residential Amenity

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

In relation to the impact on the amenity of existing residential development, there are dwellings on Bro Deg, Clos Teg Fan, Rhodfa Maen Gwyn, Porth y Llys and Pen y Llys that immediately adjoin the site. All of the properties are 2 storey with the exception of properties on Porth y Llys and Pen y Llys which are single storey.

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

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

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

The Multi Use Games Area, playing field, community centre and school site are located to the south western part of the application site adjoining the boundaries of dwellings on Gellifor, Violet Grove, Clos Morfudd, Rhodfa Maes Hir and Clos Teg Fan. The dwellings are located some distance away from the facilities with a footpath also separating the areas on Gellifor and Violet Grove.

It is considered that the phases 2 and 3 development would have an acceptable relationship with existing development that surrounds the site.

In relation to the amenities of future occupiers of the dwellings, it is considered that the layout and design of these phases complies with the

principle of the masterplan, TAN 12 and SPG 25 providing a high quality development and living environment.

#### 24.2.5 Highway considerations

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

Several letters of objection have been received from local residents with regard to the 'opening up' of certain existing roads and concerns relating to parking and safety issues. The highway issues relating to these concerns are discussed in detail below:

- Access off Rhodfa Maen Gwyn: It is proposed to 'open up' Rhodfa Maen Gwyn as a vehicular access for 34 properties. The road would have drop down bollards to provide an access in emergencies only, and therefore it is not an open through road into the main estate and spine road.

In 1993, an appeal was allowed for outline planning permission for residential development off Rhodfa Maen Gwyn. The Planning Inspector concluded that the highway was capable of accommodating additional traffic, but imposed a limit of 90 dwellings.

In 2000, planning permission was granted for 90 dwellings on land off Rhodfa Maen Gwyn, all off which were to be accessed by extending the existing cul de sac off Rhodfa Maen Gwyn. Whilst this permission has not been implemented, the principle allowing an access to be constructed off Rhodfa Maen Gwyn has been accepted, firstly on appeal in 1993 and then in 2000 by the granting of full planning permission.

- Access off Pen y Llys: It is proposed to provide a pedestrian/cycle link only from the development through to Pen y Llys, no vehicular access is proposed to Pen y Llys.

As discussed in para 4.2.2 above, the outline consent and Section 106 agreement includes off street highway works to be completed as part of Phase 1, 2 and 3. All details in this respect have been agreed within the Section 106 agreement, and will require further separate legal agreements with the Highways Section in the form of Section 38 and 278 agreements. The principle and details of these arrangements can not be revisited at this stage.

In relation to the details on this application, the Highways Officers have raised no objection. Condition 5 on the outline consent required full details of the highway works and this was approved in June 2008.

#### 24.2.6 Public Open Space Provision

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

The location of the open space has been agreed at outline stage. This is



primarily focussed around the stream 'corridor' to enable to development of a linear park which maximises the natural features of the stream within the site and provides opportunities for landscaped recreational footpath/cycleway links.

Within Phase 1 a Local Equipped Area of Play for younger children and a Neighbourhood Equipped Play Area for older children will be provided. Within phases 2 and 3 is a Multi use Games Area and playing field along with some small areas of informal landscaped areas of open space.

The proposal is considered acceptable as regards the provision for formal and information public open spaces, which is safeguarded by an approved planning condition and Section 106 agreement.

#### 24.2.7 Affordable Housing

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

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

- 35 units will be provided by an RSL and will be disposed of by way of tenure neutral (social rented, shared ownership or low cost home ownership) in accordance with the RSL's policy for such types of ownership
- 25 units will be provided by the applicant as low cost homeownership

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

#### 24.2.8 Flood Risk

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

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

#### 24.2.9 Ecological Impact

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

As part of the outline application, the applicants submitted an Environmental Statement to assess the likely environmental effects associated with the proposed development. The assessment focussed on flood risk and ecology, in relation to the protected species. As regard protected species, mitigation measures are a mixture of translocation, temporary relocation and

reintroduction as part of the scheme. A Steering Group has also been set up in accordance with the requirements set out in the Section 106 agreement to ensure the implementation of the mitigation measures and to discuss ongoing management issues.

#### 24.2.10 Archaeological Impact

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

#### 24.2.11 Drainage

Policy ENP 4 seeks to control development which would unacceptably harm the environment in terms of foul and surface water drainage. Drainage issues were considered as part of the outline permission and subsequently in detail by a planning condition which was approved in April 2008. Welsh Water, the Environment Agency and DCC's Drainage Officer all being satisfied with the arrangements.

There have however been some minor amendments to the proposals and to the layout of the phases and therefore revised drainage details have been submitted for consideration. This condition will require referral to the Planning Committee at a later date.

### **25. SUMMARY AND CONCLUSIONS:**

25.1 The details are considered to be in accordance with the framework and principles of the masterplan for the mixed development, TAN 12 and SPG 25. The applicant is seeking to build a high quality development and the details submitted for phases 2 and are considered acceptable having regard to this guidance.

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

**RECOMMENDATION: - APPROVE RESERVED MATTERS:** 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 dwelling shall be occupied until the driveways and parking spaces within the curtilages of each dwelling have been fully constructed in accordance with the approved plan.

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 and residential amenity.

**NOTES TO APPLICANT:**

Public Footpath 1 in the Community of Rhuddlan is directly affected by the housing development. The path has currently been closed off temporarily however in the long term the Public Footpath will need to be diverted under the Town & Country Planning Act 1990.

Please contact Tania Evans, Countryside Access Officer on 01824 706923.

**ITEM NO:** 7

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2010/0830/ PF

**PROPOSAL:** Proposed erection of a detached dormer bungalow and single garage on plot of land comprising former garage block and part-rear garden of 15 Rhyl Coast Road

**LOCATION:** Garage Block off Lynton Walk and part rear garden of 15 Rhyl Coast Road Rhyl

**APPLICANT:** Mr & Mrs G T Jones

**CONSTRAINTS:** Groundwater Vulnerability 1  
Enforcement  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
'No objection'

## WELSH WATER

No objections, subject to standard conditions regarding separate foul and surface water systems.

## ENVIRONMENT AGENCY

Confirms that the site lies outside the 1 in 1000 year flood extent, and accepts the provision of a house instead of garages.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Head of Highways and Infrastructure – No objection, subject to standard condition regarding provision of vehicle parking.

Senior Biodiversity Officer – No objection. Limited potential for protected species to use the site.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr & Mrs Chadwick, 13 Rhyl Coast Road, Rhyl, LL18 3PG

A Evans 4 Elm Grove Rhyl

Mr David Lankshear, 17 Rhyl Road Rhyl

Mr Mowbray Hon Secretary Grove Park Bowling Club 44 North Drive Rhyl

Summary of planning based representations:

Highways – concerns regarding obstruction to free flow of traffic into/out of the Bowling Club car park and onto the narrow lane; a restriction should be included precluding any parking outside the application boundary, to avoid obstruction to Bowling Club users

and public use of the roadway; existing roadway to the site unsuitable/unsafe, given existing, limited width – unsuitable for large delivery vehicles, no passing places; no street lamps or pavements; highway difficulties at construction stage.; end of lane is always restricted by parked cars etc on both sides; vehicles involved with the demolition of the garages dangerously close to boundary walls.

Amenity –overshadowing and unacceptable loss of privacy, overlooking, additional noise and disturbance.

Design and character – design, layout and appearance out of character with locality; the proposed dormer bungalow would stand out; if approved – likely to lead to a precedent, changing the character of the area.

Plans and details ( initial plan submitted) - a number of details omitted in the submission, contrary to information requirements in SPG 24; including service cables; waste and recycling details

Drainage – existing main drains have suffered a number of problems, resulting in outspills to existing garden areas; the addition of another dwelling will exacerbate this problem.

Flooding – in moderate/heavy rainfall, sections of rear gardens are flooded; with the proposed intention to use soakaways, this will exacerbate flooding issues.

**EXPIRY DATE OF APPLICATION: 24/11/2010**

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

- additional information required from applicant

**PLANNING ASSESSMENT:**

**26. THE PROPOSAL:**

26.1 Summary of proposals

- 26.1.1 The proposal is a full planning application for the erection of a detached, 2 bedroom dormer bungalow and single garage on land to the rear of 15 Coast Road. The site fronts onto a narrow track linking Lynton Walk and Elm Grove, south of the Rhyl Coast Road. Vehicular access is to be obtained directly off this highway.
- 26.1.2 The submitted plans indicate a ground floor area of approximately 59m<sup>2</sup>, and upper, dormer roof area with two ensuite bedrooms. A detached, pitched roof garage is indicated on the easterly boundary. The dwelling would be set back some 5 metres from the edge of the highway, with the garage set back a further two metres. The proposal includes the use of approximately 32 square metres of the existing, rear garden area of No 15. Coast Road.
- 26.1.3 The design includes two pitched dormer windows on the front elevation, with a projecting gable on the rear elevation.
- 26.1.4 The plans accompanying this report show details of the existing and proposed site layout, together with elevation plans.
- 26.1.5 Proposed external materials include brick and smooth render, with Marley concrete roof tiles.
- 26.1.6 The application includes a Design and Access Statement. The statement includes reference to Character, Environmental Sustainability; Movement to

/form the development; Planning Policy context.

26.2 Description of site and surroundings

26.2.1 The site previously accommodated a block of garages. At the time of visiting the site, the garage block had been removed. The locality comprises of well established and predominantly, post war two storey detached dwellings, with red clay pan tiles and pebbledash. Site levels are relatively flat.

26.2.2 Directly adjoining the highway to the south and opposite the application site, lies an area of vacant land and a Bowling Green area with pavilion building, with access onto the same track. This track provides a limited number of vehicular access points to serve the rear garden areas of other residential properties in the locality.

26.2.3 To the north west of the site, lies the garden area for 13 Coast Road. To the west lies a parcel of land with a mixture of mature native and garden hedgerow and trees. To the east lies the garden areas for 5 and 7 Coast Road, with a detached garage for 7 Coast Road on the corner of the application site with the adjoining highway. The majority of the surrounding dwellings are full height two storey dwellings, with modest sized front gardens and linear, rear curtilages.

26.3 Relevant planning constraints/considerations

26.3.1 The site lies within the defined development boundary of Rhyl.

26.4 Relevant planning history

26.4.1 There is no recent planning history, but Planning permission was refused in 1962 for the erection of a dwelling based on an unacceptable form of development, inadequate access, and impact on visual and residential amenity.

26.5 Developments/changes since the original submission

26.5.1 The case officer has sought further clarification of how the development would comply with the aims of TAN22 in designing for a sustainable building, and an updated site plan, as existing has been submitted.

26.6 Other relevant background information

26.6.1 The application includes third party land and the relevant ownership notices have been served.

**27. DETAILS OF PLANNING HISTORY:**

4580 Erection of house or bungalow at the rear of Deva Crescent, Rhyl Refused 19 December 1962

The reasons for refusal were :

*“The proposal constitutes undesirable and haphazard development having no direct means of access onto a properly constructed street of adequate width.*

*The use of the land as proposed would be detrimental to the visual and residential amenities of the nearby dwellings.”*

**28. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

1. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Strategic Policies  
1,5,,6,7,11,12,13,15,16

#### General Policies

Policy GEN 1 - Development within development boundaries

Policy GEN 2 - Development of unannotated Land

Policy GEN 6 - Development Control Requirements

Policy ENV 6 - Species Protection

Policy ENV 7 - Landscape/Townscape Features

Policy ENP 4 - Foul and Surface Water Drainage

Policy HSG 2 - Housing Development in main centres.

Policy TRA 6 - Impact of new development on traffic flows

#### Supplementary Planning Guidance

SPG 8 Access for All

SPG 21 Parking Requirements In New Developments

SPG 25 Residential Development Design Guide

#### Other Relevant Council publications/documents

Access for All

Access Statements

#### GOVERNMENT GUIDANCE

Planning Policy Wales 2010

TAN Flooding and developments

TAN 12 Design ( as supplemented)

TAN 18 Transport

TAN 22 Sustainable Buildings

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

4.1 The main issues in this case are considered to be:

4.1.1 Principle of development

4.1.2 Impact on amenity and privacy

4.1.3 Design

4.1.4 Drainage and flooding

4.1.5 Highways, including parking and sustainability

4.1.6 Nature conservation and protected species

4.1.8 Inclusive design

4.1.9 Sustainable Building standards

4.2 With regard to the considerations in the paragraph above:-

##### 4.2.1. Principle of development

The site lies within the current development boundary for Rhyl and is 'Un-Annotated' land in the proposals map in the Unitary Plan. Planning policies HSG 2 and GEN 6 establish the principle of residential development is acceptable within town boundaries.

Any proposal would have to be subject to site specific considerations, set out in a range of national and local planning policies, and these are reviewed in the following paragraphs.

##### 4.2.2 Impact on amenity and privacy.

Planning policy GEN 6, together with SPG 25, seek to safeguard sufficient privacy and amenity levels for occupiers of existing and new properties.

The main factors to consider in assessing amenity and privacy are whether the layout and design would achieve acceptable distances, amenity/garden areas and relationships between existing and proposed dwellings, having regard to site topography and orientation.

The dwelling includes first floor, rear bathroom windows. No windows are shown for the upper, side elevations.

A 22 metre back to back distance can be achieved between the upper floors of the proposed dwelling and that of No 15 Coast Road. This is considered an acceptable distance to ensure reasonable amenity and privacy levels are maintained between properties.

The proposal indicates the use of part of the existing, rear garden area of 15 Coast Road to serve the dwelling. The overall rear garden length of the proposed, new, plot is indicated on the plans as 8 metres. This would take away approximately 30% of the existing rear garden area of 15 Coast Road, reducing the length, of 13 metres, to 9 metres. In this respect, the development appears somewhat cramped, close to boundaries, and with more limited amenity space than most properties in the vicinity.

#### 4.2.3 Design.

GEN 6, SPG 25 and TAN12 highlight relevant design considerations with development proposals.

The main factors in relation to design relate to the potential effect on the street scene, landscape and size, scale and materials in relation to the existing design/character of the locality.

There are a number of local objections based on the design of the dwelling.

Having regard to the site and locality as outlined earlier in the report, the key elements of design of the dwelling – type, style, features, and details – are not considered in keeping with the overall character of adjoining and surrounding properties. The dwelling would appear a discordant feature and harmful to the character of the site and locality.

In officers' opinion, it would be difficult to support the design approach in this case, or to conclude that the proposal complies with the aims and objectives of GEN 6, SPG 25 and TAN12.

#### 4.2.4 Drainage and flooding

Policies GEN 6 criteria x) ; ENP 1 Pollution, criteria i) ; ENP 4 – Foul and Surface Water Drainage, together with policy ENP 6 – Flooding, seek to control and avoid unacceptable harm to the environment /locality in terms of water and drainage implications. ENP 4 highlights that development will not be permitted unless satisfactory arrangements can be made for the disposal of foul sewage and surface water.

Local residents express concerns over the drainage implications of development here.



Welsh Water have no objections to the application, subject to the inclusion of conditions, requiring construction of separate foul and surface water systems. The Environment Agency has confirmed that the site adjoins a flood zone, but have no objections to the proposal.

With respect to the points of concern raised, given the absence of any technical objections, it is not considered the proposal is in conflict with policies, given that specific conditions could be included to ensure control of drainage arrangements.

#### 4.2.5 Highways, including parking and sustainability

GEN 6 and TRA 6 require consideration of highway and parking safety. SPG 21 sets out maximum parking requirements in new developments and advises for 2 bedroomed dwellings 2 car spaces per unit.

There are a number of local objections based on the adequacy of the track serving the site although the highway section raises no concerns. The site is considered to be 'sustainable' with regard to proximity to local services, public transport, and density, and the development would be in line with the Government's approach to maximising the sustainable use of land. The approach road is however an unadopted single vehicle width track with no passing places and there is space within the plot only for one vehicle to park outside the garage. Whilst noting the previous use of the site by a number of garages, and the comments of the highways officer, officers conclude there are grounds for concern over the access implications of a development for a new dwelling.

#### 4.2.6 Nature conservation and protected species

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impact on wildlife and in particular protected species. (Policies ENV 1, ENV 6, ENV 8 and GEN 6; Planning Policy Wales : Habitat Regulations 2010 ; Unitary Plan Policy and Supplementary Guidance). Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence should be established before the grant of permission.

As the County Biodiversity Officer has no objections, the proposal is not considered likely to have an adverse effect on protected species.

The proposal is therefore considered to comply with the policies and guidance relating to protected species.

#### 4.2.7 Inclusive design

The requirement for mandatory Access Statements is outlined in TAN 12 design and TAN 18 Transport, and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All' supplements this policy, together with SGP 25 'Residential Development Design Guide' and the Council's document 'Planning and Inclusive design'.

The DAS identifies a positive approach to inclusive design, respecting the Welsh Assembly approach for residential development quality standards. A suitable condition could be attached to ensure that this is achieved.

#### 4.2.8 Sustainable Building standards

Planning Policy Wales, TAN 12 and the recently published TAN 22 require specific standards for improving the sustainability of new buildings in order to reduce their impact on the environment and to tackle climate change. As of the 1 September 2010, all new build dwellings have to meet Code for Sustainable Homes level 3 and obtain 6 credits under issue Ene 1 – Dwelling Emission Rate.

The DAS provides a basic approach to achieving sustainable building standards. Further details would be required to comply with TAN 22 requirements.

## **5 SUMMARY AND CONCLUSIONS:**

- 5.1 With due respect to the Town Council's response, and in light of the above assessment, officers are unable to support the development on this occasion. The detailing of the dwelling would not be in keeping with the character of the locality and would appear as a discordant addition to the area, and there are access concerns.

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

1. The Local Planning Authority considers that the erection of a detached, dormer bungalow of the proposed design on this site would be out of character with existing residential properties and would result in a discordant and cramped development detrimental to the general environment of the area, being likely to set an unwarranted precedent for similar proposals in the future. The proposal is therefore considered to be in conflict with Denbighshire Unitary Development Plan Policy GEN6, SPG24 and TAN12, the aims of which are to ensure that development respects the character of the surrounding locality.
2. The narrow access track and limited on site parking provision are considered inadequate to service a new dwelling in this location, being likely to result in vehicle conflict and dangers to users of the track, contrary to policies GEN6 and TRA6 of the Denbighshire Unitary Development Plan.

### **NOTES TO APPLICANT:**

None

**ITEM NO:** 8

**WARD NO:** Rhyl South

**APPLICATION NO:** 45/2010/1174/ PS

**PROPOSAL:** Removal of condition no. 2 part (iii) of planning permission code no. 45/2009/1574 ('No caravan shall be permitted to be present on the site for a period in excess of 21 consecutive days, or to return to the site within a period of 21 days from the date it was last present on the site')

**LOCATION:** Cwybr Fawr Cwybr Rhuddlan Rhyl

**APPLICANT:** Cwybr Fawr Partnership

**CONSTRAINTS:** C1 Flood Zone  
Tree Preservation Order  
Section 106  
250m Of Landfill Site

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

**CONSULTATION RESPONSES:**

## RHYL TOWN COUNCIL

"The Council is concerned that the removal of Condition No. 2 will lead to the potential for permanent occupancy of the site which it is felt would undermine strategies by both Denbighshire County Council (through Rhyl Pact Initiative) and the Welsh Assembly Government (through its North Wales Coast Regeneration Area) to reduce poor housing in Rhyl."

## PUBLIC PROTECTION

"No objection provided the site remains in holiday use".

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 08/11/2010**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

**PLANNING ASSESSMENT:****29. THE PROPOSAL:**29.1 Summary of proposals

- 29.1.1 The application relates to the controls over a touring caravan site use imposed on a permission granted at Committee in June 2010.

29.1.2 The application is to remove part (iii) of Condition 2 on planning permission ref 45/2009/1574/PF which states 'No caravan shall be permitted to be present of the site for a period in excess of 21 consecutive days, or to return to the site within a period of 21 days from the date it was last present on site'.

29.1.3 Planning permission for a 19 pitch touring caravan site was granted by Committee with a number of planning conditions imposed. The planning permission has not been implemented to date. In its entirety, Condition 2 is worded as follows:

*In relation to the use of the touring caravans:*

*(i) None shall be used other than for holiday purposes only.*

*(ii) None shall be occupied at any time as a person's sole or main place of residence.*

***(iii) No caravan shall be permitted to be present on the site for a period in excess of 21 consecutive days, or to return to the site within a period of 21 days from the date it was last present on the site.***

*(iv) The site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and the dates each caravan arrives on the site and leaves the site. The register shall be made available on request for inspection by officers of the local planning authority. Responsibility for the maintenance of the register shall be that of the caravan site licence holder or his/her nominated person.*

The reason for the condition was : In order that the Local Planning Authority is able to retain control over the uses of the caravans for holiday purposes to prevent use as a permanent place of residence.

1.1.3 In support of the application, the applicant has submitted a collection of appeal decisions, extracts from a Local Plans Inspectors Report and planning approvals obtained from other Authorities, predominantly in North Wales, along with one decision in Denbighshire, for similar applications to remove conditions limiting stay. The basis of the case is that the condition is unnecessary and unenforceable, not meeting the tests set out in WO Circular 35/95 'The Use of Planning Conditions in Planning Permissions'.

## 29.2 Description of site and surroundings

1.2.1 The site known as Cwybr Fawr is all within the ownership of the applicant, the 'Cwybr Fawr Partnership' and comprises a caravan storage facility for 200 touring caravans, a reception building and general storage buildings, along with 10 cottages which are understood to be holiday cottages. Cwybr House, which contains 5 residential units, is located to the south of the site where livery facilities are available.

1.2.2 The touring caravan site area at Cwybr Fawr comprises a flat grassed paddock located to the north of Cwybr House, which forms the boundary of Cwybr Fawr with Sainsbury's supermarket and the Clwyd Retail Park. Along the northern and eastern boundary is a 2m high stone boundary wall, and a mix of mature sycamores and some younger trees, comprising mainly ash and Holm oak. The mature sycamores are subject of a Tree Preservation Order, with 7 trees in total covered by a TPO, 5 of which are within the application site.

## 1.3 Relevant planning constraints/considerations

1.3.2 The site lies outside of, but immediately adjoining the development boundary of Rhyl, within a Green Barrier, and is subject to Policy GEN 5. The site also

lies within a Zone C1 flood zone as indicated in the Development Advice Maps contained within TAN 15: Development and Flood Risk.

1.4 Relevant planning history

1.4.2 The site has planning permission for a 19 pitch touring caravan site, granted at Committee in June 2010.

1.5 Developments/changes since the original submission

1.5.2 None

1.6 Other relevant background information

1.6.2 None

**2 DETAILS OF PLANNING HISTORY:**

2.2 45/2009/1574/PF Change of use of land to form a 19 pitch touring caravan site and associated landscaping GRANTED at Planning Committee 16<sup>th</sup> June, 2010

**3 RELEVANT POLICIES AND GUIDANCE:**

3.1 The main planning policies and guidance are considered to be:  
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy STRAT 9 - Tourism  
Policy GEN 3 - Development outside development boundaries  
Policy GEN 5 - Green Barriers  
Policy GEN 6 - Development Control Requirements  
Policy TSM 1 - Tourism Development  
Policy TSM 5 - Rural Tourism  
Policy TSM 12 – Touring Caravan Sites

**3.2 GOVERNMENT GUIDANCE**

Planning Policy Wales, Edition 3, 2010

TAN 13: Tourism (1997)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Control over holiday use

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no Unitary Development Plan Policies of specific relevance to applications which seek to remove a condition limiting the length of stay on a touring caravan site. There is general reference in the Strategic and Tourism policies of the plan to the importance of the tourist industry to the local economy, and while there remains a general restraint on new development in open countryside, there is encouragement for suitable 'small scale' projects subject to compliance with basic environmental impact tests.

At a national level, the Welsh Assembly Government's objectives for tourism are to encourage sustainable tourism, promoting local prosperity and supporting community well-being and involvement, while protecting and giving value to natural heritage and culture; and to manage the tourism sector

in ways which minimise environmental impact. Planning Policy Wales (3<sup>rd</sup> edition 2010) states that the planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities.

TAN 13 highlights particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity, coastal or historic environment or the interests of local communities. TAN 13 also states that holiday and touring caravan sites should be operated flexibly by limiting the number of pitches on a particular site and that authorities should give sympathetic consideration to applications to extending the opening period allowed under existing permissions.

Denbighshire's Unitary Development Plan policies are in accordance with the thrust of these national objectives. Policy TSM 12 is the main 'detailed' policy relating to touring caravan sites, and sets specific tests for any application. Policy TSM 12 states that sites are for touring purposes only, that any touring vans are removed from the site for periods when not in use and should be vacated during the months granted by the planning permission.

The grant of permission for the touring caravans in June 2010 recognised the Council's acceptance that the site was suitable for a 19 pitch touring caravan use, having regard to the principle, and following assessment of the scale, landscape, amenity, highway, drainage, ecology and sustainability impacts. Officers consider therefore that the key issue to address here is whether there are adequate controls to ensure the site is used for holiday purposes and the caravans would not become permanently occupied.

#### 4.2.2 Control over holiday use

This application is for the removal of part iii) only of Condition 2, and the other criterion within the condition would remain. These control the use of the touring units for holiday purposes only, require that none of the tourers shall be occupied at any time as a person's sole or main place of residence, and that the site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and the dates each caravan arrives on the site and leaves the site.

In addition, condition 3 states that "No caravans shall be permitted on site between the 31<sup>st</sup> October in any one year and the 1<sup>st</sup> March in the following year". This ensures the site can not be used for 4 months in any 12 month period for touring caravan purposes.

There are also separate Site Licensing controls administered by the Public Protection section which include conditions relating to the nature of occupation and length of the holiday season, which in this case is 8 months.

Members will be aware from considering applications (and from the outcome of planning appeals) relating to caravan developments. In recent months, that efforts have been made to develop/refine planning conditions where the principle of caravan use has been accepted, to ensure adequate controls over the actual use of units on a site. The prime concern has been to address concerns over holiday caravans being used for residential purposes, and in so doing, to take a critical approach to the wording of conditions which in the past (with respect to all concerned) have been somewhat vague and

largely unenforceable – resulting in reliance on separate site licence conditions to secure controls, and actual loss of control over the use of caravans in some cases.

Most recent examples of the Council's 'new' approach to restrictive conditions on caravan permissions have related to static caravan sites (Thatched Cottage, Trefnant; Llwyn Afon, Llanrhaeadr). The Llwyn Afon permission was granted on appeal where the Inspector accepted the wording of the Council's 'without prejudice' condition, setting similar tests as set out in Classes (i), (ii), and (iv). Of the Cwybr Fawr permission. There is consequently Inspectorate 'approval' of the Council's basic approach to tightening controls over caravan uses.

The Cwybr application was for touring caravans, and obliged consideration of the need for different controls to ensure holiday use only. Clause (iii) of Condition 2 was included on the officer recommendation at that time, as it had been used for a number of years by Denbighshire as a standard wording on touring caravan site permissions, alongside the 'traditional' standard condition stating the caravans should be used for "holiday purposes only".

In officers' opinion, the fact that Clause (iii) is the subject of a request for deletion so soon after the grant of permission should not be taken as a challenge to the Authority's position or being critical of its inclusion in the first place. The approach to controls over caravan use is necessarily one which has to evolve, and officers respectfully suggest that it is not inappropriate to question the need for clause (iii) given the existence of the other clauses in Condition 2 which give controls over the use of caravans to tourist use only. There is an inherent complexity in the system of control over caravans, and officers would not consider it inconsistent to concede a revision to Condition 2, provided the case to do so is well founded. Officers have looked carefully at the appeal cases referred to by the applicants where the same basic "21 day stay/return within 21 day" restriction imposed by other planning authorities has been challenged. The clear view taken by the respective Planning Inspectors has been that the imposition of that particular type of control over both the permitted length of stay and the right to return within a specified period does not meet the basic tests of the relevant Welsh Office Circular on the use of planning conditions, in that this is considered unnecessary and unreasonable. The Authority would need to point to a clear harm likely to arise from caravans staying in excess of 21 days and the same caravans returning within 21 days to merit imposing such a condition. It would seem necessary to demonstrate, for example that there would be clear visual harm arising from the presence of caravans for more than 21 days, but this seems unlikely, as any one caravan leaving the site could be replaced immediately by another. It has been held to be unreasonable to prevent people from returning to their favourite holiday site for a number of weeks without sound planning reasons for doing so.

It is in this context of recent, relevant appeal decisions that officers suggest there is a reasonable case to agree to deletion of Clause (iii), given the additional controls over holiday use of touring caravans which exist in clauses (i), (ii), and (iv) of the original permission, to allay the concerns of the Town Council over permanent use of the site.

## **5 SUMMARY AND CONCLUSIONS:**

- 5.1 The touring caravan site was granted planning permission in June 2010. Conditions limit the use to 8 month occupancy season and it can only be used for

holiday purposes. The removal of the 21 day limitation on stay, or being able to return to the site within a period 21 days is considered acceptable, since with the other planning conditions and site licence controls this could not become a 'permanent' occupied site.

**RECOMMENDATION: - GRANT**

1. No conditions imposed.

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

**NOTES TO APPLICANT:**

None



**ITEM NO:** 9

**WARD NO:** St Asaph East

**APPLICATION NO:** 46/2009/1521/ PF

**PROPOSAL:** Extension and alterations to existing care home and the introduction of a small day care centre

**LOCATION:** Bryn Derwen Bryn Gobaith St. Asaph

**APPLICANT:** Mrs Dawn Gittins

**CONSTRAINTS:** Conservation Area

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

**CONSULTATION RESPONSES:**

ST.ASAPH TOWN COUNCIL  
"No objections".

CARE STANDARDS INSPECTOR  
No response.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**  
HEAD OF HIGHWAYS AND INFRASTRUCTURE  
No objections subject to conditions.

COUNTY CONSERVATION ARCHITECT  
No objections.

**RESPONSE TO PUBLICITY:**

Objections to original plans:

- Mr. M. & Mrs. T. Jones, Daltry, Bryn Gobaith, St. Asaph - Tracey Jones, Daltry, Bryn Gobaith, St Asaph LL17 0DN, petition with 11 names/addresses-
- Mr. M. Wilson, Dolmen, Bryn Gobaith, St. Asaph (e-mail).

Objections to revised plans

- Mr. M. Wilson, Dolwen, Bryn Gobiah, St. Asaph.
- The Owner/Occupier, Coed y Garwen, Bryn Gobiath.
- Mr. & Mrs. P.Crierie, Bryn Ffydd Bryn Gobaith.
- Mr M Jones (via e-mail).

Summary of planning based objections:

- Concerns regarding the size, appearance and scale of the extension.
- Impact on residential amenity.
- Concerns about parking and impact on access to Bryn Gobaith, with increased traffic to site and dispute the claim that staff would not need additional parking.

- Concerns of supervision and safety of area with the proposal an extension of an EMI use.

**EXPIRY DATE OF APPLICATION: 18/08/2010**

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

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

**PLANNING ASSESSMENT:**

**30. THE PROPOSAL:**

30.1 Summary of proposals

30.1.1 The application is for the erection of a two storey extension to the north east side of Bryn Derwen, a nursing home in St. Asaph. The side extension would have a ground floor footprint of 6.5m by 11.3m, with a ridge height of 8.8m. This would create an additional 3 bedrooms at first floor level, and a small day care facility and office on the ground floor.

30.1.2 At present, the nursing home contains 16 bedrooms. The proposal is to remodel the existing building to create a further 4 bedrooms, making a total of 20 bedrooms. Staffing numbers are proposed to remain the same at 9. The proposed day care centre is to operate an 'in house pick up bus service'. A revised car parking layout is proposed with an additional 3 car parking spaces, taking the total number of spaces on site to 7, all at the front of the property.

30.1.3 The Design and Access Statement notes that the proposal is required to meet and exceed current day standards set out by the Health Inspectorate and best practice standards.

30.2 Description of site and surroundings

30.2.1 The nursing home is surrounded predominantly by residential property with a park to the immediate north-east. The site is bounded by wooden panel fencing to the side and rear, with a low brick wall to the front.

30.3 Relevant planning constraints/considerations

30.3.1 The site is within the St. Asaph development boundary. The site also falls within the St. Asaph Conservation Area.

30.4 Relevant planning history

30.4.1 Full details of the planning history are contained below. The Home was originally approved in 1983 and has been the subject of extensions in the 1990's.

30.5 Developments/changes since the original submission

30.5.1 A revised plan has been submitted which has increased the number of parking spaces on site from 4 to 7. Further details have also been provided in the design and access statement to clarify transport arrangements for the proposed day car centre, and staffing numbers.

30.6 Other relevant background information

30.6.1 None.

**31. DETAILS OF PLANNING HISTORY:**

- 31.1 APH/92/83, Rest home for the elderly, granted 15.06.83.  
 APH/326/90, extension to existing building to link up with outbuilding, granted 06.11.90.  
 APH/284/92, Proposed first floor side extension and formation of a dormer to north east elevation.  
 APH/379/93, First floor extension to side of building, granted 08.12.1993.  
 46/2003/1445/PF, Erection of 9 No. detached houses, road junction alterations and traffic calming along Mount Road and Bryn Gobaith, construction of new vehicular access and formation of wildlife habitat areas, granted 10.03.2006. Development approved located at the end of Bryn Gobiath.

**32. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 32.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 1- Development within development boundaries
  - Policy GEN 6- Development control requirements
  - Policy CON 5- Development within conservation areas
  - Policy CF 5- Residential institutions
- 32.2 Supplementary Planning Guidance
  - SPG.21 Parking requirements in new developments
- 32.3 GOVERNMENT GUIDANCE
  - Planning Policy Wales, Edition 3, 2010

**33. MAIN PLANNING CONSIDERATIONS:**

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

- 33.1.1 Principle
- 33.1.2 Impact on residential amenity/amenity of residents in nursing home
- 33.1.3 Impact on conservation area/surrounding area
- 33.1.4 Impact on highway safety

33.2 In relation to the main planning considerations:

- 33.2.1 Principle  
 Policy CF 5 permits extensions to Nursing Homes/Residential Institutions subject to a number of tests which require that a proposal would not result in an over concentration of C2 uses in one area; the proposal would not unacceptably affect the residential or prevailing character and amenity of the locality; the proposal is close to and easily accessible to local facilities and services, especially for pedestrians; the site and building including any extension is suitable for the use in terms of siting, scale, density, layout, design, private open space provision and landscaping; and sufficient scope exists within the site for car parking manoeuvring and servicing arrangements and the proposal has no unacceptable impact on the local highway network.

The principle of extending care homes is acceptable under Policy CF 5, but subject to compliance with the above tests. These are assessed fully below.

- 33.2.2 Impact on residential amenity/amenity of residents in nursing home  
 Policy GEN 6 part v) seeks to ensure that development does not harm the residential amenity of surrounding occupiers, and policy CF 5 seeks to ensure that Nursing Homes retain an acceptable level of private open space.

It is noted neighbours have concerns that the proposal would have a harmful impact on residential amenity, and that the proposal would result in an

extension of a use involving Elderly Mentally Infirm residents.

Officers consider that the Nursing Home use is long established at the site, and that it would be difficult to oppose an application based on impact on residential amenity from four bedrooms and a small day care centre facility.

New windows proposed to the rear elevation would face towards the rear boundary which comprises of a 2m high wooden panel fence, whilst windows to the side elevation would not overlook any properties. With the extension being approximately 20m away from the nearest properties to the rear, it is not considered any material loss of privacy or light would occur. It is therefore considered the proposal meets the requirements of policy GEN 6 part v).

#### 33.2.3 Impact on conservation area/surrounding area

Policy CON 5 seeks to ensure that development does not harm conservation areas, whilst policy GEN 6 part i) seeks to ensure development does not detrimentally harm the character and appearance of the surrounding area.

Comments from neighbours express concern about the size, scale and appearance of the extension. The Conservation Architect is satisfied that the proposals would not harm the character and appearance of the Conservation Area.

The scale and mass of the extension are considered acceptable in context of the existing nursing home and the surrounding area, with external construction materials such as slate roof and matching render to match the existing. Elevation details proposed, such as window style, use of coping stones, doors and rain water goods, are to match the existing building in proportion and appearance. Given the County conservation architect's comments it is considered the proposal meets the requirements of policy GEN 6 part i) and CON 5.

#### 33.2.4 Impact on highway safety

Policy GEN 6 test v) and vii) seek to ensure that development provides a satisfactory level of parking and turning space, and that no unacceptable effect on the local highway network occurs. Parking space standards are contained within SPG 21, which for a Nursing Home use specifies 1 car space per 3 bedrooms.

Neighbour concerns are expressed regarding parking and access impacts on Bryn Gobiath.

At present the arrangement comprises of 16 bedrooms with four parking spaces on site. This is below SPG 21 guidance. The application proposes to take the total number of bedrooms to 20, whilst increasing on site parking provision to 7. This increase in number would exceed the requirements of SPG 21, and needs to be considered alongside the proposed in-house pick up bus service for the day care centre. Highway officers raise no objections subject to two conditions. One of these conditions is for a construction stage traffic management scheme. The Local Neighbourhood Policing Team has registered no concerns about the proposal. It is therefore considered the proposal meets the requirements of policy GEN 6 parts v) and vi).

### **34. SUMMARY AND CONCLUSIONS:**

- 34.1 The proposal is considered to meet the relevant policy requirements, and is therefore recommended for approval.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.
3. Facilities shall be provided and retained within the site for the parking of vehicles in accordance with the approved plan and shall be completed prior to the proposed development being brought into use.
4. In relation to the carrying out of the development no works shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, hours and days of operation and the management and operation of construction vehicles and the works shall be carried out strictly in accordance with the approved details.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.

**NOTES TO APPLICANT:**

None

ADRODDIAD GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y  
CYHOEDD

**EITEM AR GYFER Y PWYLLGOR CYNLLUNIO**

**ARWEINIAD CYNLLUNIO ATODOL TAI ANNEDD A LLE**

**1 DIBEN YR ADRODDIAD**

- 1.1 Mae'r Cyngor wedi cymeradwyo cyfres o Nodiadau Arweiniad Cynllunio Atodol, gyda'r nod o gryfhau polisïau yn y Cynllun Datblygu Unedol. Mae ACA 7 yn ddiweddar wedi ei dynnu'n ôl a'r cynnig yw ei ddisodli gyda safonau lle newydd ar gyfer datblygiad preswyl. Mae'r arweiniad newydd drafft ynghlwm fel **Atodiad 1**.
- 1.2 Bydd ymgynghori ar yr Arweiniad Cynllunio Atodol drafft cyn cael ei gyflwyno i'r Cyngor Llawn i'w fabwysiadu. Pwrpas yr adroddiad hwn yw cael argymhelliad ar gwmpas yr ymgynghoriad a chytuno ar gynnwys yr ACA ar yr hwn y bydd ymgynghoriad.

**2 CEFNDIR**

- 2.1 Roedd ACA 7 yn rhoi arweiniad i'w ddefnyddio mewn perthynas â safonau lle lleiaf ar gyfer fflatiau ollgynhwysol a meini prawf ar gyfer asesu cynigion ar gyfer llety nad oedd yn ollgynhwysol. Mae profiad wedi dangos i ni bod datblygwyr, yn enwedig yng Ngorllewin y Rhyl, wedi defnyddio'r safonau "lleiaf" hyn fel y sefyllfa ragosodedig wrth geisio trosi eiddo mawr yn nifer o fflatiau ollgynhwysol. Mae hyn wedi arwain at sefyllfa lle bu gorddwysád deiliadaeth breswyl adeiladau mewn ardal fechan, a nifer fawr o fflatiau bychain lle'r ystyrir nad oes digon o le ynddynt i ddarparu lle byw rhesymol.
- 2.2 Roedd y safonau yn yr ACA yn llawer is na'r rhai a ddefnyddir gan Landlordiaid Cymdeithasol Cofrestredig yn y cartrefi a ddarperir ganddynt hwy. Mae hyn wedi arwain at sefyllfa lle mae'r llety a ddarperir gan y LCC o safon lawer uwch nag y gall cynllunio ei reoli trwy drosi eiddo'n fflatiau ollgynhwysol neu fflatiau newydd yn y sector tai preifat.
- 2.3 Er mwyn cywiro'r amryfusedd hwn, mae'r hen safonau a bennwyd yn ACA 7 wedi eu dileu ac mae'r arweiniad newydd drafft yn cynnig safonau cynllunio newydd, gyda'r nod o helpu

codi safon trosi eiddo yn y sector preifat yn fflatiau ollgynhwysol, ynghyd â datblygu fflatiau newydd ledled y Sir.

- 2.4 Mae'r gwaith hwn wedi ei hyrwyddo'n rhannol gan Thema Tai Blaenoriaeth Adfywio'r Cyngor, sy'n cydnabod pwysigrwydd hybu tai o safon ledled y Sir fel rhan o'r ymgyrch i ddelio ag amddifadiad ac annog adfywio yn ein cymunedau.
- 2.5 Unwaith y caiff ei gytuno gan yr Aelodau ar gyfer ymgynghori arno, mae'r camau sydd i'w dilyn wrth gymeradwyo'r arweiniad hwn fel a ganlyn:
  - Ymgynghoriad cyhoeddus 6 wythnos;
  - Ystyried ymatebion i'r ymgynghoriad a chyhoeddi adroddiad ar wahân i ddelio â'r materion a godwyd yn ystod yr ymgynghoriad;
  - Cymeradwyaeth gan y Cyngor Sir i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio.
- 2.6 Unwaith y bydd yr arweiniad wedi ei gymeradwyo gan y Cyngor bydd ganddo ddylanwad arwyddocaol pan fydd yr Awdurdod Cynllunio Lleol, Arolygwyr Cynllunio a'r Cynulliad yn penderfynu ar geisiadau ac apeliadau cynllunio.

### **3 CWMPAS YR YMGYNGHORIAD**

- 3.1 Cynigir ymgynghori ar yr ACA drafft yn gynnar ym mis Ionawr 2011 am gyfnod o 6 wythnos. Mae hyn yn caniatáu ar gyfer cylchoedd pwyllgorau a sicrhau bod pobl yn cael digon o gyfle i ymateb.
- 3.2 Oherwydd effaith Sir-eang yr ACA cynigir cyhoeddi hysbysiad cyhoeddus cyn yr ymgynghoriad a chynnwys erthygl yn rhifyn mis Rhagfyr Llais y Sir. Bydd datganiadau i'r wasg hefyd.
- 3.3 Bydd yr holl wybodaeth ar gael ar wefan y Cyngor Sir, gyda chopïau caled ar gael mewn llyfrgelloedd, Swyddfeydd y Cyngor, Siopau Un Alwad.
- 3.4 Dosberthir gwybodaeth i bob AC/AS, Aelodau, Cynghorau Tref a Chymuned, ac i gyrff ar ddatbas y Cynllun Datblygu Lleol, gan gynnwys rhanddeiliaid allweddol megis LICC, Ffederasiwn Adeiladwyr Tai a Chymdeithasau Tai.
- 3.5 Cynigir hefyd cynyddu ymwybyddiaeth o'r ymgynghoriad trwy Fforwm y Landlordiaid. Bydd gweithgareddau eraill, megis cyfarfodydd gyda rhanddeiliaid a chymhorthfeydd polisi cynllunio yn cael eu cynnal fel y bo'n briodol.

#### 4 ARGYMHELLION

- 4.1 Bod yr Aelodau'n cytuno'r ACA drafft, ynghlwm fel atodiad 1, ar gyfer ymgynghoriad
- 4.2 Bod yr Aelodau'n cytuno cwmpas yr ymgynghoriad, fel yr amlinellwyd yn adran 3 i'r adroddiad hwn.



**Consultation Draft**  
**Residential Space Standards**  
**Supplementary Planning Guidance**

## **1 Introduction**

- 1.1 This draft Supplementary Planning Guidance has been produced to amplify the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality in new developments. The Notes are intended to offer broad guidance which will assist discussions prior to the submission of planning applications and during the handling and determination of planning applications.
- 1.2 This document is being consulted on for a period of 6 weeks. We are seeking feedback from members of the public and interested stakeholders. The Council will consider all responses and make changes to the guidance as necessary. A series of questions have been provided in section 6 of this document, although comments are welcomed on all aspects of this document.

## **2 Status and Stages in Preparation**

- 2.1 The stages that will be followed in approving this guidance are as follows:
- 6 week public consultation;
  - Consideration of consultation responses and production of separate report to address the issues raised during consultation;
  - Approval by County Council for use in determining planning applications.
- 2.2 Once this guidance has been approved by the Council it can be treated as a material planning consideration when the Local Planning Authority, Planning Inspectors, and Assembly determine planning applications and appeals.

## **3 Background**

- 3.1 In parts of Denbighshire there has been a significant increase in the number of large houses which have been subdivided into flats, bedsits and other forms of multiple occupation. As a result there is a serious oversupply of low quality single person accommodation in parts of the County<sup>1</sup> which has contributed towards social and economic problems and adversely affected the existing residential character.

### ***Need for standards: Denbighshire Priorities***

- 3.2 The Denbighshire Corporate Plan sets out a series of priorities which point towards the key areas that the Council wants to change. This

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<sup>1</sup> Rhyl Going Forward: Strategy and Key Investment (2004)

document will seek to contribute towards the priorities 'Responding to demographic change' and 'Regeneration'.

- 3.3 The Denbighshire Housing Strategy has identified the need to ensure that a wide range of housing options are available within the County and equal opportunities. The Strategy identifies a housing vision for Denbighshire that "*Everyone will have the opportunity to access good quality, affordable housing designed to meet their needs now and in the future, whether they choose to rent or buy a home within Denbighshire<sup>2</sup>*".
- 3.4 Denbighshire has an ageing population which is expected to increase due to people living longer and the ageing of larger groups, such as those born after the Second World War. Building housing which meets the existing and changing needs of diverse households is therefore essential to allow people to stay in their homes if they so choose and therefore achieving the Council's 'Responding to demographic change' priority.
- 3.5 The Welsh Index of Multiple Deprivation shows that Denbighshire has six areas which are in the most deprived 10% in Wales<sup>3</sup>. The Council aims to reduce the gap between the most deprived areas and the rest of the County. Accessibility to good quality housing is fundamental to achieving the Council's 'Regeneration' priority.

***Need for standards: Align Standards***

- 3.6 The Council currently sets minimum dwelling space standards for affordable housing; however, because the private sector dominates the housing system in the County there is a need to address standards of private sector dwellings in order to achieve the housing vision. One of the aims of this SPG is therefore to align existing standards within Denbighshire.

***Proposed Standards***

- 3.7 There are no set standards for the size of dwellings in England and Wales. National planning guidance avoids being prescriptive and building regulations provide detailed guidance on matters that would affect health and safety, energy efficiency or accessibility rather than size of rooms and dwellings. There is concern that this has led to cramped conditions which may be unsuitable for families.
- 3.8 Over the past 100 years a variety of standards have been put forward and implemented, mainly through requirements placed on the public sector and the development of social housing. Local authorities are

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<sup>2</sup> Denbighshire Housing Strategy, 2007

<sup>3</sup> Welsh Index of Multiple Deprivation, 2008

starting to use the planning system as a way of ensuring minimum space standards are incorporated within developments.

- 3.9 The Welsh Assembly Government sets minimum standards for its housing associations to improve the quality of social housing through Development Quality Requirements. These standards are comparable with standards used elsewhere in the UK.
- 3.10 The space standards proposed within this draft SPG for dwellings have been informed by the Design Quality Requirements (DQR) (for new 2 and 3 person flats) and the Council's current Affordable Housing Guidance (for 4 and 5 person dwellings). The minimum private outdoor space requirements have also been informed by the DQR (for houses).
- 3.11 The Council acknowledges that the application of standards alone will not create good quality design alone and highlight the importance of considering all aspects of design when planning developments. SPG 25 provides guidance to assist with achieving good quality design.

#### **4 Planning Policy**

- 4.1 The following policy is relevant to this SPG:
- Planning Policy Wales Chapter 9;
  - Technical Advice Note 12: Design;
  - Denbighshire Unitary Development Plan: Chapter 4 and Chapter 9.
- 4.2 Planning Policy Wales (PPW) sets out the Assembly Government's vision in relation to housing '*for everyone in Wales to have the opportunity to live in good quality, affordable housing*<sup>4</sup>'. PPW encourages higher densities on easily accessible sites, where appropriate, but highlights the importance of good design to ensure a high quality environment. The need for 'barrier free housing' is also highlighted and the use of Lifetime Homes Standards advocated.
- 4.3 Technical Advice Note 12: Design highlights the importance of good design in relation to quality of life and also the importance of inclusive design.
- 4.4 The Council set out general development considerations in policy GEN 6 of the Unitary Development Plan which seeks to ensure that development proposals are undertaken to a high standard.
- 4.5 Chapter 9 of the Unitary Development Plan sets out the Council's Policies in relation to housing. The following policies are of particular relevance to this SPG:

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<sup>4</sup> Welsh Assembly Government (2010) Planning Policy Wales Edition 3, Paragraph 9.1.1

- Policy HSG 13 – Subdivision of Existing Premises to Self-Contained Flats.
- Policy HSG 14 – Subdivision into Non Self Contained Flats;
- Policy HSG 15 – Residential Conversions in East and West Rhyl

4.6 For information: In relation to policies HSG 14 and 15, although HMOs are not strictly defined by planning legislation, the Town and Country Planning (Use Classes) Order 1987 (as amended) sets out that the use of a dwelling house by not more than 6 residents living together as a single household falls within Use Class C3. **Planning permission will therefore be required where households consist of more than six residents not in a single family or household.** It should be noted that although an HMO may not always require planning permission, it may require a license under the Housing Act 2004.

4.7 The aim of this SPG is therefore to articulate to potential applicants the minimum standards the Council believes should be met in order for developments to achieve the good and inclusive design required by national and local policy.

## 5 Proposed Requirements

5.1 The requirements proposed in this section will apply County-wide to private and affordable housing.

### 5.2 Minimum Floor Space Standards

Minimum floor space standards, including circulation space, for all dwellings are set out below:

Property size	Minimum internal floor space in m <sup>2</sup> to the nearest metre <sup>2</sup>
1 bed	50
2 bed	65
3 bed	80
4 bed +	100

5.3 The space standards will be applied to both new build and conversion of existing properties. It is acknowledged that it may not be possible to achieve the standards in all conversions. In exceptional circumstances, (where it can be demonstrated that the application of the standards would affect the viability of the scheme and such a scheme is vital to the Council's overarching regeneration priority), the Council may grant planning permission providing the overall quality of

the accommodation is not compromised. In such cases developers should liaise with the Planning Department.

5.4 The layout of rooms can influence how well a room functions. Long narrow rooms or rooms with awkward shapes may actually reduce the functional part of a room and will therefore not be permitted. Minimum room dimensions<sup>5</sup> are set for **Double bedrooms at 11m<sup>2</sup>** and **single bedrooms at 6.5m<sup>2</sup>**.

5.5 The height of rooms within a dwelling can also affect how well a room functions. The subdivision of dwellings into flats sometimes involves making use of the loft space. It is important that this does not result in a high proportion of proposed floor area being difficult to use. In order to address this all rooms shall have a **minimum floor to ceiling height of 2.14m** over an area of the floor equal to not less than three-quarters of the area of the room. Any floor area above which the ceiling height is less than 1.53m shall additionally be disregarded.<sup>6</sup>

#### 5.6 Private Outdoor Space or Garden: on-site provision<sup>7</sup>

Generally, private amenity green space such as domestic gardens and green spaces in and around housing will be sought in all residential developments, including dwellings which have been subdivided, unless it can be demonstrated that there are exceptional circumstances which make such provision prohibitive. Minimum standards for developments are at least:

- 40m<sup>2</sup> for houses<sup>8</sup>
- 50m<sup>2</sup> for flats with an additional 10m<sup>2</sup> per flat<sup>9</sup>

In some cases, particularly where there is a change of use it may not be possible to provide the private amenity green space requirements identified above. In such cases, developers should liaise with the Planning Department to agree an appropriate level of provision.

#### 5.7 Lifetime Homes

All dwellings should be built to Lifetime Homes<sup>10</sup> standard. Conversions should comply with Lifetime Homes standard where physically possible. The Lifetime Homes standard criteria are contained within Appendix 1.

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<sup>5</sup> Minimum room dimensions proposed are in line with the Council's minimum licensing standards for Houses in Multiple Occupation

<sup>6</sup> The Council currently applies this as minimum licensing standards for Houses in Multiple Occupation

<sup>7</sup> It should be noted that this does not replace the requirement to provide amenity and recreational open space in new developments. Potential applicants should refer to Policy REC 2.

<sup>8</sup> In line with the Design Quality Requirements, Welsh Assembly Government, 2005

<sup>9</sup> Outdoor space may be communal but should be solely for the use of the occupants of the flat.

<sup>10</sup> <http://www.lifetimehomes.org.uk/> and <http://www.lifetimehomes.org.uk/pages/revised-design-criteria.html>

The Welsh Assembly Government (WAG) has adopted the Code for Sustainable Homes (the 'Code') to support its zero carbon aspirations<sup>11</sup>. Code for sustainable homes incorporates the Lifetime Homes Standard in Code 6. The Lifetime Homes Standard has since been revised; however, these revisions are not incorporated into the Code and do therefore not enable compliance with Code level 6. The criteria identified in this document comply with the Code for Sustainable Homes requirements.

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<sup>11</sup> Welsh Assembly Government (2010) Planning Policy Wales Edition 3, Paragraph 4.11.4

## 6 Consultation questions

There is evidence that the quality of housing makes a positive contribution to residents' quality of life<sup>i</sup>. Benefits can also be realised by other stakeholders, as good quality housing can help reduce crime increase property values and improve health and well being. The amount of internal space in housing has an important impact on the design quality of homes.

**Q1. Do you agree with the principle of setting minimum floor space standards?**

The Design Quality Requirements have been used to inform the setting of standards in this SPG. The DQR is well established and used by housing associations across Wales.

**Q2. Do you agree that the standards contained within the Design Quality Requirements are appropriate?**

There are a variety of other standards which are used in the rest of the UK.

**Q3. What, if any, alternative standards would you recommend (please indicate why and provide evidence where possible)?**

In order to simplify the planning process minimum standards have been applied for all dwellings. No distinction has been made for the type of dwelling (i.e. flat, house, bungalow) or the size of rooms. In order to avoid being overly prescriptive minimum sizes of individual rooms (except bedrooms) have not been identified.

**Q4. Do you agree that the Council should not specify a minimum room size (except for bedrooms)?**

The subdivision of dwellings into flats may include making use of the loft space. Low sloping ceilings can result in a high proportion of the floor space difficult to use, which is likely to result in poor quality accommodation. In order to address this minimum ceiling heights are proposed.

**Q5. Do you agree that the Council should specify a minimum ceiling height?**

The Council currently has a series of minimum licensing standards for Houses in Multiple Occupation. The minimum ceiling heights proposed within this document are taken from the licensing standards for HMOs.

**Q6. Do you agree with the minimum ceiling heights proposed?**



There is evidence that access to private green space contributes towards the health and well being of residents<sup>12</sup>. In order to ensure that dwellings are of good quality and that external space is not compromised for internal space, standards have been proposed. These standards also apply to the sub-division of properties.

**Q7. Do you agree with the principle of setting standards for private outdoor space?**

As people get older their housing needs may change. The Joseph Rowntree Foundation recognised that housing could not always accommodate these changing needs and established the Lifetime Homes Standard in the mid 1990's.

**Q8. Do you agree that the Lifetime Homes Standards should be a requirement in new developments?**

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<sup>12</sup> Improving the quality of new housing: Technical Background Paper, CABE 2010  
<http://www.cabe.org.uk/files/improving-the-quality-of-new-housing.pdf>

## References and sources of information

Cabe (2010) Improving the quality of new housing : Technical background paper <http://www.cabe.org.uk/files/improving-the-quality-of-new-housing.pdf>

[Denbighshire County Council Adopted Minimum Licensing Standards for Houses in Multiple Occupation](#)

Denbighshire County Council (2007) Denbighshire Housing Strategy

Denbighshire County Council (2004) Rhyl Going Forward: Strategy and Key Investment

Denbighshire County Council (2002) Unitary Development Plan

Homes and Communities Agency (2010) HCA proposed Core Housing Design and Sustainability Standards Consultation  
[http://www.homesandcommunities.co.uk/public/documents/Consultation\\_Questions.pdf](http://www.homesandcommunities.co.uk/public/documents/Consultation_Questions.pdf)

Housing Act 2004

Lifetime Homes <http://www.lifetimehomes.org.uk/pages/revised-design-criteria.html>

Town and Country Planning (Use Classes) Order 1987

Welsh Assembly Government (2005) Design Quality Requirements

Welsh Assembly Government (2010) Planning Policy Wales Edition 3

Welsh Assembly Government (2008) Welsh Index of Multiple Deprivation

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**Appendix 1:**

**Lifetime Homes Criteria**

<b>(1) Car Parking Width</b>	Where there is car parking adjacent to the home, it should be capable of enlargement to attain 3300mm width.
<b>(2) Access From Car Parking</b>	The distance from the car parking space to the home should be kept to a minimum and should be level or gently sloping.
<b>(3) Approach Gradients</b>	The approach to all entrances should be level or gently sloping.
<b>(4) Entrances</b>	All entrances should: 4a) be illuminated 4b) have level access over the threshold and 4c) main entrances should be covered.
<b>(5) Communal Stairs &amp; Lifts</b>	5 a) Communal stairs should provide easy access and 5 b) Where homes are reached by a lift, it should be fully accessible.

**(6) Doorways & Hallways**

The width of the doorways and hallways should conform to the specifications below.

**Stated specifications and dimensions required to meet criterion**

Doorway clear opening width (mm) <i>minimum</i>	Corridor / Passageway width (mm) <i>minimum</i>
750 or wider	900 (when approach is head-on)
750 or wider	1200 (when approach is not head-on)
775 or wider	1050 (when approach is not head-on)
900 or wider	900 (when approach is not head-on)

<p><b>(7) Wheelchair Accessibility</b></p>	<p>There should be space for turning a wheelchair in dining areas and living rooms and adequate circulation space for wheelchairs elsewhere.</p> <p><b>Stated specifications and dimensions required to meet criterion</b></p> <p>A turning circle of 1500mm diameter or a turning ellipse of 1700mm x 1400mm is required in dining areas and living rooms.</p>
<p><b>(8) Living Room</b></p>	<p>The living room should be at entrance level.</p>
<p><b>(9) Entrance Level Bedspace</b></p>	<p>In houses of two or more storeys, there should be space on the entrance level that could be used as a convenient bed-space.</p>
<p><b>(10) Entrance Level WC &amp; Shower Drainage</b></p>	<p>There should be:</p> <ul style="list-style-type: none"> <li>a) A wheelchair accessible entrance level WC, with</li> <li>b) Drainage provision enabling a shower to be fitted to be fitted in the future.</li> </ul>
<p><b>(11) Bathroom &amp; WC Walls</b></p>	<p>Walls in the bathroom and WC should be capable of taking adaptations such as handrails.</p>

<p><b>(12) Stair Lift / Through-Floor Lift</b></p>	<p>The design should incorporate:</p> <p>12a) provision of a stair lift</p> <p>12b) a suitably identified space for a through-the-floor lift from the ground to the first floor, for example to a bedroom next to a bathroom.</p>
<p><b>(13) Tracking Hoist Route</b></p>	<p>The design should provide a reasonable route for a potential hoist from a main bedroom to the bathroom.</p>
<p><b>(14) Bathroom Layout</b></p>	<p>The bathroom should be designed to incorporate ease of access to the bath, WC and wash basin.</p>
<p><b>(15) Window Specification</b></p>	<p>Living room window glazing should begin at 800mm or lower and windows should be easy to open/operate.</p>
<p><b>(16) Controls, Fixtures &amp; Fittings</b></p>	<p>Switches, sockets, ventilation and service controls should be at a height usable by all (i.e. between 450mm and 1200mm from the floor).</p>