

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 13eg Ebrill 2011**  
**Eitem: 4**

**PLANNING COMMITTEE**  
**MEETING – 13<sup>th</sup> April 2011**  
**Agenda Item: 4**

**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**

**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE  
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**ITEM NO:** 1

**WARD NO:** Corwen

**APPLICATION NO:** 05/2008/0788/ PO

**PROPOSAL:** Development of 0.04ha of land by the erection of 1 No. dwelling (outline application including access - all other matters reserved)

**LOCATION:** Land adjacent to The Farm Penybryn Corwen

**APPLICANT:** Mrs Anne Alsop

**CONSTRAINTS:** Within 67m Of Trunk Road

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

**CONSULTATION RESPONSES:**

**CORWEN COMMUNITY COUNCIL:**  
To be reported

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**

**HEAD OF HIGHWAYS AND INFRASTRUCTURE:**  
No objections, subject to the inclusion of conditions

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
T. & J.M. Edwards, Tirionfa, Penybryn, Corwen  
Mr. M. Evans, 2, Bryn Llywellyn, Pen y Bryn, Corwen  
Mr. J. Lewis, Yr Hen Fferm (The Farm), Penybryn, Corwen (e-mail)  
Mr. & Mrs. D. Jones, Bryn Awelon, Penybryn, Corwen  
I. & C. Evans, Bryn Awen, Pen y Bryn, Corwen (e-mail)  
J. P. Hughes, Bodhuelog, Penybryn, Corwen

Summary of planning based representations:

- The proposal would result in a detrimental impact upon highway safety by way of unsatisfactory access and introducing additional vehicles in an area where the infrastructure is already below standard.
- The proposal represents an overdevelopment of the area.
- The proposal would result in a loss of amenity for the area/neighbouring residential properties.

**EXPIRY DATE OF APPLICATION: 05/04/2011**

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

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans

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

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 Outline permission is sought for the development of 0.09 ha of land within the Corwen development boundary. Details of the proposed access are submitted; all other matters are reserved.
- 1.1.2 The site is accessed via Hill Street. The proposed access is adjacent to a sharp bend, and entrance to an un-adopted lane. At present it is an overgrown vacant plot. The main part of the site is lower than Hill Street and the proposed access would be graded down to the main part of the site.

#### 1.2 Description of site and surroundings

- 1.2.1 The application site lies between two properties. To the west of the site is the dwelling, The Farm. To the east of the site is located a newly built dwelling, Gorwelion.
- 1.2.2 The Farm is a large two storey dwelling with large associated outbuildings. Gorwelion is a single storey dwelling within a plot approximately the same size as the application site.
- 1.2.3 The surrounding area is characterised by a mix of dwelling types and plot sizes.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 None

#### 1.4 Relevant planning history

- 1.4.1 The site itself does not have any relevant planning history. However, the site immediately to the west was granted outline planning permission at planning committee in 2007. This permission lapsed on 10<sup>th</sup> October 2010. The details of this application are given below.

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

- 1.5.1 Since the original submission the application has been amended to include details of the access. This has resulted in an amended application site size.

#### 1.6 Other relevant background information

- 1.6.1 None

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

- 2.1 05/2007/0965 Development of approximately 0.09ha of land by the erection of 1 no dwelling, outline application, all matters reserved. GRANTED at Planning Committee 10<sup>th</sup> October 2007

### **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 1 – Development within Development Boundaries  
Policy GEN 6 – Development Control Requirements  
Policy TRA 6 – Impact of New Development on Traffic Flows

- 3.2 GOVERNMENT GUIDANCE  
Planning Policy Wales 4 (July 2011)

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

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

- 4.1.1 Principle
- 4.1.2 Highway safety and access
- 4.1.3 Character of the area

- 4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site is within the defined development boundary of Corwen where the principle of development is generally acceptable based on the allowances of Policy GEN 1, provided the proposal conforms with other policies within the Unitary Development Plan. The proposal is therefore considered to be acceptable in principle.

As only details of access have been included in this outline application, the detailed assessment of this proposal is limited to that of its impact upon highway safety. This assessment is set out below.

4.2.2 Highway safety and access

Policy TRA 6 seeks to ensure that new proposals for development do not unacceptably affect the safe and free flow of traffic. It also requires the capacity of and traffic conditions on the surrounding road network to be satisfactory for the level/type of development proposed.

Concern has been raised by local residents over the adequacy of the highway in this location to accommodate additional traffic. Their concerns are duly noted. It must be considered whether the additional level of traffic generated by an additional dwelling in this location and the nature of the proposed access, would result in a negative impact on highway safety.

The point of access onto the highway offers clear visibility in both directions. The varying width of the road in this location is likely to result in vehicular traffic moving slowly. The number of additional vehicular movements generated by an additional dwelling is unlikely to be significant enough to sustain a refusal on highway safety grounds. It is noted that the Head of Highways and Infrastructure has not raised an objection to the proposal. It is therefore considered unlikely that the proposal would result in a detrimental impact upon highway safety in the area, and the surrounding highway infrastructure is considered satisfactory for the scale of development proposed. The proposal is compliant with Policy TRA 6.

4.2.3 Character of the area

Policy GEN 6 contains a raft of criteria which aim to protect the character and amenity of areas from inappropriate development.

Whilst this application is made in outline form, with most matters being reserved, it can still be seen that the proposed plot size is commensurate to that of surrounding properties. The relationship between the site and existing dwellings suggests that it would be possible to develop the site in a manner which would not harm the residential amenity of the area. Matters of design and impact upon the visual amenity of the area can be controlled satisfactorily through a reserved matters application.

It is not considered that the proposal would result in any substantive harm to the amenity or character of the area in this location. The proposal is compliant with Policy GEN 6.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal complies with adopted planning policy, and it is therefore recommended that planning permission be granted

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

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
5. Notwithstanding the submitted details the access shall not be as shown on the submitted plan but shall further be agreed in writing by the Local Planning Authority and which shall be completed before any works commence on site.
6. Facilities shall be provided and retained within the site for the parking and turning of two vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.
7. The gradient of the access from the edge of the existing carriageway and for a distance of 5.0m shall be 1 in 24 and a maximum of 1 in 15 thereafter.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure satisfactory drainage of the site and to avoid flooding.
5. In the interests of amenity and highway safety.
6. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety
7. In the interests of highway and traffic safety.

**NOTES TO APPLICANT:**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.  
Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.  
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

**ITEM NO:** 2

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

**APPLICATION NO:** 16/2009/0941/ PF

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

**LOCATION:** Land at Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

**APPLICANT:** Mr Rod Cox

**CONSTRAINTS:** Tree Preservation Order  
PROW  
AONB

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

#### **CONSULTATION RESPONSES**

LLANBEDR DC COMMUNITY COUNCIL – Objected to the originally submitted scheme (Sept 2009) within a 4 page letter. In summary, the objections related to the principle of development outside a development boundary, impact on the AONB, loss of trees, concerns over vehicular access and construction traffic, drainage concerns and the negative impact upon the amenity of existing residents. A response is awaited on the most recent set of plans, although the consultation was sent on 1<sup>st</sup> October 2010)\*.

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

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



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

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

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

NORTH WALES POLICE – No response received

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

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

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

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

Conservation Architect - Response to be reported.

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

County Archaeologist – No objection subject to:-

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

Community Safety Officer – No objections

Tree Consultant – No objections

## RESPONSE TO PUBLICITY

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

### **In objection:-**

J Thelwall, 39 Kingsmuir Road, Mickleover, Derby Derbyshire.  
Hayley Morgan, 3 Y Llys, Llanbedr Hall, Ruthin  
Kerry James Planning on behalf of Mr McQueen, Cedar Gardens, Llanbedr Hall

### **Summary of planning based objections:-**

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

### **In Support:-**

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

### **Summary of support reasons:-**

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

## REASONS FOR THE DELAY IN DECISION

- Several revisions made to the scheme.

## PLANNING ASSESSMENT

### 1. THE PROPOSAL

#### 1.1 Summary of proposals

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

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

height from ground to roof around 8m.

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

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

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

1.1.4 Along with the proposed 9no. detached dwellings it is also proposed to convert an existing garage building to the east of the main Hall to create an additional single residential unit with bat roost above.

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

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

## 1.2 Description of Site and Surroundings

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

1.2.2 The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Preservation Order.

1.2.3 To the south-west of the main hall is a walled garden area containing a former boiler room and glass house. There are public footpaths which run through and adjoin the site.

### 1.3 Relevant planning constraints/considerations.

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

### 1.4 Relevant Planning History

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

### 1.5 Developments/changes since the original submission

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

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

- 2.1 16/2004/1450/PF – Change of use from restaurant to 2no. self contained dwellings – GRANTED by Committee on 26<sup>th</sup> January 2005
- 2.2 16/2006/0872/PF – Conversion and alterations of existing flats and restaurant to 20no. self contained flats and construction of associated parking areas. –

GRANTED by Committee 10/10/2006

2.3 Appeal – 2042164/WF – against Conditions 6 and 9 on the above permission.  
ALLOWED – 30/07/2007

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

#### 3.2 Supplementary Planning Guidance

SPG 21 Parking Standards

#### 3.3 GOVERNMENT GUIDANCE

TAN 12 Design

TAN 18 Transport

### 4. MAIN PLANNING CONSIDERATIONS

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

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

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle of development against adopted policy criteria

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

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

as a single dwelling with the applicant as the sole occupant.

Officers' view is that in planning terms the lawful use of the building should be considered as part residential/part commercial in terms of the previous use as flats and restaurant. A material planning consideration would have to be the extant permission for the conversion and extension to create 20no. self contained flats. However, regard should also be given to the fact that, as part of the justification to demolish the hall as part of this proposal, evidence has been tendered suggesting that it may be difficult to convert the existing building to the 20no. flats in any case.

In addressing the most appropriate adopted policy against which to assess the proposal as submitted, it is to be noted that the applicant seeks permission to replace the existing hall with 9no. detached dwellings (+ 1 converted building). The 'conversion' assessment will be mentioned later in this report. Policy HSG 8 relates to the replacement of dwellings in the open countryside and the criteria of this policy are examined in the following sections.

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

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

should be applied is that a replacement dwelling/structure should try to mirror what it is replacing in terms of design and appearance. It is considered in this instance that what is being proposed (9no. dispersed detached dwellings in the grounds) does not adhere to the principles of this criterion.

- v) The next criterion states that the replacement dwelling should not have an unacceptable effect on the landscape by virtue of its siting, scale, design and materials. Having regard to the impact the existing hall building has on its landscape in terms of its siting, scale, design and materials one can argue that the siting of 9 no. large detached dwellings in the grounds would have an unacceptable impact upon the landscape. This assessment has been reinforced by the comments of the JAC AONB committee.
- vi) Finally the Policy goes on to say that a replacement dwelling should be located on the site of the existing dwelling, and only in exceptional circumstances should an alternative location be considered. Not only is the “replacement” product of a radically different nature to the existing but it is clearly not being sited on the site of the existing building. The dwellings proposed are large, detached and dispersed within the grounds. The policy goes on to mention that, in exceptional circumstances, where an overall environmental improvement can be shown an alternative location for the replacement can be considered. Officers do feel, based on the comments of the JAC AONB Committee, that an overall environmental improvement could arise from the development, but the scheme would spread built form in the open countryside to the general detriment of the character of the area.

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

#### 4.2.2 Principle of conversion of garage

The applicant seeks to create a 10<sup>th</sup> residential unit in this scheme via the conversion of an existing garage block to the east of the main hall. Primarily this is to facilitate a bat roost in the roof void of the building. The relevant policy against which to assess the conversion is Policy HSG 9. Whilst the proposal forms part of the larger scheme for 9no. dwellings, and the bat roost is suggested to meet the ecological mitigation for that scheme, one must assess the proposed conversion on its merits against the relevant policy criteria.

Policy HSG 9 allows for the conversion of an existing rural building to a dwelling in the open countryside where it has been demonstrated that sufficient and reasonable attempts have been made to secure a business use or, if a residential use is proposed it is a subordinate part of a business use. If it has been demonstrated that a business use is unfeasible, unsuitable and unacceptable the policy sets out further criteria against which to assess the proposed residential conversion.

Firstly, no evidence has been supplied with this application which shows a business use has been considered for the garage the subject of the conversion. Officers do, however, acknowledge that this may not have been considered due to the issue of finding an alternative bat roost.

However, in the context of the policy criteria consideration should have been given to a business use first.

- i) The policy requires the building to be converted to be structurally sound and capable of conversion without major or complete reconstruction. It suggests that a detailed independent structural engineer's report would be required as evidence. Officers have not seen such a report for the garage building but only for the main hall. This, it would appear is in conflict with the policy criteria.

The failing on the first criteria above renders the other criteria in Policy HSG 9 rather redundant. Officers do not consider that there is a basis of support for the proposal to convert the garage to a dwelling on the information supplied with the application.

#### 4.2.3 Highways/access issues

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

#### 4.2.4 Visual amenity/impact on the AONB

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

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

#### 4.2.5 Residential amenity

The dwellings proposed would be sited a sufficient distance from existing properties so as not to cause significant detriment to residential amenity levels. One must have regard to the extant permission for the 20no. flats in terms of the potential for disturbance. The use of existing driveways which would be realigned in parts would serve to reduce any direct neighbour impacts and the amenity afforded to the proposed new dwellings in terms of space standards would also be acceptable.

#### 4.2.6 Design and Access/Sustainability Issues

Guidance within TAN 12 Design, TAN 18 Transport and TAN 22 Sustainable Buildings oblige applicants to demonstrate the approach to a



range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan STRAT 1 and 13 to ensure that sustainable development principles are embodied in schemes.

The application is accompanied by a Design and Access Statement and details how the dwellings are to be built to sustainable principles. Officers consider that, based on when the original application was submitted, the approach to design, access and sustainability are acceptable in this instance.

## **5. SUMMARY AND CONCLUSIONS**

- 5.1 The application has been the subject of much deliberation, community consultation and amendment. The proposed scheme of 9no. detached dwellings and 1no. dwelling from a conversion as a replacement to the main hall is not considered to be acceptable in principle based on the adopted policies of the Unitary Plan which deal with replacement dwellings and rural conversions.
- 5.2 The key issue here is whether Planning Policy (national and local) should allow the replacement of a hall of flats with a number of detached dwellings in the garden area of the hall. Officers' view is that the Policy could and should only allow for the replacement of the existing residential building with something similar and in that location. The wider use of the garden area to create residential buildings which would create a much greater development footprint and building volume than the existing hall is not something which Officers can support.
- 5.3 The size and scale of the dwellings proposed would result in an unacceptably intrusive form of development within the AONB harming the open character in this location and failing to conserve or enhance the natural beauty of the area.

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

1. It is the opinion of the Local Planning Authority that the replacement of the hall in the manner proposed is in direct conflict with tests iv, v, and vi of Policy HSG 8 of the adopted Denbighshire Unitary Development Plan. Insufficient justification has been provided to show that the replacement of the hall with a substantially different type of dwelling in terms of its siting, size, scale, form, design and materials is acceptable and would not have an unacceptable effect on the landscape, and the scheme fails to show that an overall environmental improvement will be achieved.
2. It is the opinion of the Local Planning Authority that the scheme of conversion to create a single dwelling from the garage fails to meet basic tests of the adopted Denbighshire Unitary Development Plan Policy HSG 9, in that insufficient evidence has been provided to show reasonable attempts have been made to secure a business use or that the building is capable of conversion without major or complete reconstruction.
3. It is the opinion of the Local Planning Authority that the residential dwellings proposed would have an unacceptable impact on the character and appearance of the site and the Area of Outstanding Natural Beauty in which it is located by reason of their size, scale and form. The proposal would neither conserve nor enhance the natural beauty of the area, in direct conflict with Policy ENV 2 of the Denbighshire Unitary Development Plan.

### **NOTES TO APPLICANT:**

None

**ITEM NO:** 3

**WARD NO:** Trefnant

**APPLICATION NO:** 30/2010/1359/ PF

**PROPOSAL:** Erection of a detached double garage

**LOCATION:** Bron Yr Aur Upper Denbigh Road St. Asaph

**APPLICANT:** Mr Huw Jones

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**  
TREFNANT COMMUNITY COUNCIL  
'No observations'

**RESPONSE TO PUBLICITY:**  
Letters of representation received from:  
Mr. R. W. Logan, 65, Dyserth Road, Rhyl on behalf of Mrs. D. Davies, Bradgate, Upper Denbigh Road, St. Asaph

Mrs. D. Davies, Bradgate, Upper Denbigh Road, St. Asaph

Summary of planning based representations:

- Scale of the garage/overdevelopment of the site
- Out of character with surrounding area/street scene- in front of building line.
- Impact on residential amenity.
- Suggest the garage could be located to the side of the dwelling.

**EXPIRY DATE OF APPLICATION: 28/12/2010**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of a detached double garage, at Bron yr Aur, Upper Denbigh Road, St. Asaph.
- 1.1.2 The garage would have a footprint of 6.4m by 6.4m, with a height of 4.2m to the ridgeline. No windows are proposed, with the garage being sited to the front of the property.

1.2 Description of site and surroundings

- 1.2.1 Bron yr Aur is a two storey dwelling with a slate roof and exterior walls from a mixture of red brick and white render.
- 1.2.2 The site is surrounded by detached bungalows to the north and south, St. Asaph road to the west, and two storey detached dwellings to the east on the Llys Cerrig cul-de-sac. Residential properties fronting onto St. Asaph Road are characterised by large garden areas to the front and rear.
- 1.2.3 The northern boundary between the site and Bradgate consists of wooden panel fencing and trees with an approximate height of 7m plus. The site as a whole benefits from screening provided by trees and foliage to the front facing St. Asaph Road.

1.3 Relevant planning constraints/considerations

- 1.3.1 None.

1.4 Relevant planning history

- 1.4.1 1/TRE/6948, Extension to dwelling and construction of swimming pool, granted 16/12/1983.

1.5 Developments/changes since the original submission

- 1.5.1 A revised plan has been received which has hipped the gable ends of the garage roof.
- 1.5.2 Officers have requested the applicant gives consideration to relocating the garage to the north side of the dwelling to overcome concerns from the adjacent neighbour at Bradgate. However, the applicant considers that locating the garage to the side of the dwelling would be more harmful to the neighbour as three habitable room windows are on the side elevation of Bradgate. He also explained that he recently had a new patio laid down in this area.

1.6 Other relevant background information

- 1.6.1 Cllr Meirick Lloyd Davies has requested the application be referred to planning committee to assess the visual and residential amenity.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 1/TRE/6948, Extension to dwelling and construction of swimming pool - GRANTED 16/12/1983 under delegated powers.

**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 HSG 12 Extensions to dwellings

3.2 Supplementary Planning Guidance

- SPG 1- Extensions to dwellings
- SPG 24- Householder development design guide

**4. MAIN PLANNING CONSIDERATIONS:**

The main land use planning issues are considered to be:

- i) Principle
- ii) Detailed design and impacts
- iii) Neighbour comments

In relation to the main planning considerations:

- i) Principle.  
Whilst the application is for a detached garage, the principles of policy HSG 12 are considered applicable. The main UDP policies are HSG 12 and GEN 6. HSG

12 permits extensions to dwellings subject to 4 tests requiring 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.

GEN 6 contains a wide range of general development control amenity considerations which seek to ensure a high standard of development with minimal impacts. SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following section.

ii) Detailed design and impacts

-Scale and form

Policy HSG 12 part i) seeks to ensure extensions and alterations are subordinate to the original dwelling.

The footprint of the existing house is 335m<sup>2</sup>, whilst the footprint of the garage is 42m<sup>2</sup>, which equates to an increase of approximately 12.5%. The garage would also be 3m from the northern boundary (7m from the nearest wall of Bradgate) with a height of 3.2m at this point.

Officers consider that the garage is of an acceptable modest scale in the context of the existing house, and therefore in accordance with policy requirements.

- Design and materials

Policy HSG 12 part ii) seeks to ensure that extensions and alterations are of a sympathetic design and complement the site in terms of use of materials.

White render finish to the external walls is proposed, which alongside the use of a slate roof, will match the existing dwelling. The design of the building is typical for a domestic garage.

Officers therefore consider that the design and materials proposed meet policy requirements.

- Impact on character, appearance and amenity standards of existing dwelling

Policy HSG 12 part iii) seeks to ensure that householder development does not harm the residential or visual amenity of the existing dwelling.

The scale of the garage is modest in the context of the existing house with suitable use of external construction materials and design.

Having regard to the above it is not considered the proposal would harm the residential or visual amenity of the existing dwelling.

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

Policy HSG 12 part iii) seeks to ensure that alterations and extensions to dwellings do not harm the residential or visual amenity of the surrounding area.

The site is screened to the front and the sides, and the garage is of a relatively modest scale and design. The garage would be 7m from Bradgate's lounge window, with trees in excess of 7m high along the boundary line in between.

Whilst acknowledging the concerns over the garage being located in front of the 'building line', and the general desirability of confining such development to the side and rear of properties, each case has to be considered on its merits. In this

instance, having regard to the nature of development in the locality and the extent of screening by trees, it is not considered that a garage at the front of the property would have such a detrimental impact on the character of the area, to justify a refusal recommendation.

- Overdevelopment of the site

Policy HSG 12 part iv) seeks to ensure that householder development does not represent an overdevelopment of the site.

The total area of the site is 1772m<sup>2</sup>, whilst the footprint of the existing house is 335m<sup>2</sup>. The house currently takes up about 19% of the site area. The garage would add an additional 2.4% of built form to the site.

It is considered there would be ample space remaining in both the front and rear garden of the application site should permission be granted. Officers therefore consider that the proposal does not constitute overdevelopment.

iii) Neighbour comments

The concerns of the neighbour regarding visual impact, overdevelopment and residential amenity are noted. In this case, officers consider the application is for a garage of modest scale and design which would benefit from existing screening at the site in the form of trees and hedgerows. As a result, it is considered the impact on the surrounding visual and residential amenities of the area would not be to an extent which would warrant refusal based against the above noted planning policies.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal meets 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. None of the trees on the northern boundary of the site shall be felled, lopped or topped, without the prior consent of the Local Planning Authority. Any such trees which may die or become diseased shall be replaced with suitable specimens to a minimum height of 4m in compliance with a scheme to be agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of residential amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4

**WARD NO:** Dyserth

**APPLICATION NO:** 42/2011/0189/ PF

**PROPOSAL:** Demolition of existing two-storey workshop and erection of new two-storey workshop with ancillary office

**LOCATION:** Skerryvore Workshop Lower Foel Road Dyserth Rhyl

**APPLICANT:** Mr Mike Wright SMW Crane & Hoist Ltd.

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:****DYSERTH COMMUNITY COUNCIL**

"The Council considered the above Application last evening and, to say the least, were horrified at the prospect of losing a building which they described as 'fitting in with the Heritage of the Village'

Needless to say Members wish to object to the Application and have requested that a site meeting takes place at which a Community Council Member can attend to express the strength of feeling

I will, of course, write formally objecting to the Application on the ground that it is not in keeping with the environment of the Village but thought I should send you this e-mail first".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES****PRINCIPAL BUILDING CONTROL OFFICER**

"Structural report is an accurate reflection of the condition of the building. The building is not structurally sound, as per the submitted structural report".

**HEAD OF HIGHWAYS AND INFRASTRUCTURE**

"No objection".

**RESPONSE TO PUBLICITY:**

Letters in support:

Mr. N. Broxton, Piemont, 8, Lower Foel, Dyserth (e-mail)

Summary of planning based representations:

Principle supported.

Other matters:

Representation raises concerns over private legal issues- rights of way/access during construction process.

**EXPIRY DATE OF APPLICATION: 14/04/2011**

## **REASONS FOR DELAY IN DECISION (not applicable):**

### **PLANNING ASSESSMENT:**

#### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

- 1.1.1 This is a full planning application for the demolition of an existing two storey workshop and erection of new two storey workshop with ancillary office at Skerryvore, Dyserth.
- 1.1.2 The proposed workshop would occupy a similar footprint to the existing workshop, 6.8 metres in length by 4.8 metres in width. It would have an overall ridge height of 5.8 metres, 0.5 metres higher than the existing workshop.
- 1.1.3 Materials proposed for the workshop would be coloured render and slate roof, with steel doors and roller shutter to the front (east elevation).
- 1.1.4 Internally half of the building would be comprise a full height open area for the workshop, the other half would be divided into a wc and stairwell on ground floor level and a small office at first floor level.
- 1.1.5 The site layout would remain as existing, with direct access off Foel Road and a parking space on the northern side of the building.

##### 1.2 Description of site and surroundings

- 1.2.1 The site is located to the south east of centre of Dyserth village, in a primarily residential area.
- 1.2.2 The existing building on the site is a former coach house, stone built with slate roof, and two roller shutters on the entrances to the east.
- 1.2.3 The established lawful use of the building as a workshop has been gained over time, it has been used specifically for the storage and testing of lifting equipment, storage of weights.
- 1.2.4 Access to the building is directly off Foel Road, which bounds the east of the building. There is a single parking bay immediately north of the site at a slightly lower level, which is accessed by dropping down off Foel Road to the minor road serving the dwellings to the west of the site.

##### 1.3 Relevant planning constraints/considerations

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

##### 1.4 Relevant planning history

- 1.4.1 No planning history.

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

- 1.5.1 None.

##### 1.6 Other relevant background information

- 1.6.1 The use of the site would remain as existing; the Applicants are SMW Crane and Hoist, who use the building for storage and testing of lifting equipment, storage of weights and propose to use the ancillary office for clerical work associated with the business.
- 1.6.2 A Structural Engineers report has been submitted to support the proposal, which recommends the building be taken down owing to; lateral movement of

the front and rear walls, distress in the walls particularly around the windows, gaps between the walls and floors, poor condition of the roof, lack of restraint from the walls to the floor and roof, and impact of trees on foundations.

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

2.1 None

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

The main planning policies and guidance are considered to be:

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

Policy GEN 1 Development within Development

Policy GEN 6 Development Control Requirements

Policy EMP 4 Employment Development with Development Boundaries

Policy TRA 9 Parking & Servicing Provision

### **3.2 GOVERNMENT GUIDANCE**

Planning Policy Wales (Edition 4)

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

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

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Residential amenity impact

4.1.4 Highway considerations

4.2 In relation to the main planning considerations:

### **4.2.1 Principle**

The site is located within the development boundary of Dyserth, in an area allocated GEN 1. Policy GEN 6 sets out the general development control criteria tests associated with most development, the most relevant criteria of this policy are explored below. Policy EMP 4 relates specifically to employment development within development boundaries.

The principle of the demolition and replacement of the workshop is acceptable; the detailed assessment of impacts is set out in the following sections.

### **4.2.2 Impact on visual amenity**

Criterion i) of policy GEN 6 relates to the impact of new development on the visual amenity of the surrounding area, and supports development that respects its surroundings. Criterion i) of Policy EMP 4 suggests similar considerations should be given to new employment development.

The proposed workshop would be of a similar size and scale to the existing building and would be built on the same footprint. The main difference would be the change of materials from stone to render and a small increase in overall height (0.5 metre). It is considered the visual impact of the development is acceptable and would not appear out of keeping with the surrounding area.

With respect to the comments of the Community Council, it is apparent that the existing building is in a poor condition. The site is outside of the Dyserth conservation area and is not a listed building or considered to be of particular architectural importance to warrant its retention. The structural information submitted with the application support the Agents claims about the condition



of the building and the DCC Building Control Officer concurs with the Structural Engineers findings.

Thus it is considered the proposal complies with the criterion i) of GEN 6 and criterion i) of EMP 4.

#### 4.2.3 Impact on residential amenity

Policy GEN 6 part v) seeks to ensure that development does not harm the residential amenity of nearby occupiers.

The applicant has advised that the use of the workshop would not be any different to the existing use. At present, the site can be used as a workshop, with no known planning restrictions in place in terms of use intensity and hours of operation. It is considered that the application offers an opportunity to impose control over the opening hours by imposing a condition to safeguard surrounding residential amenity.

It is therefore considered the proposal meets the requirements of policy GEN 6 part v).

#### 4.2.4 Highway Considerations

Policy TRA 9 seeks to ensure that development provides appropriate car parking, servicing and manoeuvring facilities. Policy GEN 6 part vi) echoes this test, whilst part vii) seeks to ensure no unacceptable effect on the local highway network occurs in the form of congestion, danger or nuisance.

The neighbour concerns regarding parking are noted, however these relate to vehicle movements during the construction process which are not considered to warrant refusal of this application.

As above, the applicant has advised that the use of the workshop would not be any different to the existing use. The existing use has not generated excessive traffic movements or complaints; hence Highways Officers are satisfied with the access and parking arrangements.

It is considered that the proposal meets the requirements of policy TRA 6 and GEN 6 part vi) and vii).

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposed replacement workshop at Skerryvore is considered acceptable, within the terms of the relevant policies GEN 6, EMP 4 and TRA 6. As such it is recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The premises shall not be open to customers outside the following times and days:  
0730 - 1900 Monday to Friday  
0800 - 1900 Saturday
3. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987, this permission relates to the use of the building for the storage and testing of lifting equipment, storage of weights and ancillary clerical work and no other use within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of amenity of occupiers of nearby residential properties.
3. In the interests of residential amenity and the highway safety of the surrounding area.

**NOTES TO APPLICANT:**

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

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

SES

**ITEM NO:** 5

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2011/0045/ PF

**PROPOSAL:** Erection of a convenience store

**LOCATION:** Former Esplanade Service Station Rhyl Coast Road Rhyl

**APPLICANT:** Mr & Mrs A Webber

**CONSTRAINTS:** C1 Flood Zone  
EA Floodmap Zone 2

**PUBLICITY UNDERTAKEN:** Article 4 Direction  
Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

“Object on the following grounds: The site is located only a short distance from a busy traffic junction (Tynewydd Road/Rhyl Coast Road) and the Council is concerned that the application will lead to traffic congestion.

The Council is concerned that vehicles, particularly delivery vehicles seeking to access the site will generate obstruction to the adjacent highway at a critical entrance to the Town.

Local Councillors are aware of previous problems which occurred with the former use of the site as a petrol station due to its close proximity to the junction and by vehicles obstructing the free flow of traffic while waiting to enter the site. In the interests of fairness to the application the Council would request that prior to making a decision the Local Planning Authority make enquiries with North Wales Police of incidents which occurred when the site operated as a petrol station and particularly relating to road traffic accidents which arose involving vehicles entering or leaving the site to clarify whether this is or is not a valid concern”.

**ENVIRONMENT AGENCY**

No objection subject to the inclusion of a condition

**DWR CYMRU WELSH WATER**

No objection subject to the inclusion of conditions

**NORTH WALES POLICE**

No response received

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**HEAD OF HIGHWAYS & INFRASTRUCTURE**

Object, the proposal does not make adequate provision for the manoeuvring of service

delivery vehicles within the site and it is considered that the slowing and turning of vehicles entering the site will adversely affect the free flow of traffic.

#### PUBLIC PROTECTION

No comments

#### RESPONSE TO PUBLICITY:

Letters of representation received from:

##### In Support:

Mr. N. Kelly, 41, Canterbury Drive, Prestatyn (e-mail)

P. Burke, 7, Highlands Close, Rhuddlan (e-mail)

Summary of planning based representations:

An 'out of hours' store would be help for people who work full time

Good location for a store of this type

Would boost the community and surrounding area

##### In Objection:

Mr. D. Tunnicliff (e-mail)Mr. C. Hignett (e-mail)

Mr. G. J. Drabble, 109 Rhyl Coast Road, Rhyl (e-mail)

Mrs. M. I. Matthews, 43, Lynton Walk, Rhyl

Mrs. S. Harewood, Bethel, 1, Ffordd Edgbaston, Brynhedydd, Rhyl

Mr. J. Cannon, Headteacher, Ysgol Bryn Hedydd (e-mail)

Mr. W. C. Wilson, 100, Rhyl Coast Road, Rhyl (e-mail)

Mr. R. & Mrs. A. Sykes, 97 Coast Road, Rhyl (e-mail)

Ian Doig, 11 Tynnewydd Road, Rhyl

Ann Jones AM, Constituency Office, 25, Kinmel Street, Rhyl

Chris Ruane MP

Summary of planning based representations:

##### Highways

The site is too close a proximity to the traffic lights; the site is situated very close to traffic coming round a blind corner from the promenade end of Tynnewydd Road into Coast Road; concerns over parking layout resulting in difficulties for delivery vehicles and resulting in them having to wait on the main road and obstructing the traffic lights which would be highly dangerous; obstructions on the highway may lead to problems with nearby emergency service stations and emergency vehicles being able to pass; to access the site by car or on foot would result in having to cross a busy footpath and cycle path; considerable increase in road usage from seasonable traffic; the traffic light junction is already very busy and the proposed plans do not allow room for the volume of trade predicted; concerns relating to the position of the access & exit points in relation to the car parking would result in cars having to reverse on to the highway; there are far more cars on the road today than 7 years ago when the petrol station was in use; this is a main route with a central lane for westbound traffic and both lanes already have traffic backing up to the site; cars parking 'illegally' outside the development would cause severe disruption

##### Residential Amenity

Delivery vehicles would inevitably cause increased noise and vibration to the sheltered housing for the elderly sited next door; noise and disturbance to properties on Weston Court and Knowles Avenue and loss of privacy

### General Comments

Comparison assessments seem to have been made with towns which don't have seasonally high fluctuations of traffic numbers; Children from Ysgol Brynhedydd are taken out on a weekly basis to the beach and have to cross the Coast Road by the proposed store and the health and safety of the children would be compromised by the new and large volume of traffic using and parking outside the building; a late night convenience store would attract anti social behaviour; the area is already well served by existing convenience/retail stores.

**EXPIRY DATE OF APPLICATION: 13/03/2011**

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

- delay in receipt of key consultation response(s)

### **PLANNING ASSESSMENT:**

#### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of a convenience store with a floor area of approx 336m<sup>2</sup>. The site comprises a vacant site formerly in use as a petrol filling station, which has been removed in its entirety and the ground levelled. The site has been vacant for approx 7 years.
- 1.1.2 The proposal is for the erection of a single storey building with a room within the roofspace for a stock room, plant room and staff area. The building would be located to the rear of the site and would measure 21m wide by 16m in depth, with an eaves height of 3m and ridge height of 6.8m. It is proposed to construct the store with a white or cream rendered finish with brown clay tiled roof.
- 1.1.3 It is proposed to provide a parking area at the front of the site for 8 cars, with 2 disabled parking spaces to be provided to the western elevation and an additional space shown at the rear of the site. It is proposed to have an 'In' and 'Out' access/egress system off Rhyl Coast Road. It is proposed to provide a service yard with space for a delivery vehicle to the eastern elevation of the proposed store.
- 1.1.4 The application is accompanied by a Design and Access Statement (DAS), a Sustainability Statement, a Transport Statement, and a selection of appeal decisions taken from other Local Authorities in relation to convenience stores.

##### 1.2 Description of site and surroundings

- 1.2.1 The site is accessed off the A548 Rhyl Coast Road. The site is served by 2 accesses due to its previous use as a petrol station and located approx 45m to the west is a traffic light controlled junction with Ty Newydd Road.
- 1.2.2 Residential properties abut the site to the west and north. Weston Court to the west comprises a 2 storey block of 24 no flats for the elderly with its side elevation abutting the application site. To the rear on Knowles Avenue are single storey dwellings, which are located 15m away from the rear boundary of the application site. To the east is the Esplanade Social Club and on the opposite side of Rhyl Coast Road stands a run of retail and commercial

properties.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the defined development boundary for Rhyl, and within a Policy RET 10 Local and Neighbourhood Shopping Centre.

### 1.4 Relevant planning history

- 1.4.1 The former use as a petrol station ceased approx 7 years ago and in 2005, planning permission was granted for the erection of a building to be used for the fitting of tyres, batteries and exhausts to cars and vans. It has been agreed that this permission is extant as the building on the site has been demolished and ground works undertaken. All planning conditions imposed on this permission have been approved.
- 1.4.2 In 2009 planning permission for the erection of a convenience store was refused at Planning Committee on the grounds of inadequate parking provision within the site and highway safety issues on Rhyl Coast Road. A subsequent appeal to the planning inspectorate was dismissed.
- 1.4.3 The Appeal Inspectors conclusions were that the parking provision was acceptable. However the scheme made no provision for staff parking and the Inspector therefore concluded that given the restrictions that prohibit car parking on the main road, it was likely that cars would park on local residential roads in the vicinity of the site and would harm the living conditions of nearby residents. The Inspector also concluded that, in relation to highway safety, vehicles turning right into the appeal site would be mixed with other vehicles in the right turn lane intending to proceed onto the seafront. It was considered unacceptable conflict would occur that would severely disrupt the free flow of traffic on the A548. This conflict would be exacerbated since vehicles wishing to enter the appeal site could find their access blocked by delivery vehicles reversing into or out of the service bay located to the front of the site. The Inspector also had concerns in relation to the service delivery arrangements which he concluded would also result in unacceptable conflict between pedestrians and delivery vehicles.

### 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 45/2005/0997/PF Erection of building for tyre, battery and exhaust fitting to private cars and vans GRANTED under delegated powers 26<sup>th</sup> October, 2005.

45/2008/0987/PF Erection of convenience store REFUSED at Planning Committee on 21<sup>st</sup> January, 2009 for the following reasons:

*"It is the view of the Local Planning Authority that the proposal does not make adequate provision for the parking of vehicles within the site, and is likely to lead to the occurrence of additional parking on the adjacent highway detrimental to the safety and convenience of all highway users, contrary to criteria vi) and vii) of Policy GEN 6,*

*Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan and SPG 21: Parking Requirements in New Developments.*

*It is considered that the slowing and turning of vehicles into the site will adversely impact upon the free flow and safety of traffic, which would be contrary to through traffic interests and a likely source of danger to users, due to the heavy volume of traffic using the highway. The development would therefore be detrimental to the safety and convenience of all highway users, contrary to criteria vi) and vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan.”*

2.2 Appeal dismissed 27<sup>th</sup> April, 2009, the Appeal decision has been included at the front of this report.

### **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 1 - Development Within Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy ENP 4 - Foul & Surface Water Drainage
- Policy ENP 6 – Flooding
- Policy ENP 8 – Contaminated Land
- Policy RET 10 - Local and Neighbourhood Shopping Centres
- Policy TRA 6 - Impact of new development on traffic flows
- Policy TRA 9 - Parking and Servicing Provision

#### **3.2 Supplementary Planning Guidance**

SPG 21 - Parking Requirements in New Developments

#### **3.3 GOVERNMENT GUIDANCE**

Planning Policy Wales, 4<sup>th</sup> Edition February 2011

MIPPS 01/2009 Planning for Sustainable Buildings

TAN 12: Design (2009)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007)

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

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

- 4.1.1 Principle
- 4.1.2 Regeneration
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Highway Safety Issues
- 4.1.6 Flooding, Drainage & Contamination Issues
- 4.1.7 Design & Access Statement/Sustainability Code
- 4.1.8 Ecological Impact

4.2 In relation to the main planning considerations:

#### **4.2.1 Principle**

The main Unitary Development Plan Policies relevant to the principle of the development are Policies GEN 1 and RET 10. In relation to Policy GEN 1, the site is located within the development boundary of Rhyl where the principle of

development is considered acceptable subject to consideration against other policies. The site is located within a Policy RET 10 area (Local and Neighbourhood Shopping Centre), which mainly provide convenience shopping services to a small local population. This centre is however located in a prominent position on a very busy main highway in between Rhyl and Prestatyn, and is a larger centre than many others in the town. The principle of redeveloping a vacant site for the erection of a convenience store is therefore considered acceptable in relation to Policy RET 10, and in this context it is not considered that there would be any adverse impact on the vitality and viability of the local shopping centre.

#### 4.2.2 Regeneration

The site has been cleared and vacant for approx 7 years, it is surrounded on its perimeters by heras fencing which is considered to make the site highly visible and vulnerable to trespass. The Council are keen to address the regeneration opportunities for such sites but not to the detriment of other important planning considerations.

#### 4.2.3 Visual amenity

Policy GEN 6 and TAN 12 sets out visual amenity considerations which require due assessment of the acceptability of the detailing of a scheme and its visual impact on an area.

The Design & Access Statement argues that the design approach adopted respects the site and its surroundings in terms of siting, scale, design and use of materials. No concerns have been expressed by objectors in relation to the detailing of the proposed store.

Having regard to the details of the proposal and its immediate locality, it is not considered that the proposal would result in an adverse impact on the visual amenities of the area.

#### 4.2.4 Residential amenity

Policy GEN 6 sets out residential amenity consideration which require due assessment of impact on the surroundings, including the effect on the amenity of residents.

There are only limited specific concerns over the details of the development from local residents in terms of potential impacts on privacy/amenity in surrounding dwellings. Some concerns have been raised in relation to delivery vehicles entering the site. This could increase noise and vibration to the sheltered housing for the elderly sited next door. Neighbours consider that the proposed use would result in noise and disturbance to properties on Weston Court and Knowles Avenue, including loss of privacy.

In officer's opinion, the combination of the proposed siting, scale and design of the proposed unit, and the orientation and respective distances between the existing dwellings and boundary treatments would not result in unacceptable impacts on the residential amenities of occupiers of existing dwellings. This has also been previously accepted by the Appeal Inspector.

#### 4.2.5 Highway Safety Issues

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



The Council's Highway Officers have objected to the application, as have Rhyl Town Council. All letters of objection have raised serious concerns relating to highway safety issues.

In Officers' opinion there are a number of different issues considered relevant to the assessment of highway safety. These issues are set out below by giving consideration to the previous application, the Inspectors conclusions, the current proposal and Officer's assessment of the current proposal.

- Car Parking

Previous scheme

The previous application proposed a store of 371 m<sup>2</sup> with 10 no car parking spaces and one of the reasons for refusal used by the Council was based on inadequate parking provision within the site.

Inspectors Conclusions

This refusal was not supported on appeal, and the Inspector raised no objection to the car parking provision on site. However, the scheme made no provision for staff parking and the Inspector did raise concerns in this respect in that staff would park in nearby residential areas resulting in potential harm to the living conditions of residents in these areas, particularly from employees working late shifts.

Current proposal

The car parking area is proposed towards the front of the site, with 8 spaces provided along the frontage of the site with the A548 and 2 no disabled spaces provided along the western boundary of the site with Weston Court. An additional space is proposed to the rear of the site at the rear of the service yard, providing a total of 11 spaces.

The applicant has submitted a Transport Statement and has sought to address all the issues relating to the appeal decision. In relation to the parking situation, the applicant has responded as follows: "This proposal differs from the previous proposal in that it makes provision for a staff parking space on the site, and this coupled with the fact that staff numbers would in any event be low with low staff car usage, especially in the evenings, would not result in material detriment to residential amenity".

Assessment

In relation to the car parking provision, the concerns of the DCC Highways Officers remain. However, the Inspector has accepted that the number of car parking spaces was acceptable, based on a larger store with fewer car parking spaces, and therefore due consideration has been given to this conclusion. It is therefore not considered reasonable to pursue this as a reason for refusal.

The current scheme proposes a smaller unit with more parking, and a dedicated staff parking space. These factors, combined with the fact that the site is located within a primarily residential area and the nature of the store which is to provide convenience goods leads to the conclusion that the proposal would not result in a significant impact on amenities of nearby residents caused by cars parking

nearby.

- Servicing Provision

Previous scheme

The previous application included a service delivery area at the front of the site with access achieved from the Prestatyn direction. The service yard area was located to the rear of the site, behind the store.

Inspectors Conclusions

The Inspector raised concerns in relation to the parking and servicing arrangements. The Inspector had 'grave' reservations as to whether the arrangements put forward to control the situation would work in practice in that 2 car parking spaces would need to be kept free for some time before a delivery vehicle arrived to ensure the delivery vehicle did not block the whole car park. He did not consider it acceptable to rely on a banksman being available to guide the vehicle. It was also considered that there would be an unacceptable conflict between pedestrians and delivery vehicles.

Current proposal

The service delivery area and yard is proposed to the eastern side of the store with space for one service vehicle. Service vehicles would access the site from the Rhyl direction, would be required to manoeuvre the vehicle within the site and then reverse into the service yard area to enable the vehicle to leave the site in a forward gear.

The applicant has sought to address these issues by re-siting the proposed store and service delivery yard. Within the Transport Statement, a 'Vehicle Swept Path Analysis' has been submitted demonstrating how a large refuse vehicle, which is a 10m rigid vehicle and also a 12m rigid vehicle would manoeuvre within the site.

The applicant states that only 1 single larger vehicle is likely to be visiting the site once a day, with the other remaining vehicles likely to be smaller delivery vehicles. The applicant considers that there would be no conflicts with the arrangements now proposed as all vehicles manoeuvring within the site would be at very low speeds with only a single reverse manoeuvre required and that is in a straight line.

Assessment

Highways Officers continue to raise concerns in relation to the service delivery arrangements. We would have to assume that all delivery vehicles could be 10m rigid vehicles. It would be difficult to monitor and enforce that only 1 larger vehicle could deliver to the site every day. All vehicles would have to enter the site from the Rhyl direction and would have to get their route into the site near perfect in order to achieve the manoeuvre required within the site. It remains the view that manoeuvring will be difficult and could lead to delivery vehicles reversing back onto the highway which would lead to congestion and danger to all users of the adjacent highway.

- Free flow of traffic on the adjacent Highway

Previous scheme

Within the previous application, a single access was proposed on the east side of the frontage adjacent to the Esplanade Club.

#### Inspectors Conclusions

The Inspector accepted that a convenience store would not result in a significant increase in the overall number of traffic movements than the previous use as a petrol station. However, he concluded that vehicles turning right into the site (from the Prestatyn direction) would be mixed with other vehicles in the right turn lane intending to proceed onto the seafront, which would result in unacceptable conflict severely disrupting the free flow of traffic on the A548. The Inspector considered that this would be exacerbated as vehicles wishing to enter the site would find their access blocked by delivery vehicles.

#### Current proposal

The proposal is to operate an 'In' and 'Out' system, with the 'In' access to the site being restricted to the access point to the west of the frontage (see plans at front of report).

The applicant has amended the parking and service delivery arrangements within this current application and considers that the amended arrangements overcomes the concerns previously raised in respect of the right turn lane and free flow of traffic.

The Transport Statement submitted has quantified that the level of traffic entering the site as being up to 51 vehicles in the busiest hour of the day, and states that this figure does not take in to account the fact that there is the potential to attract a high level of walk-in customers from the densely populated area in the immediate vicinity of the site. The conclusion is that the proportion of car borne customers is likely to be lower than an average store. A comparison has been made to a store in Stoke on Trent.

Further comments have been provided in relation to passers-by and that it is more likely that customers would enter the site when it is on the same side of the road, this being reinforced by the location of the Premier Food store on the opposite side of the road towards Prestatyn, which would attract passers-by travelling towards Rhyl. On this basis the applicants have calculated that in the order of 4 vehicles would turn right into the site during the busiest hour of the day.

#### Assessment

Highways Officers continue to raise concerns in respect of traffic turning right into the site and its impact on the free flow and safety of traffic. The A548 is one of the main routes in and out of Rhyl, and within the holiday seasons there is a significant increase in the volume of traffic on the highway. It is considered that the slowing and turning of vehicles in the westbound lane would result in traffic backing up which would affect the free flow and safety of traffic.

Therefore for the above reasons, it is Officer's opinion, that the highway safety concerns relating to this proposal are significant and the proposal is therefore considered unacceptable, conflicting with policies GEN 6, TRA 6 and TRA 9.

#### 4.2.6 Flooding, Drainage & Contamination Issues

Flooding, drainage and contamination considerations are contained in policies ENP 4, ENP 6 and ENP 8 of the Unitary Plan. The requirement of the policies is to ensure new development has no unacceptable impacts on the locality in terms of flood risk, foul or surface water drainage and to the environment, water resources or property in relation to contamination.

In relation to flooding, the site is located within a Zone C1 floodplain as defined by TAN 15. The application refused planning permission in 2009 was submitted with a Flood Consequences Assessment and the Environment Agency are happy to consider this report, and consider the assessment to be acceptable subject to the imposition of conditions

With the previous application, and in discharging the conditions relating to contamination for the tyre, battery and exhaust permission, Environment Assessments & Decommissioning Reports, including Site Specific Risk Assessment Report and Ground Water Monitoring Reports have been submitted to and approved in writing by the Local Planning Authority in agreement with the Environment Agency. There are no objections in relation to contamination, however the Environment Agency have suggested a condition to ensure that if any contamination not previously identified is found to be present at the site, then no further development shall be carried out within further details being submitted to the Local Planning Authority.

The proposals are to pump foul water up from the site to connect with the existing main sewer, and to drain surface water via a soakaway. No objections are raised by consultees to the proposals subject to the inclusion of conditions.

It is not considered there are likely to be any adverse foul drainage impacts from the proposals.

#### 4.2.7 Design & Access Statement/Sustainability Code

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved.

This application has been accompanied by an acceptable Design & Access Statement and a Sustainability Statement. This application is for a non-domestic building, Welsh Assembly Guidance requires any non-domestic development over 1000m<sup>2</sup> or with a site area of over 1 ha to achieve BREEAM 'Very Good' rating. The proposed convenience store would have a floor area of approx 336 m<sup>2</sup> and a site area of 0.096ha and therefore exempt from this requirement. A Sustainability Statement setting out how the building will incorporate sustainable design measures.

#### 4.2.8 Ecological Impact

The application is a cleared, derelict site and it is not considered that there are any ecological implications in redeveloping the site.

**5. SUMMARY AND CONCLUSIONS:**

The principle of the development is considered acceptable within a Policy RET 10 area however it is not considered that the proposal makes adequate provision for the manoeuvring of service vehicles and the slowing and turning of vehicles entering the site would adversely impact upon the free flow of traffic on the adjacent highway resulting in danger to all users.

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

1. 1. It is the view of the Local Planning Authority that the proposal does not make adequate provision for the manoeuvring of service vehicles within the site, and is likely to result in vehicles reversing onto or manoeuvring on the adjacent highway detrimental to the safety and convenience of all highway users, contrary vi) and vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan.
2. 2. It is the view of the Local Planning Authority that the slowing and turning of vehicles into the site will adversely impact upon the free flow and safety of traffic, which would be contrary to through traffic interests and a likely source of danger to users, due to the heavy volume of traffic using the highway. The development would therefore be detrimental to the safety and convenience of all highway users, contrary to criteria vi) and vii) of Policy GEN 6, Policy TRA 6 and Policy TRA 9 of the Denbighshire Unitary Development Plan.

**NOTES TO APPLICANT: None**

**ITEM NO:** 6

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2011/0139/ PF

**PROPOSAL:** Erection of a detached dwelling ( 0.028 ha, of land)

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

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

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
'No objection.'

## WELSH WATER

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

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND INFRASTRUCTURE  
No objections, subject to conditions.

## DRAINAGE ENGINEER

Comments that in respect of the drainage objections that these relate to an existing private drain, which require private rights to connect. The applicant may require permission from other users. Highlights that, alternatively, a public sewer exists in the lane fronting the application, which may be capable of connection.

**RESPONSE TO PUBLICITY:**

Letters of representations received from:

**Objections:**

Mr. A. Evans, 4, Elm Grove, Rhyl (e-mail)Mr. & Mrs. Chadwick, 13, Rhyl Coast Road, Rhyl  
Mr David Lankshear, 17 Rhyl Coast Road

Summary of planning based representations;

Amenity – overshadowing and unacceptable loss of privacy, overlooking, additional noise and disturbance; overbearing effect; distance to/with 17 Coast Road is less than 21 metres.

Design – out of character with existing properties; cramped development; does not take into consideration the inter war character of the area, with houses overlooking a

green area; previous garages were single storey; dominant feature close to the Green Recreation area; inappropriate layout and space.

Highways and Access – concerns regarding existing, limited width and character of the land, being unsuitable for additional traffic, including limited entrance width with Elm Grove, involving parked cars; conflict with safety concerns; existing access road limited to 2.6 metres, over a distance of 200 metres.

Utilities, Drainage, Flooding & Contamination – proposed system inadequate and will cause additional problems to flooding of garden areas and foul sewer problems, potential for contamination, with previous garage building including asbestos containing materials; capacity and provisions of utilities questioned.

Planning policy and Precedent – gives rise to development of land to the rear of other properties; represents ‘garden grabbing’ - with recent government announcement that such proposals should be refused; PPW highlights that not all ‘brownfield’ land is suitable for development.

Sustainable Code for Homes – details in the submission fails to meet the criteria for ‘Lifetime Homes’.

**Comments:**

Mr. T. Harper, Grove Park Bowling & Social Club (e-mail)  
Summary of planning based representations;

Access – required at all times to the club site; no vehicles should be parked in the access road to the club or other premises on the road; if planning approved, that this is conditioned.

Materials delivered to the site are placed within the site perimeter.

**Support::**

Mr. & Mrs. G. T. Jones, 34, The Park, Ruthin, including a petition with 5 names, with local addresses

Summary of planning based representations:

Amenity – on the basis of undesirable activities and derelict state of garages, support the proposal.

**EXPIRY DATE OF APPLICATION: 07/04/2011**

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

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The proposal is a full planning application for the erection of a detached, 2 bedroom house 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.

1.1.2 The submitted plans indicate a hipped roof, 2 bed roomed house, with study area, with a ground floor area of approximately 50 m<sup>2</sup>, centrally positioned

within the site layout. The dwelling would be set back some 5 metres from the edge of the existing highway. The proposal includes the use of approximately 35 square metres of the existing, rear garden area of No 15, Coast Road. Maximum ridge height is indicated as 7.5metres (see plan at front of report).

- 1.1.3 The plans accompanying this report show details of the existing and proposed site layout, together with elevation plans. Proposed external materials include smooth render, with Marley concrete roof tiles. Proposed site surface drainage is indicated via a site storage tank with attenuation discharged either via a soakaway or tap. The layout details indicate a front and rear garden area, with two car parking spaces and a vehicular 'layby' / pull in arrangement along the site frontage.
- 1.1.4 The application includes a detailed Design and Access Statement and a code for Sustainable Homes Assessment. In brief, the statement includes 5 design objectives, with reference to existing character, social, economic, design and sustainability factors, including references to planning policies, together with the relevant planning history. A pre- assessment report , a requirement under the 'Code for Sustainable Homes' legislation, indicates a code score of 57.81% , a Code level 3 category.

## 1.2 Description of site and surroundings

- 1.2.1 The site previously accommodated a block of garages, now 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.
- 1.2.2 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.
- 1.2.3 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 lie 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.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the defined development boundary of Rhyl. The Bowling Green area, which lies to the south of the site, is designated as a protected green space area, under the current Unitary Plan.

## 1.4 Relevant planning history

- 1.4.1 A planning application relating to a detached dormer bungalow and single garage was withdrawn at the November Planning Committee. The Committee report recommended a refusal of planning permission on the basis of design and parking and highway issues. The plan accompanying this report includes a copy of the previously submitted plans.

## 1.5 Developments/changes since the original submission

- 1.5.1 None



### 1.6 Other relevant background information

1.6.1 Pre- application discussions included design and highway issues.

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

**Code No 45/2010/0830/PF** Erection of detached dormer bungalow and single garage on plot of land comprising former garage block and part – rear garden of 15 Rhyl Coast Road. WITHDRAWN 24/11/2010

**Code 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.”*

## 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)

#### Strategic Policies

1,5,,6,7,11,12,13,15,16

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

Draft SPG – Space Standards – April 12 Full Council report

#### Other Relevant Council publications/documents

Access for All

Access Statements

#### GOVERNMENT GUIDANCE

Planning Policy Wales 2011

TAN Flooding and developments

TAN 12 Design (as supplemented)

TAN 18 Transport

TAN 22 Sustainable Buildings

TAN 25 – Housing Design.

#### 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 and precedent

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.

Planning Policy Wales highlights that, wherever possible there is a preference to develop previously developed (brownfield) land, to Greenfield sites, including land which was previously occupied by a permanent building. Part of the site has previously been developed with the erection of 5 garages, now demolished. In this case, the proposals falls within the Planning Policy Wales guidance for utilising previously developed land.

Any proposal would have to be subject to individual 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 Council's Draft SPG on space standards provides guideline standards for minimum room and garden measurements.

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 one first floor, rear bedroom window, with a bathroom and landing window on the easterly gable.

No 15 Coast Road lies directly behind, to the north, and adjoins the proposed site. A 19 metre back to back, upper floor level distance can be achieved between the upper floors of the proposed dwelling and that of the rear, upper level of No 15 Coast Road. This is considered an acceptable distance to ensure reasonable amenity and privacy levels are maintained between 15 Coast Road. No other properties are directly involved in terms of potential 'back to back' or overlooking with high level habitable room windows. A bathroom window on the easterly, gable elevation can be obscured, for additional privacy. In the event of a planning approval, Officers consider it reasonable to suggest that this can be conditioned.

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 between 8 to 6 metres,

involving a reduction in the existing garden area of approximately 30%. No 15 Coast Road garden would be reduced in length, from 13 metres, to 9 metres. The proposed dwelling would be centrally positioned within the plot, with adequate amenity area and space around the site.

Having regard to the spacing and layout now proposed, the proposal is considered to respect the surrounding character and spacing between properties, with sufficient garden area retained for 15 Coast Road. The revised layout avoids a 'cramped' approach, one of the main concerns raised during the previous application. Additionally, the space and standards involved would comply with the Draft SPG standards.

In Officer's opinion, the proposal is considered to represent an improved approach to the site layout and design considerations to that of the previous proposal, in keeping with the existing character and amenities of the locality. It would be difficult to conclude that the proposal is capable of justifying a refusal under the above mentioned policies and SPG's in this case.

#### 4.2.3 Design.

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

During the previous proposal, there were a number of local objections based on the design of the dwelling. Pre- application discussions have included other, potential design approaches.

In taking into consideration the previous design concerns, Officers consider that the current Design and Access Statement accurately reflects the existing character. The proposal reflects the approach required in TAN 12.

In officers' opinion, it would be difficult not to support the design approach in this case, or to conclude that the proposal does not comply 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, including the potential for contamination.

Welsh Water has no objections to the application, subject to the inclusion of conditions, requiring construction of separate foul and surface water systems. The Environment Agency has previously confirmed- during the course of the previous application - that the site adjoins a flood zone, but has no objections to the proposal, and raises no issue in terms of the potential for site contamination. The Council's Drainage Engineer is aware of the issues raised in the objections and raised no objections in this case. At the time of writing the report, the agent is investigating the potential for public sewer connection.

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, and also in the event of the potential for contamination.

#### 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. The development would be in line with the Government's approach to maximising the sustainable use of land.

The approach road is an unadopted single vehicle width track with no formal passing places. The plot layout provides for two vehicles to park at the easterly side of the dwelling, with a 'pull in' arrangement at the front. The pull in provides an additional opportunity to be used as a passing bay for the benefit of the lane users.

In light of the site's previous garage use, and the absence of highway technical objections on this proposal involving a single dwelling, Officers do not consider that any concerns raised in respect of highway issues would warrant a refusal.

#### 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.

During the previous planning application, the County Biodiversity Officer had no objections. The proposal is therefore not considered likely to have an adverse effect on protected species, and is 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.

#### 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 pre- assessment indicates a Code Level 3. The provision of a 'Lifetime Home' is not an obligatory element of the regulations.

## **5 SUMMARY AND CONCLUSIONS:**

5.2 With due respect to the objections raised, including a potential precedent, Officers would highlight that all proposals have to be assessed on their own, individual merits, as detailed within this assessment and guidance available at the time. The site represents a 'brownfield' development, and, in light of the above assessment, officers consider that the proposal has overcome the main issues of concern highlighted during the previous planning application. The detailing of the dwelling is in keeping with the character of the locality and the site layout overcomes highway concerns.

5.3 The proposal has been assessed on its own merits, and merits support.

**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. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
3. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. No physical means of obstruction shall be provided along the length of the 'pull in' area identified on the site layout hereby approved.
6. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.
7. Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 2010.
8. **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.
9. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be

retained, and measures for their protection in the course of development.

- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
3. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of highway safety and amenities of the locality.
6. To ensure the proper drainage of the site and to minimise the risk of pollution.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. In the interests of visual amenity.
9. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

**NOTES TO APPLICANT:**

None

