

At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: Dydd Iau, 4 Medi 2014

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 10 MEDI 2014** am **9.30 am** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN LL15 1YN.**

Yn gywir iawn

G Williams
Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd

AGENDA

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD

Dylai'r Aelodau ddatgan unrhyw gysylltiadau personol neu sy'n rhagfarnu mewn unrhyw fusnes a nodwyd i'w ystyried yn y cyfarfod hwn.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhybudd o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion brys yn unol ag Adran 100B (4) Deddf Llywodraeth Leol, 1972.

4 COFNODION (Tudalennau 9 - 42)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 30 Gorffennaf 2014 (copi ynghlwm).

5 CEISIADAU AM GANIATÂD DATBLYGU (Tudalennau 43 - 186)

Ystyried y ceisiadau am ganiatâd datblygu (copïau ynghlwm).

6 CYN FAES PARCIO COETSIIS GRAIGFECHAN (Tudalennau 187 - 206)

Ystyried adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd i geisio ail-ystyriaeth ar gyfer cais cyf 45/2013/1545/PO

AELODAETH

Y Cynghorwyr

Y Cynghorydd Ray Bartley (Cadeirydd)

Y Cynghorydd Win Mullen-James (Is-Gadeirydd)

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
William Cowie
Ann Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Arnold Evans
Huw Hilditch-Roberts
Colin Hughes
Rhys Hughes
Alice Jones
Pat Jones

Margaret McCarroll
Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Paul Penlington
Arwel Roberts
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth
Y Wasg a'r Llyfrgelloedd
Cynghorau Tref a Chymuned

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT GAIFF Y CYFARFOD EI GYNNAL

Oni bai bod Cadeirydd y Pwyllgor yn nodi i'r gwrthwyneb, bydd trefn y prif eitemau yn dilyn yr agenda a nodwyd ar flaen yr adroddiad hwn.

Cyflwyniad cyffredinol

Bydd y Cadeirydd yn agor y cyfarfod am 9.30yb ac yn croesawu pawb i'r Pwyllgor Cynllunio.

Bydd y Cadeirydd yn gofyn a oes unrhyw ymddiheuriadau dros absenoldeb a datganiadau o fuddiannau.

Bydd y Cadeirydd yn gwahodd Swyddogion i roi cyflwyniadau byr i'r eitemau ar yr agenda.

Bydd Swyddogion yn amlinellau (fel ag sy'n briodol) eitemau a fydd yn cynnwys siarad cyhoeddus, ceisiadau ar gyfer gohirio, eitemau sydd wedi'u tynnu'n ôl, ac unrhyw eitemau Rhan 2 lle bydd y wasg a'r cyhoedd yn cael eu gwahardd. Bydd cyfeiriadau at unrhyw wybodaeth ychwanegol a ddosbarthwyd yn Siambr y Cyngor cyn dechrau'r cyfarfod, gan gynnwys y taflenni sy'n crynhoi cyflwyniadau/newidiadau hwyr (taflenni glas) ac unrhyw gynlluniau atodol neu ddiwygiedig sy'n ymwneud ag eitemau i'w trafod.

Mae'r 'Taflenni Glas' yn cynnwys gwybodaeth bwysig, gan gynnwys crynodeb o ddeunydd a dderbyniwyd mewn perthynas ag eitemau ar yr agenda rhwng cwblhau'r prif adroddiad a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn nodi trefn arfaethedig y ceisiadau cynllunio, sy'n cymryd i ystyriaeth unrhyw geisiadau i siarad yn gyhoeddus.

Mewn perthynas â threfn yr eitemau, bydd disgwyl i unrhyw Aelodau sydd am ddwyn eitem i'w thrafod wneud cais yn union ar ôl cyflwyniad y Swyddogion. Rhaid i unrhyw gais o'r fath fod yn gynnig ffurfiol a bydd pleidlais ar y cais.

Mae'r Pwyllgor Cynllunio yn cynnwys 30 o Aelodau Etholedig. Yn unol â phrotocol, mae'n rhaid i 50% o Aelodau'r Pwyllgor fod yn bresennol i sefydlu cworwm ac i sicrhau bod modd ystyried eitem a phleidleisio ar eitem.

Caiff Cynghorwyr Sir sydd ddim yn aelodau o'r Pwyllgor Cynllunio fynychu a siarad ar eitem, ond ni allant wneud cynnig, na phleidleisio.

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

Bydd y Cadeirydd yn cyhoeddi'r eitem sydd i'w thrafod nesaf. Mewn perthynas â cheisiadau cynllunio, cyhoeddir rhif y cais, sail y cynnig a'r lleoliad, yr Aelodau lleol perthnasol ar gyfer yr ardal, ac argymhelliad y Swyddog.

Os oes yna siaradwyr cyhoeddus ar eitem, bydd y Cadeirydd yn eu gwahodd i annerch y Pwyllgor. Os oes siaradwyr yn erbyn ac o blaid cynnig, gofynnir i'r siaradwr sydd yn erbyn i siarad yn gyntaf. Bydd y Cadeirydd yn atgoffa siaradwyr bod ganddynt hyd at 3 munud i annerch y Pwyllgor. Mae gan siarad cyhoeddus ei brotocol ei hunan.

Lle bo hynny'n berthnasol, bydd y Cadeirydd yn cynnig cyfle i'r Aelodau ddarllen unrhyw wybodaeth hwyr ar yr eitem ar y 'Taflenni Glas' cyn parhau.

Os oes unrhyw Aelod am gynnig y dylid gohirio eitem, gan gynnwys ceisiadau i Banel Archwilio Safle ymweld â'r safle, dylid gwneud y cais ynghyd â'r rheswm cynllunio, cyn unrhyw siarad cyhoeddus neu drafodaeth am yr eitem honno.

Cyn unrhyw drafodaeth, bydd y Cadeirydd yn gwahodd swyddogion i roi cyflwyniad cryno i'r eitem lle credir bod hyn yn werth chweil yng ngolau natur y cais.

Mae sgriniau arddangos yn Siambr y Cyngor a ddefnyddir i ddangos ffotograffau neu gynlluniau a gyflwynir gyda cheisiadau. Cymerir y ffotograffau gan Swyddogion i roi argraff gyffredinol i Aelodau o safle a'i amgylchedd, ac nid eu bwriad yw cyflwyno achos o blaid neu yn erbyn cynnig.

Bydd y Cadeirydd yn cyhoeddi bod yr eitem yn agored am drafodaeth ac yn rhoi cyfle i Aelodau siarad a rhoi sylwadau am yr eitem.

Os oes unrhyw gais wedi bod yn destun Panel Archwilio Safle cyn y Pwyllgor, bydd y Cadeirydd fel rheol yn gwahodd yr Aelodau hynny a fynychodd, gan gynnwys yr aelod lleol, i siarad yn gyntaf.

Yn achos yr holl geisiadau eraill, bydd y Cadeirydd yn gofyn i'r aelod(au) lleol siarad yn gyntaf, os yw ef/nhw yn dymuno gwneud hynny.

Fel rheol, rhoddir hyd at bum munud i Aelodau siarad, a bydd y Cadeirydd yn llywio'r drafodaeth yn unol â Rheolau Sefydlog.

Unwaith bod aelod wedi siarad, ni ddylai ef/hi siarad eto oni bai ei fod ef/hi am esboniad o bwyntiau a gododd yn y drafodaeth, a rhaid i hynny hefyd ddigwydd ar ôl i'r holl Aelodau eraill gael cyfle i siarad, a gyda chaniatâd y Cadeirydd.

Ar derfyn trafodaeth yr Aelodau, bydd y Cadeirydd yn gofyn i Swyddogion ymateb yn ôl yr angen i gwestiynau a phwyntiau a godwyd, gan gynnwys cyngor ar unrhyw benderfyniad sy'n mynd yn groes i'r argymhelliad.

Cyn symud ymlaen at y bleidlais, bydd y Cadeirydd yn gwahodd neu'n gofyn am eglurhad o gynigion ac eilyddion i'r cynigion o blaid neu yn erbyn argymhelliad y Swyddog, neu unrhyw benderfyniadau eraill sy'n gofyn am ddiwygiadau i gynigion. Pan gaiff cynnig ei wneud yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn am eglurhad o'r rheswm/rhesymau cynllunio dros y cynnig hwnnw, er mwyn i hyn gael ei gofnodi yng Nghofnodion y cyfarfod. Mae'n bosibl y bydd y Cadeirydd yn gofyn am sylwadau gan y Swyddog Cyfreithiol a Chynllunio am ddilysrwydd y rheswm/rhesymau a nodwyd.

Bydd y Cadeirydd yn gwneud cyhoeddiad i nodi bod y drafodaeth ar ben, a bod y pleidleisio i ddilyn.

Y drefn bleidleisio

Cyn gofyn i Aelodau bleidleisio, bydd y Cadeirydd yn cyhoeddi pa benderfyniadau a wnaed a sut fydd y bleidlais yn cael ei chynnal. Gellir gofyn am esboniad pellach ynghylch newidiadau, amodau newydd ac ychwanegol a rhesymau dros wrthod er mwyn sicrhau nad oes unrhyw amwysedd yn yr hyn y mae'r Pwyllgor yn pleidleisio o'i blaid neu yn ei erbyn.

Os yw unrhyw aelod yn gwneud cais am Bleidlais wedi'i Chofnodi, mae'n rhaid ymdrin â hyn yn gyntaf yn unol â'r Rheolau Sefydlog. Bydd y Cadeirydd a Swyddogion yn egluro'r drefn i'w dilyn. Bydd enwau bob un o'r Aelodau pleidleisio sy'n bresennol yn cael eu galw allan, a bydd gofyn i'r Aelod nodi a yw eu pleidlais o blaid neu yn erbyn rhoi caniatâd neu ymwrthod. Bydd Swyddogion yn cyhoeddi canlyniad y bleidlais ar yr eitem.

Os yw pleidlais arferol i ddigwydd trwy gyfrwng y system bleidleisio electronig, bydd y Cadeirydd yn gofyn i'r Swyddogion weithredu'r sgrin bleidleisio yn y Siambr, a phan ofynnir iddynt wneud hynny, mae'n rhaid i'r Aelodau gofnodi eu pleidlais drwy bwysu'r botwm priodol.

Mae gan Aelodau 10 eiliad i gofnodi eu pleidleisiau unwaith bo'r sgrin wedi ymddangos.

Os yw'r system bleidleisio electronig yn methu, gellir cynnal y bleidlais drwy ddangos dwylo. Bydd y Cadeirydd yn esbonio'r drefn sydd i'w dilyn.

Ar derfyn y bleidlais, bydd y Cadeirydd yn cyhoeddi'r penderfyniad ar yr eitem.

Pan fydd penderfyniad ffurfiol y Pwyllgor yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn i Aelodau gytuno'r broses a ddefnyddir i ddrafftio amodau cynllunio neu resymau dros wrthod, er mwyn rhyddhau'r Tystysgrif Penderfyniad (e.e. dirprwyo awdurdod i'r Swyddog Cynllunio, i'r Swyddog Cynllunio mewn cysylltiad ag Aelodau Lleol, neu drwy gyfeirio'n ôl i'r Pwyllgor Cynllunio ar gyfer cadarnhad).

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

TREFN BLEIDLEISIO

Atgoffir yr aelodau o'r drefn i'w dilyn wrth bleidleisio i roddi neu i wrthod caniatâd cynllunio. Bydd y Cadeirydd neu'r Swyddogion yn esbonio'r drefn i'w dilyn fel y bo angen.

Unwaith y bydd y sgriniau arddangos yn y Siambr wedi eu clirio yn barod ar gyfer y pleidleisio a phan fydd y sgrîn bleidleisio yn ymddangos, bydd gan y Cynghorwyr 10 eiliad i gofnodi eu pleidlais fel a ganlyn:

Ar y bysellfwrdd pleidleisio, pwyswch y

<p>+ i RODDI caniatâd - i WRTHOD caniatâd 0 i BEIDIO â phleidleisio</p>
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Neu yn achos eitemau Gorfodi:

<p>+ i AWDURDODI Camau Gorfodi - i WRTHOD AWDURDODI Camau Gorfodi 0 i BEIDIO â phleidleisio</p>
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Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun, ddydd Mercher 30 Gorffennaf 2014 am 9.30am.

PRESENNOL

Y Cynghorwyr J.R. Bartley (Cadeirydd), I.W. Armstrong, J. Chamberlain-Jones, W.L. Cowie, J.A. Davies, M.LI. Davies, R.J. Davies, R.L. Feeley (sylwedydd), M. Holland (sylwedydd), C. Hughes, H. Hilditch-Roberts, T.R. Hughes, E. A. Jones, M. McCarroll, W.M. Mullen-James, R.M. Murray, P.W. Owen, D. Owens, T.M. Parry, P. Penlington, A. Roberts, D. Simmons, B.A. Smith, W.H. Tasker, J. Thompson-Hill, C.H. Williams, C.L. Williams a H.O. Williams

HEFYD YN BRESENNOL

Pennaeth Cynllunio a Gwarchod y Cyhoedd (Graham Boase), Pennaeth y Gyfraith (Gary Williams), Rheolwr Rheoli Datblygu a Chydymffurfio (Paul Mead) Prif Swyddog Cynllunio (Ian Weaver), Uwch Beiriannydd Prifffyrdd (Mike Parker), Swyddog Cynllunio (Denise Shaw), Rheolwr Cynllunio Datblygu a Pholisi (Angela Loftus) Swyddog Iechyd yr Amgylchedd (Sean Awbery), Uwch Swyddog Cefnogi (Judith Williams), Rheolwr y Gwasanaethau Democrataidd (Steve Price) a Chyfieithydd (Sandra Williams).

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghr. J. A. Butterfield, S.A. Davies, P.M. Jones, J.S. Welch.

2 DATGAN CYSYLLTIAD

Datganodd y Cyng. Paul Penlington gysylltiad ag eitemau 2 ac 8, Ceisiadau am Ganiatâd Datblygu.

Datganodd y Cyng. Alice Jones gysylltiad ag eitem 6 ar y rhaglen.

Datganodd y Cyng. Colin Hughes gysylltiad ag eitemau 11 a 12, Ceisiadau am Ganiatâd Datblygu.

3 MATERION BRYD: Nid oedd unrhyw fater bryd.

4 COFNODION Y CYFARFOD A GYNHALIWDYD 14 MAI 2014

Cytunwyd eu bod yn gofnod cywir yn amodol ar newid y canlynol:

a) Dylai adran Ymddiheuriadau nodi'r Cyng. Ann Davies, nid y Cyng. Ann Jones

b) Siaradwr yr eitem gyntaf oedd Martin Bill, nid Bill Martin

c) Nid yw'r cofnodion yn dangos beth yw'r newidiadau sydd wedi eu gwneud i'r Protocol Ymweliadau Safle. Cytunodd Graham Boase y byddai'r protocol diwygiedig yn cael ei anfon at yr Aelodau ar ôl y cyfarfod.

d) Cafwyd eitemau amrywiol lle na chofnodwyd y ffigurau pleidleisio.

5 CEISIADAU AM GANIATÂD DATBLYGU

Adroddiad gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a gylchredwyd ymlaen llaw) yn ymwneud â cheisiadau a gyflwynwyd sydd angen penderfyniad y Pwyllgor.

PENDERFYNWYD:-

- (a) *Bod argymhellion y Swyddogion, fel y'u cynhwysir yn yr adroddiadau a gyflwynwyd, yn cael eu cadarnhau a bod caniatâd neu wrthodiad, yn ôl fel y bo'n digwydd, yn cael ei gyhoeddi fel y bo'n briodol dan y ddeddfwriaeth berthnasol mewn perthynas â:-*

Cais Rhif: 09/2014/0547/PF**Lleoliad:** **Tŷ'r Aer Bach, Llandyrnog, Dinbych****Disgrifiad:** Codi ysgubor pren ar gyfer dibenion storio a chreu arwyneb concrid.**Y drafodaeth gyffredinol:**

Dyweddodd y Cyng. Mervyn Parry ei fod yn cytuno ag argymhelliad y swyddog. Roedd arno eisiau amod yn ymwneud â'r deunyddiau oherwydd yr effaith ar Fryniau Clwyd. Hefyd, gan fod yr adeilad yn cael ei ddefnyddio ar gyfer anifeiliaid, teimlodd bod angen rhywfaint o reolaeth dros elifiant. Cynigiodd y Cyng. Parry y dylid cymeradwyo'r cais ac eiliwyd hynny gan y Cyng. Huw Hilditch Roberts.

Esboniodd Ian Weaver fod yr ymgeiswyr yn bwriadu gosod cladin pren ar yr adeilad, sy'n dderbyniol yn AHNE Bryniau Clwyd, a chadarnhaodd hefyd bod disgrifiad y cais yn nodi y byddai'r adeilad yn cael ei ddefnyddio at ddibenion 'storio' yn unig, felly pe bai'r ysgubor yn cael ei ddefnyddio i gadw anifeiliaid yna byddai'r ymgeisydd yn torri amodau'r caniatâd cynllunio. Dywedodd y gellid gosod amod i gyfyngu ar y defnydd os oes modd cyfiawnhau hynny.

Roedd ar y Cyng. Mervyn Parry eisiau cadarnhad bod y sied yn mynd i gael ei ddefnyddio ar gyfer storio pethau. Cadarnhaodd Ian Weaver mai dyna'r defnydd a nodwyd.

Cynigion:

Cynigiodd y Cyng. Mervyn Parry y dylid CYMERADWYO'R cais yn amodol ar yr amodau a nodir yn adroddiad y swyddogion yn ogystal ag amod ychwanegol yn ymwneud ag atal defnyddio'r adeilad ar gyfer da byw. Eiliwyd hyn gan y Cyng. Huw Hilditch-Roberts.

PLEIDLAIS:

CYMERADWYO - 25

YMATAL - 0

GWRTHOD - 0

RHODDWDYD CANIATÂD GYDAG AMOD YCHWANEGOL I ATAL DEFNYDDIO'R ADEILAD AR GYFER DA BYW.

Cais Rhif: 21/2014/360/PF

Lleoliad: Melinau Llifio Bryn Ffynnon, Llanferres

Disgrifiad: Newid defnydd rhan o adeilad amaethyddol ac iard gefn i ddefnydd busnes melin lifio, codi adeilad storfa bren sych a chadw meysydd parcio staff (cais rhannol ôl-weithredol)

Cyflwynwyd yr wybodaeth ychwanegol ganlynol i'r Pwyllgor yn y taflenni hwyr:

SYLWADAU HWYR

Ymgynghoreion:

Cydbwyllgor Ymgynghorol AHNE Bryniau Clwyd a Dyffryn Dyfrdwy (Sylwadau ar y manylion diwygiedig)

"Mae'r Cydbwyllgor Ymgynghorol yn nodi bod y disgrifiad a'r cynlluniau diwygiedig bellach yn cynnwys cadw'r maes parcio staff presennol sydd y tu allan i ffin y safle gwreiddiol. Mae'r Pwyllgor yn siomedig ac yn bryderus bod yr elfen yma o'r cynigion hefyd yn ôl-weithredol.

Mewn cyfarfod diweddar o'r Cydbwyllgor Ymgynghorol, mynegwyd pryderon gan rai Aelodau ynghylch maint cynyddol gweithrediadau'r safle a'r angen am gymryd gofal arbennig i sicrhau nad yw'r busnes yn fwy na chapasiti'r safle o ystyried y cyfyngiadau amgylcheddol a osodwyd gan ei lleoliad o fewn yr AHNE. Yn y cyd-destun hwn, mae gan y Cydbwyllgor Ymgynghorol bryderon difrifol ynghylch ymestyn yr ardal weithredol i gynnwys y lle parcio allanol a'r lle troi cysylltiedig. Byddai'n well gan y Cydbwyllgor Ymgynghorol gynnwys yr holl weithrediadau o fewn y safle presennol. Yn ogystal, mae tirlunio arfaethedig yr ardal barcio yn cynnwys ffens bren mawr a gwrych Leylandi nad yw'n cyd-fynd â'r lleoliad gwledig. Mae'r Cydbwyllgor Ymgynghorol hefyd yn awgrymu y byddai plannu coed a gwrychoedd yn cynnwys rhywogaethau brodorol ar dir cyfagos ym mherchnogaeth yr ymgeisydd yn helpu i guddio ac ymdoddi'r safle i'r dirwedd o'i gwmpas." (Polisiau Cynllun Rheoli'r AHNE: PCP1, PCP2 a PCP4)".

Siaradwyr Cyhoeddus:

Mr Mark Wilding (cymydog) - Yn erbyn

Dywedodd Mr Wilding fod y ddau gais sy'n cael eu trafod yma heddiw yn geisiadau ôl-weithredol a'r tu allan i'r safle amaethyddol gwreiddiol. Teimlodd, fel cymydog, bod yr amwynder yn cael ei erydu o ganlyniad i dorri amodau a osodwyd yn flaenorol. Mae'r sŵn, y llwch a'r aflonyddwch yn dominyddu eu mwynhad o'u tŷ eu hunain ac mae'r effaith erbyn hyn yn bell oddi wrth y math o aflonyddwch a brofwyd pan oedd y safle yn fferm deuluol fechan. Mae llythyrâu o wrthwynebiad wedi eu cyflwyno gan y tri chymydog agosaf. Dylai'r ffaith bod y safle o fewn AHNE ei gwneud yn ofynnol i geisiadau wella harddwch naturiol yr ardal. Nid yw'r cynnig yn creu digon o fudd economaidd i orbwysu'r niwed felly teimlai Mr Wilding y dylai'r cais gael ei wrthod.

Mr Mathew Davies (ymgeisydd) – O blaid

Eglurodd Mr Davies bod y cynigion yma ar gyfer prosiect arallgyfeirio a bod y cais gerbron y Pwyllgor yn rhan o strategaeth rheoli gwastraff ar gyfer y busnes. Mae'r cais mewn dwy ran. Mae'r rhan gyntaf yn cynnwys codi sied yn lle'r un a ddymchwelodd oherwydd eira mawr a'r ail ran yn cynnwys maes parcio ar gyfer staff. Eglurodd Mr Davies y byddai'r adeilad newydd yn cael ei ddefnyddio ar gyfer dibenion storio ac yn helpu i weithredu fel rhwystr acwstig rhwng safle'r cais a'r cymdogion. Eglurodd hefyd y byddai'r maes parcio newydd yn cael ei guddio gyda ffensys newydd a rhywogaethau a gytunwyd arnynt gan Gydbwyllgor Ymgynghorol yr AHNE.

Y drafodaeth gyffredinol:

Dywedodd y Cyng. Martyn Holland (Aelod Lleol) bod hwn yn gais anodd iddo gan ei fod yn deall sylwadau'r ddwy ochr. Fodd bynnag, roedd yn teimlo y byddai'n gwneud synnwyr defnyddio'r gwastraff o'r felin lifio i gynhyrchu ynni. Dywedodd y Cyng. Holland ei fod yn ymwybodol o'r materion yn ymwneud â sŵn sydd wedi eu codi yn y gorffennol a theimlodd y byddai codi sied newydd yn helpu i liniaru rhai o'r problemau yma. Fodd bynnag, teimlodd y Cyng. Holland, os oes unrhyw waith i'w wneud yn y sied, yna fe ddylid cau'r drysau er mwyn lleihau'r amhariad. Yr unig bryder gwirioneddol sydd gan y Cyng. Holland yw'r maes parcio newydd i staff. Roedd yn teimlo ei fod wedi ei leoli'n agos iawn at yr eiddo cyfagos a'i fod yn debygol o gael effaith ar y trigolion. Awgrymwyd y dylai'r amodau gael eu cadw'n dyn er mwyn rheoli defnydd y maes parcio ac atal yr ardal rhag cael ei defnyddio at unrhyw ddiben arall ac eithrio parcio i staff.

Cefnogodd y Cyng. Huw Williams argymhelliad y Swyddog oherwydd teimlodd bod yr ymgeiswyr wedi ceisio gweithio gyda'r gymuned a'u cymdogion. Dywedodd fod yr ymgeiswyr yn darparu 12 o swyddi yn yr AHNE a bod y rhain i'w croesawu. Cynigiodd y Cyng. Williams y dylid cymeradwyo argymhelliad y swyddog, eiliwyd hyn gan y Cyng. Huw Hilditch-Roberts.

Roedd y Cyng. Mervyn Parry hefyd yn cefnogi'r cais a theimlodd y byddai edrychiad y safle yn gwella drwy godi sied newydd gan fod y dreif newydd eisoes yn welliant mawr. Teimlodd hefyd y byddai'r maes parcio newydd yn ychwanegiad da ac na fyddai'n broblem.

Eglurodd Ian Weaver (Prif Swyddog Cynllunio) y byddai'r maes parcio newydd yn oddeutu 37 metr oddi wrth y tŷ cyfagos ac y byddai'r ffens newydd a'r gwrych yn lliniaru'r effaith weledol. Derbyniodd nad oedd hyn yn ateb delfrydol ond teimlodd, dan yr amgylchiadau, nad oedd y cynigion yn cyfiawnhau gwrthod yr argymhelliad. Cytunodd y byddai rheolau llymach ar y maes parcio yn ychwanegiad rhesymol at yr amodau.

Cadarnhaodd Sean Awbery (Rheoli Llygredd) ei fod wedi monitro'r safle a bod y sŵn o fewn y lefelau sŵn a argymhellir ac, os yw'r amodau blaenorol yn cael eu cadw, nad oedd yn gweld unrhyw broblem.

Dywedodd y Cyng. Huw Hilditch-Roberts bod y safle'n edrych yn well yn ddiweddar. Gofynnodd a fu unrhyw broblem efo mwg neu aroglau, neu unrhyw dorri amodau. Cefnogodd y Cyng. Roberts y Cyng. Williams a chanmolodd yr ymgeiswyr ar eu llwyddiant. Teimlodd fod yr amodau sydd

eisoes yn yr adroddiad yn deg ac atgoffodd y Pwyllgor fod Sir Ddinbych yn "agored i fusnes".

Gofynnodd y Cyng. Meirick Lloyd Davies a oes modd cytuno ar ddefnyddio'r maes parcio ar gyfer ceir yn unig. Roedd arno hefyd eisiau gwybod a oes modd gwneud mwy i leihau sŵn ac a allai'r ymgeiswyr ystyried defnyddio deunyddiau a fyddai'n helpu i leihau effaith sŵn. Dywedodd fod y Cydbwyllgor Ymgynghorol wedi codi nifer o bwyntiau a gafodd eu hadrodd ar y daflen sylwadau hwyr ac roedd arno eisiau gwybod a allai'r rhain gael eu cymryd i ystyriaeth wrth greu amodau cryfach.

Cadarnhaodd Ian Weaver nad oes cofnod o dorri unrhyw amod o ran sŵn ac nad oes unrhyw gam gweithredu wedi ei gymryd mewn perthynas â'r mater hwn. Roedd yn teimlo y gellid gosod amod rhesymol i gyfyngu defnydd y maes parcio, ond byddai angen i rywun gynnig hyn. Roedd yn derbyn bod y Cydbwyllgor Ymgynghorol wedi mynegi pryderon ynghylch y plannu, ond y gallai hyn gael ei reoli wrth gymeradwyo'r amodau.

Teimlodd Graham Boase fod y drafodaeth ar effaith sŵn, arogl ac ati yn rhywbeth a fyddai wedi bod yn fwy perthnasol petai defnydd newydd yn cael ei gynnig. Fodd bynnag, mae'r egwyddor o ran y defnydd wedi ei dderbyn, mae'r busnes wedi ei sefydlu ac mae'r sied yn cael ei gynnig ar gyfer dibenion storio. Tynnodd sylw at y ffaith nad oedd Swyddog Rheoli Llygredd y Cyngor wedi dod o hyd i achos o dorri amodau o fewn y gweithrediad presennol. Teimlodd Mr Boase y gellir diwygio Amod 6 i atal cerbydau nwyddau trwm rhag defnyddio'r maes parcio.

Nid oedd ar y Cyng. Martyn Holland eisiau gweld gormod o amodau ond nid oedd ychwaith eisiau gweld cerbydau nwyddau trwm yn defnyddio'r maes parcio dros nos gerllaw eiddo cyfagos.

Cynigion:

Cynigiodd y Cyng. Huw Williams y dylid CYMERADWYO'R cais yn amodol ar ddiwygio Amod 6 i wahardd defnyddio'r maes parcio ar gyfer cerbydau nwyddau trwm. Eiliwyd hyn gan y Cyng. Huw Hilditch-Roberts

PLEIDLAIS:

Ar roi'r cais i'r bleidlais:

Cymeradwyo - 22

Ymatal - 0

Gwrthod - 0

FELLY RHODDWDYD CANIATÂD

Cais Rhif: 21/2014/0427/PF**Lleoliad:** **Melinau Llifio Bryn Ffynnon, Llanferres, yr Wyddgrug****Disgrifiad:** (i) Gosod 2 foeler biomas i wasanaethu busnes melin lifio bresennol ac annedd (ii) Codi adeilad storfa bren sych**Siaradwyr Cyhoeddus:****Mr Peter Jelley (cymydog) - Yn erbyn**

Dywedodd Mr Jelley ei fod yn siarad ar ran ei deulu a dau gymydog arall sy'n byw'n agos at y felin lifio. Esboniodd Mr Jelley bod boeler biomas eisoes wedi ei osod ar y safle tua 9 mis yn ôl heb ganiatâd ynghyd â strwythurau ac offer eraill. Dywedodd bod y boeleri yn allyrru mwg 24 awr y dydd, 7 diwrnod yr wythnos. Mae'r cymdogion wedi dioddef o lwch, mwg ac arogl drwg byth ers hynny gan nad yw'r ymgeisydd yn defnyddio'r tanwydd cywir. Mae hyn wedi golygu nad yw'r teulu, ar adegau, wedi gallu defnyddio eu gardd. Roedd yn teimlo y dylai'r math hwn o fusnes gael ei weithredu mewn parc busnes, nid mewn parc gwledig a bod y cais hwn yn berygl iechyd difrifol i'r cymdogion cyfagos. Felly, roedd yn argymhell yn gryf bod yr Aelodau'n gwrthod y cais.

Mr Mathew Davies (ymgeisydd) – O blaid

Eglurodd Mr Davies fod y felin lifio yn cynhyrchu pren gwastraff ac yn unol ag arweiniad Llywodraeth Cymru a Chyngor Sir Ddinbych penderfynwyd gweithredu strategaeth rheoli gwastraff a lleihau eu hól troed carbon. Yn 2013 gosodwyd 2 foler yn y felin lifio gan gwmni cyfrifol. Ers gosod y boeleri hyn nid yw'r ymgeiswyr wedi defnyddio unrhyw olew ar gyfer gwresogi. Mae'r cais gerbron yr Aelodau heddiw yn gofyn am ganiatâd i symud y boeleri oherwydd y problemau a brofir gan gymdogion yn sgil y mwg. Mae'r gosodiadau wedi eu pasio gan y gosodwyr ac adran llygredd Cyngor Sir Ddinbych. Dim ond pren sych newydd sy'n cael ei ddefnyddio yn y boeleri, gan fod yr holl ddeunydd gwastraff arall yn cael ei gludo oddi ar y safle. Bydd y boeleri yn cael eu cuddio gan goed o rywogaeth a argymhellir gan y Cydbwyllgor Ymgynghorol.

Y drafodaeth gyffredinol:

Eglurodd Ian Weaver y cais hwn drwy ddweud nad yw'r cais yn gofyn am osod boeleri newydd ond, yn hytrach, yn gofyn am symud y boeleri i leoliad arall sy'n bellach oddi wrth eiddo cyfagos. Tynnodd sylw at y cynllun a oedd yn dangos lleoliad y boeleri a'r storfa bren sych.

Dywedodd y Cyng. Holland (Aelod Lleol) nad oedd yn arbenigwr ar foeleri biomas ond, mewn egwyddor, maent yn swnio fel opsiwn da. Eglurodd bod cwynion wedi dod i law gan y cymdogion a chydabu'r ffaith, oherwydd y tywydd diweddar, bod hyn wedi cael mwy o effaith oherwydd bod pobl yn treulio mwy o amser y tu allan. Roedd y cwmni boeleri wedi cynghori'r ymgeisydd nad oedd angen caniatâd cynllunio arno. Roedd yn meddwl tybed a ddylai'r Cyngor ysgrifennu at gorff cenedlaethol i esbonio iddynt fod angen caniatâd cynllunio.

Cynigiodd y Cyng. Huw Williams y dylid cymeradwyo'r cais. Eiliwyd hyn gan y Cyng. Rhys Hughes.

Roedd y Cyng. Mervyn Parry wedi ymweld â'r safle a dywedodd, er nad yw'n gwybod llawer am foeleri biomas, nad oeddent yn swnllyd ac mai dim ond tician y maent. Weithiau gellir gwneud camgymeriadau wrth ddysgu sut i ddefnyddio'r boeleri hyn. Gan eu bod yn bwriadu symud y boeleri yn agosach at eu tŷ eu hunain, teimlodd mai'r ymgeisydd yn hytrach na'r cymdogion fyddai'n dioddef fwyaf os oes unrhyw broblem.

Esboniodd Ian Weaver fod y boeleri yn cael eu defnyddio i gynhesu dŵr ac os defnyddir nhw'n gywir yna ni ddylent greu problemau. Fodd bynnag, nid oes unrhyw sicrwydd na fyddai mwg yn cael ei greu ond, y cwestiwn yw, a yw hyn yn ddigon i achosi problem. Mae llawer o waith wedi ei wneud i sicrhau'r effaith leiaf yn y lleoliad newydd.

Eglurodd Sean Awbery (Rheoli Llygredd) ei fod wedi monitro'r safle hwn a'i fod yn cefnogi'r cais i symud y boeleri yn bellach oddi wrth eiddo cyfagos. Nid oedd wedi bod yn dyst i unrhyw niwsans statudol yn sgil y boeleri presennol.

Cadarnhaodd Ian Weaver bod nifer o gwmnïau yn rhoi'r cyngor anghywir ond y cwbl y gall y Cyngor ei wneud yw dweud wrth bobl am ofyn am gyngor gan yr Adran Gynllunio cyn iddynt fwrw ymlaen â phrosiectau. Fodd bynnag, mae'r cais hwn wedi ei gyflwyno i geisio rheoleiddio'r sefyllfa a gallem ond delio gyda'r cais gerbron y Pwyllgor.

Datganodd y Cyng. Penlington gysylltiad gan mai ewythr ei wraig yw'r pensaer.

Roedd y Cyng. Huw Hilditch-Roberts braidd yn ddryslyd. Clywodd y siaradwr cyntaf yn dweud pa mor ddrwg oedd y mwg, dywedodd y Swyddog Llygredd nad oedd unrhyw niwsans statudol a bod yr ymgeisydd yn gofyn am ganiatâd i symud y boeleri yn bellach oddi wrth y safle presennol. Dywedodd pe bai Aelodau yn gwrthod y cais hwn yna byddai'r sefyllfa anfoddfaol bresennol yn parhau.

Esboniodd y Cyng. Meirick Lloyd Davies fod y siaradwr wedi crybwyll ffotograffau o fwg yn dod allan o'r boeleri mor bell i ffwrdd â Moel Famau ac roedd arno eisiau gwybod os oedd y swyddogion wedi gweld lluniau hyn.

Esboniodd Ian Weaver ei fod yn deall pam fod y gwrthwynebwyr yn gwrthwynebu ond teimlodd ei fod yn well cymeradwyo'r boeleri a rheoli'r gwaith yn hytrach na gwrthod a gadael pethau fel y maent.

Cydnabu Sean Awbery y byddai'r boeleri yn gollwng mwg ar adegau ond, cyhyd â nad ydynt yn achosi niwsans statudol, y byddai'n hapus i'w cefnogi.

Eglurodd Graham Boase fod y boeleri hyn ar gael yn fasnachol ac os ydynt yn cael eu gosod a'u defnyddio'n gywir ni ddylent achosi problem, a theimlodd bod y cais hwn yn welliant ar y sefyllfa bresennol.

Roedd y Cyng. Martyn Holland yn fodlon cefnogi'r cais gan ei fod yn gwneud synnwyr i ddefnyddio'r deunyddiau gwastraff. Yr oedd hefyd yn fodlon rhoi amod yn ei le os oes niwsans statudol yn y dyfodol.

Cynigiodd y Cyng. Huw Williams y dylid cymeradwyo'r cais yn unol ag argymhelliad y Swyddog. Eiliwyd hyn gan y Cyng. Rhys Hughes.

PLEIDLAIS:

CYMERADWYO - 24

YMATAL - 1

GWRTHOD - 0

Felly, RHODDWDYD caniatâd yn amodol ar yr amodau a nodwyd yn adroddiad y Swyddogion.

Cais Rhif: 23/2014/0375/PO**Lleoliad:** Tir ger Llys Gwilym, Llanrhaeadr, Dinbych**Disgrifiad:** Datblygu 0.53 hectar o dir drwy godi 15 annedd breswyl a chreu mynediad newydd i gerbydau (cais amlinellol yn cynnwys mynediad a chynllun)**Y drafodaeth gyffredinol:**

Siaradodd y Cyng. Richard Davies ar ran y Cyng. Joe Welch yn ei absenoldeb. Roedd yn cefnogi'r Cyngor Cymuned ac roedd o'r farn y dylid rhoi caniatâd cynllunio gyda'r amodau a nodwyd yn adroddiad y swyddogion.

Cynigiodd y Cyng. Rhys Hughes yr argymhelliad ac eiliwyd hynny gan y Cyng. Mervyn Parry.

Cwestiynodd y Cyng. Meirick Lloyd Davies y datganiad gan y datblygwyr sy'n sôn y byddant o bosibl yn ychwanegu at nifer y bobl ddi-Gymraeg yn y datblygiad ond na fyddai hynny'n gynnydd sylweddol. Roedd arno eisiau gwybod sut cafwyd y ffigyrau hynny a sut bu iddynt ddod i'r casgliad hwnnw.

Gofynnodd y Cyng. Colin Hughes sut fyddai'r elfen tai fforddiadwy yn cael ei chyfrifo ar gyfer datblygiad o'r fath.

Gofynnodd y Cyng. Bill Cowie a yw'r Swyddogion Priffyrdd yn rhagweld unrhyw broblem wrth weithredu'r cyfyngiadau cyflymder newydd a grybwyllwyd yn adroddiad y swyddog.

Pwysleisiodd Graham Boase fod y Canllawiau Cynllunio Atodol a fabwysiadwyd yn glir iawn ar dai fforddiadwy ac argymhellodd bod yr Aelodau yn darllen y rhain yn drylwyr cyn ymdrin â materion ar dai fforddiadwy gan fod y canrannau wedi eu hegluro'n glir yn y canllawiau.

Eglurodd Ian Weaver, os oes 10 neu fwy o anheddau yna mae'n amlwg y gellir darparu 1 uned. Fodd bynnag, os oes 5 annedd ar ben hynny, yna byddai taliad swm cymudol yn ddyledus ar gyfer y gyfran honno. Mae'r Adran Briffyrdd yn fodlon y gallai'r arwydd cyflymder gael ei symud os bydd y cais yn cael ei ganiatáu. I ateb cwestiwn y Cyng. Meirick Lloyd Davies ynglŷn â'r iaith Gymraeg, esboniodd Ian bod yr hyn yr oedd wedi ei ddyfynnu yn rhan o gais yr ymgeiswyr ac nad oedd wedi gweld unrhyw ddogfen sy'n cynnwys ffigyrau ar ba ganran o newid sy'n gwneud cais yn dderbyniol neu'n annerbyniol o ran ei effaith ar yr iaith a'r diwylliant. Mae'r Cynllun Datblygu Lleol eisoes wedi mynd trwy asesiad iaith Gymraeg ac mae hwn yn un o'r safleoedd a ddyrannwyd yn y cynllun a gymeradwywyd.

Cynigion:

Cynigiodd y Cyng. Rhys Hughes y dylid RHOI caniatâd cynllunio. Eiliwyd y cynnig gan y Cyng. Mervyn Parry.

CYMERADWYO - 23
YMATAL - 1
GWRTHOD - 1

Felly, RHODDWYD caniatâd yn amodol ar yr amodau a nodwyd yn adroddiad y Swyddogion.

Cais Rhif: 25/2014/0337/PFT

Lleoliad: Hafoty Ddu, Saron, Dinbych

Disgrifiad: Codi tyrbin gwynt echel llorweddol 55 metr o uchder ac 850kW gyda thri llafn 26 metr, trac mynediad cysylltiedig ac adeilad is-orsaf

Siaradwr Cyhoeddus:

Mr Richard Welch (Yn erbyn)

Roedd swyddogion wedi mynegi pryder cychwynnol ynghylch effaith weledol a sŵn. Eglurodd bod y Pwyllgor wedi gwrthod cais ar gyfer fferm wynt Gorsedd Bran yn 2008 a bod nifer o apeliadau wedi eu cyflwyno a oedd yn cynnwys casgliadau bod y trigolion wedi cael digon. Er bod yr apeliadau yn ymwneud â chynnig llawer mwy, dywedodd Mr Welch bod yna hefyd safle cymeradwy arall am 16 o dyrbinau yn Mrenig.

Er bod y cais presennol wedi ei gyfiawnhau yn wreiddiol fel 'arallgyfeirio fferm', dywedodd Mr Welch bod y Swyddog wedi anghytuno â hyn gan deimlo y dylid ei ystyried yn fenter fasnachol.

Dywedodd Mr Welch hefyd bod yr holl sylwadau a dderbyniwyd yn erbyn y cais gan bobl leol a bod y rhan fwyaf o'r rheini sy'n cefnogi cais yn byw y tu allan i'r ardal. Mae'r Cyngor Cymuned yn gwrthwynebu'r cynnig.

Roedd arno eisiau gwybod beth sydd wedi newid ers i ymgynghorydd tirlun y Cyngor ddisgrifio'r ardal fel ardal hynod sensitif a theimlodd y gallai caniatáu'r cais hwn osod rhagesiampl ac y gallai mwy o dyrbinau gael eu codi ar hyd y grib.

Teimlodd Mr Welch nad oedd y fenter fasnachol yn gorbwysu'r effaith ar y trigolion lleol ac anogodd y Pwyllgor i wrthod y cais.

Mr Rheinallt Williams (o blaid)

Teimlodd Mr Williams nad oedd y farn a fynegwyd gan y Cyngorau Cymuned yn eu gwrthwynebiad yn adlewyrchu barn y rhan fwyaf o'r gymuned. Petai'r gwrthwynebwyr yn darllen y Datganiad Amgylcheddol a gyflwynwyd fel rhan o'r cais, byddent yn gweld bod eu pryderon yn cael sylw.

Teimlodd Mr Williams bod y dirywiad yn yr iaith Gymraeg yn ganlyniad i ddiffyg cyfleoedd i bobl leol a theimlodd y byddai ceisiadau o'r fath yn diogelu cyflogaeth leol.

Eglurodd Mr Williams fod y Swyddog wedi rhoi darlun teg a chytbwys o'r cynnig a dywedodd y bydd y prosiect yn creu digon o ynni i fodloni gofynion mwy na 300 o dai yn yr ardal leol.

Y drafodaeth gyffredinol:

Roedd y Cyng. Huw Williams yn cefnogi argymhelliad y swyddog ac felly cynigiodd y dylid cymeradwyo'r cais. Eiliwyd hyn gan y Cyng. Richard Davies.

Dywedodd y Cyng. Meirick Lloyd Davies ei fod yn ymwybodol o fferm wynt Tir Mostyn a gofynnodd am eglurhad ynghylch lleoliad y tyrbín newydd.

Roedd y Cyng. Mervyn Parry yn cefnogi'r cais a dywedodd bod ceisiadau tyrbinau gwynt bob amser yn codi materion sensitif. Teimlodd fod swyddogion wedi gwneud gwaith manwl ar y cais ac felly roedd yn teimlo'n gyfforddus i gefnogi argymhelliad y swyddog.

Dywedodd y Cyng. Colin Hughes ei fod wedi cefnogi prosiectau arallgyfeirio amaethyddol yn y gorffennol ond roedd arno eisiau gwybod pa dargedau'r Llywodraeth sy'n bodoli ar gyfer cynhyrchu ynni gwynt.

Dangosodd Denise Shaw (Swyddog Cynllunio) lle'r oedd y tyrbín gwynt yn mynd i gael ei osod. O ran targedau tyrbinau gwynt, mae'r rhain yn cael eu pennu gan lywodraeth y Deyrnas Unedig a thrwy bolisiâu Llywodraeth Cymru ac yn cael eu mynegi mewn oriau gigawat.

Gofynnodd y Cyng. Dewi Owen a oes Adran 106 yn gysylltiedig â'r cynnig hwn.

Eglurodd Denise Shaw nad oedd yn ystyriaeth gynllunio berthnasol i sicrhau budd cymunedol trwy Adran 106 ond bod y rhain weithiau yn cael eu cynnig fel rhan o geisiadau tyrbinau gwynt mawr.

Cynigion:

Cynigiodd y Cyng. Huw Williams y dylid CYMERADWYO'R cais yn amodol ar yr amodau a nodwyd yn adroddiad y Swyddogion. Eiliwyd hyn gan y Cyng. Richard Davies.

PLEIDLAIS:

CYMERADWYO - 19

YMATAL - 0

GWRTHOD - 6

FELLY RHODDWDYD CANIATÂD

Cais Rhif: 43/2014/262/PF

Lleoliad: Ysgol Uwchradd Prestatyn, 2 Princes Avenue,
Prestatyn

Disgrifiad: Codi estyniad ar oledd i'r canopi a gosod decin/llwyfan gyda seddau pren ar y glaswellt i greu ardal/awditoriwm perfformio awyr agored a chodi ffens rwyllau 2 metr o uchder o amgylch.

Cyflwynwyd yr wybodaeth ychwanegol ganlynol yn y taflenni hwyr:

SYLWADAU HWYR

Unigolion preifat

Gan:

Mrs Merriel Jones, 88 Meliden Road, Prestatyn, Sir Ddinbych

- Crynodeb o'r sylwadau
Yn dilyn cyfarfod ar y safle a derbyn sicrwydd y bydd lechyd yr Amgylchedd yn monitro'r lefelau sŵn, mae'r unigolyn yn dymuno tynnu ei wrthwynebiad yn ôl.

Phil Pierce, Pennaeth Ysgol Uwchradd Prestatyn

- Crynodeb o'r sylwadau:
Bydd y cynnig yn cefnogi cyflwyno'r celfyddydau creadigol yn ogystal â chreu man cwrdd ychwanegol ar gyfer gweithgareddau fel gwasanaethau. Mae'n fodlon cynnwys cyfyngiadau cynllunio i leihau'r effaith ar gymdogion.

Y drafodaeth gyffredinol:

Dywedodd y Cyng. Julian Thompson-Hill fod y cais hwn yn ceisio rheoleiddio gweithgareddau presennol sy'n digwydd ar sail fwy anffurfiol. Byddai ei roi mewn strwythur mwy ffurfiol yn helpu i leddfu problemau sy'n cael eu profi ar hyn o bryd. Wrth reswm, mi fydd yna rywfaint o sŵn; fodd bynnag, mae'r amodau yn ceisio lliniaru'r effaith honno. Cynigiodd y Cyng. Julian Thompson-Hill argymhelliad y Swyddog. Eiliwyd hynny gan y Cyng. Bob Murray.

Gofynnodd y Cyng. Meirick Lloyd Davies a ellid pennu lefel dderbyniol o sŵn gan ei fod yn teimlo y byddai'n rhaid i Swyddogion fod yn bresennol i fonitro'r sefyllfa.

Roedd gan y Cyng. Win Mullen-James bryderon ynghylch agosrwydd y datblygiad at gymdogion a dywedodd y byddai'r strwythur newydd hefyd yn cael ei ddefnyddio yn ystod y dydd fel ystafell ddosbarth ychwanegol, yn ogystal ag ar gyfer gweithgareddau gyda'r nos. Teimlwyd y gallai hyn greu sŵn drwy'r dydd.

Mae'r Cyng. Penlington yn byw'n agos iawn at y safle hwn a chadarnhaodd mai'r unig adeg y mae hyn yn achosi problem yw ar ddiwrnod chwaraeon a bod yr ardal hon eisoes yn cael ei monitro gan ddisgyblion drwy'r dydd, felly

teimlodd na fyddai'r cynnig hwn yn gwaethygu pethau, dim ond ffurfioli'r hyn sydd eisoes ar y safle.

Cadarnhaodd Paul Mead (Rheolwr Datblygu) bod yr ardal yn cael ei defnyddio ar hyn o bryd a bod yr ysgol yn ysgol Cyngor Sir Ddinbych. Nid oes angen gosod gormod o amodau ac fe ddylai'r Cyngor ymdrechu i weithio gyda chymdogion i sicrhau perthynas cytûn.

Holodd y Cyng. Meirick Lloyd Davies a oedd modd i'r Cyngor orfodi amodau yn erbyn yr ysgol. Cadarnhaodd Gary Williams y Swyddog Cyfreithiol nad yw'n arfer mabwysiedig i'r Cyngor gymryd camau gorfodi yn erbyn ei hun a theimlodd bod digon o reolaethau y gallai'r cyhoedd ddibynnu arnynt os oes unrhyw broblem.

Cynigion:

Cynigiodd y Cyng. Julian Thompson-Hill argymhelliad y Swyddog i ROI caniatâd cynllunio. Eiliwyd hyn gan y Cyng. Bob Murray.

PLEIDLAIS:

CYMERADWYO - 21

YMATAL - 0

GWRTHOD - 3

FELLY RHODDWDYD CANIATÂD

Cais Rhif: 43/2014/0609/PF**Lleoliad:** 79 Stryd Fawr, Prestatyn**Disgrifiad:** Newid defnydd y llawr 1af a'r 2il lawr i ddarparu 3 fflat un ystafell wely hunangynhwysol a grisiau mynediad allanol**Siaradwr Cyhoeddus:****Mr Goodwin (o blaid)**

Mae'r cynnig yn ceisio dod â'r lloriau uwchben uned adwerthu ar y Stryd Fawr yn ôl i ddefnydd. Mae Polisi BSC7 yn cefnogi troi eiddo yn fflatiau hunangynhwysol ac mae hyn yn arbennig o berthnasol mewn ardaloedd canol tref.

Eglurodd Mr Goodwin mai dim ond un preswlydd lleol sydd wedi gwrthwynebu'r cynnig a hynny oherwydd mynediad gwael i gerddwyr sydd wedi ei ddatrys yn ddigonol o fewn y cais.

Tynnwyd sylw at adroddiad y Swyddog a oedd yn nodi angen am fannau agored a thai fforddiadwy. Cydnabu Mr Goodwin yr angen am fan agored, ond cwestiynodd yr angen am dai fforddiadwy gan fod y cynnig yn ceisio darparu 3 fflat a fyddai'n fforddiadwy oherwydd y byddan nhw'n is na'r trothwy ar gyfer lefelau incwm lleol.

Y drafodaeth gyffredinol:

Cyflwynodd Paul Mead yr eitem a chydabu fod yna deimlad cyffredinol ymhlith Aelodau ynghylch y ddarpariaeth o fflatiau yn y sir ac ychydig o ofn bod fflatiau yn achosi problemau oherwydd y math o breswylwyr y maent yn denu a'r anawsterau y gallai hyn eu creu mewn rhai ardaloedd. Fodd bynnag, yn y lleoliad dan sylw, cyn belled â bod y fflatiau yn bodloni'r safonau gofod o fewn y CCA, teimlodd eu bod yn dderbyniol. Mae'r gofyniad ar gyfer cymysgedd o dai yn golygu bod fflatiau fel y rhain yn dderbyniol. Er bywiogrwydd a hyfywedd canol trefi mae gofyn bod lloriau uchaf unedau adwerthu yn cael eu defnyddio yn hytrach na chael eu gadael yn wag. Esboniodd Mr Mead bod angen darparu tai fforddiadwy fel rhan o'r argymhelliad i ganiatáu datblygiad. Yn anffodus, nid oedd yr wybodaeth yn ymwneud â gwerth y fflatiau arfaethedig wedi ei chynnwys fel rhan o'r cais ac felly nid oedd modd gwybod a oedd yr unedau hyn yn fforddiadwy ai peidio. Gellir ymdrin â hyn nes ymlaen pan rydym yn cymeradwyo unrhyw amod.

Dywedodd y Cynghorydd Julian Thompson-Hill bod y Cyngor Tref wedi gwrthwynebu'r cynnig hwn ac yn cydnabod bod y cynnig rwan yn nodi llai o unedau er mwyn cwrdd â'r safonau gofod cyfredol. Fodd bynnag, dim ond un rhan o'r gwrthwynebiad oedd hynny. Teimlodd y byddai'r grisiau allanol yn broblem ac nad yw'r cais yn bodloni'r gofynion amwynder yn ddigonol mewn lleoliad yng nghanol y dref. Os yw Aelodau yn cymeradwyo'r cais, yna byddai'n hoffi gweld amod ychwanegol ar y deunyddiau i orchuddio'r grisiau allanol. Cynigiodd y dylid gwrthod y cais. Eiliwyd hyn gan y Cyng. Bob Murray.

Gofynnodd y Cyng. Meirick Lloyd Davies a oes man wedi ei neilltuo ar gyfer sychu dillad a chadw biniau. Gofynnodd hefyd a fyddai to yn cael ei osod ar y grisiau allanol presennol.

Cytunodd y Cyng. Bob Murray â barn yr Aelodau eraill a dywedodd y gallai hyn fod yn rhagesiampl ar gyfer fflatiau un ystafell wely o fewn y sir ac felly ni allai gefnogi'r cais.

Dywedodd y Cyng. Rhys Hughes bod y Cyngor Tref wedi gwrthwynebu oherwydd diffyg man parcio ceir ond holodd a oes meysydd parcio o gwmpas yr ardal gan fod llawer o lefydd o amgylch y sir heb lefydd parcio.

Aeth Paul Mead drwy rai o'r pwyntiau a godwyd. Nid oedd yn teimlo y byddai problem gyda'r amod ychwanegol yn ymwneud â'r grisiau a dywedodd fod y grisiau wedi bod yno ers sawl blwyddyn a'u bod yn ddihangfa dân yn wreiddiol. Teimlodd Mr Mead na fyddai'r grisiau allanol yn niweidio unrhyw amwynder preswyl gan fod yr eiddo yn bennaf yn cefnu ar ardal fasnachol. Eglurodd hefyd fod yna faes parcio mawr gerllaw a rhai meysydd parcio oddi ar y stryd.

Dywedodd y Cyng. Penlington bod yr holl feysydd parcio ym Mhrestatyn yn rhai talu ac arddangos.

Gofynnodd Graham Boase i'r Cyng. Julian Thompson-Hill ddarparu rhywfaint o eglurhad ynghylch y rhesymau dros wrthod y cais os oes pleidlais i fod ar ei gynnig ef.

Dywedodd y Cyng. Julian Thompson-Hill mai'r rheswm dros wrthod yw'r effaith annerbyniol ar amwynder oherwydd y grisiau allanol.

Cynigiodd y Cyng. Rhys Hughes y dylid caniatáu'r datblygiad. Eiliwyd hynny gan y Cyng. Huw Hilditch-Roberts.

Cynigion:

Cynigiodd y Cyng. Julian Thompson-Hill y dylid GWRTHOD y cais oherwydd nad yw'r grisiau allanol yn darparu amwynder preswyl digonol. Eiliwyd hyn gan y Cyng. Bob Murray.

Cynigiodd y Cyng. Rhys Hughes y dylid CYMERADWYO'R cais yn amodol ar yr amodau yn adroddiad y swyddogion ac amodau ychwanegol o ran y deunyddiau ar gyfer y grisiau allanol a'r ardal bin/sychu dillad. Eiliwyd hyn gan y Cyng. Huw Hilditch-Roberts.

PLEIDLAIS:

CYMERADWYO - 13

YMATAL -1

GWRTHOD - 11

RHODDWDYD CANIATÂD GYDAG AMODAU YCHWANEGOL YN YMWNEUD Â'R GRISIAU ALLANOL A'R ARDAL CADW BINIAU/SYCHU DILLAD.

Cais Rhif: 43/2014/0664/PF

Lleoliad: Ysgol Iau Bodnant, Ffordd Nant Hall, Prestatyn

Disgrifiad: Codi estyniadau ac ailfodelu'r ysgol, creu mynediad newydd i gerbydau, parcio, manau chwarae caled, tirlunio a gwaith cysylltiedig

Y drafodaeth gyffredinol:

Teimlodd y Cyng. Julian Thompson-Hill fod y problemau gyda'r cais hwn yn ymwneud â chludiant, parcio a'r effaith ar ardaloedd preswyl cyfagos. Cafwyd cryn dipyn o ymgynghori mewn perthynas â'r cais hwn a llawer o addasiadau. Teimlodd mai hwn yw'r cais gorau y gellid gobeithio amdano o ystyried yr amgylchiadau ac felly cynigiodd bod y cais yn cael ei ganiatáu. Eiliwyd hyn gan y Cyng. Peter Owen.

Cynigion:

Cynigiodd y Cyng. Julian Thompson-Hill argymhelliad y Swyddog i ROI caniatâd cynllunio. Eiliwyd hyn gan y Cyng. Peter Owen.

PLEIDLAIS:

CYMERADWYO - 24

YMATAL - 1

GWRTHOD - 0

FELLY RHODDWDYD CANIATÂD

Eitem: 9

Tudalen: 117

Cais Rhif: 45/2014/0037/PS

Lleoliad: Yr Hen Ganolfan Adnoddau Plant, Ysgol Plas Cefndy,
South Meadow, Ffordd Cefndy, Y Rhyl

Disgrifiad: Amrywio amod rhif 1 y cais gwreiddiol/cymeradwyaeth
45/2008/0601 i ymestyn y defnydd a ganiateir am 5
mlynedd arall

Y drafodaeth gyffredinol:

Ni chafwyd unrhyw drafodaeth ar yr eitem hon.

Cynigion:

Cynigiodd y Cyng. Jeanette Chamberlain-Jones argymhelliad y Swyddog i
ROI caniatâd. Eiliwyd y cynnig gan y Cyng. Cheryl Williams.

PLEIDLAIS:

CYMERADWYO - 25

YMATAL - 0

GWRTHOD - 0

FELLY RHODDWDYD CANIATÂD

Cais Rhif: 45/2014/0042/PF

Lleoliad: Tir yn Ystâd Fasnachol Cefndy, Ffordd Derwen, y Rhyl

Disgrifiad: Codi 24 annedd gan gynnwys 22 o dai fforddiadwy, mynediad, parcio, mannau agored a thirlunio

Cyflwynwyd yr wybodaeth ychwanegol ganlynol yn y taflenni hwyr:

SYLWADAU HWYR

Ymgynghoreion:

Cyngor Tref y Rhyl

"Gwrthwynebu ar sail gormod o dai cymdeithasol yn unol â Pholisi BSC 4 o'r Cynllun Datblygu Lleol a fabwysiadwyd -

"... er budd creu a chynnal cymunedau cymysg cynaliadwy, bydd cynigion ar gyfer 100% o dai fforddiadwy yn cael eu hystyried ar gyfer safleoedd gyda 10 uned neu lai."

Dŵr Cymru

Dim sylwadau.

Y drafodaeth gyffredinol:

Croesawodd y Cyng. Margaret McCarroll y cais hwn gan ei fod yn creu tai fforddiadwy a chyflogaeth sydd wir eu hangen yn yr ardal. Cynigiodd y Cyng. McCarroll argymhelliad y Swyddog. Eiliwyd y cynnig hwn gan y Cyng. Jeanette Chamberlain-Jones.

Dywedodd y Cyng. Meirick Lloyd Davies bod y cais hwn yn golygu colli tir cyflogaeth a holodd pam bod y cais yma'n wahanol i'r cais a gafodd ei wrthod am resymau tebyg yn y Rhyl.

Dywedodd y Cyng. Win Mullen-James fod y tir hwn yn mewn parth llifogydd ac roedd arni eisiau sicrwydd bod y mater yma wedi ei ddatrys.

Dywedodd y Cyng. Jeanette Chamberlain-Jones fod y cynnig hwn yn cysylltu â thai presennol cyn cyrraedd y parc diwydiannol, sy'n rhoi dilyniant naturiol yn hytrach na chreu rhan o'r parc diwydiannol. Mae cymdogion presennol y safle yn croesawu'r datblygiad tai hwn ac mae'n well ganddynt weld tai yn hytrach na pharc diwydiannol wrth eu hymyl.

Nododd Paul Mead y sylwadau o gefnogaeth gan yr Aelodau. Cadarnhaodd bod y safle hwn yn cael ei ddyrannu ar gyfer cyflogaeth yn y Cynllun Datblygu Unedol a bod hyn wedi ei ddwyn ymlaen i'r Cynllun Datblygu Lleol. Fodd bynnag, bu apêl cynllunio ar y safle gwreiddiol, a oedd yn fwy, yn dilyn gwrthod y cais oherwydd bod y gymhareb tai a chyflogaeth yn annerbyniol. Teimlodd yr arolygydd apêl fod hyfywedd economaidd y safle yn golygu na fyddai defnydd masnachol o 100% yn dderbyniol, ac y byddai cymhareb nes at 50/50 preswyl/masnachol yn fwy priodol. Teimlodd Mr Mead bod y cydbwysedd cywir bellach wedi'i sefydlu. Y newid mwyaf yn y cynnig, o

gymharu â'r cynnig a wrthodwyd, yw bod 22 allan o'r 24 annedd yn fforddiadwy. Mae hyn yn unol â'r polisi o beidio â chynnig datblygiadau sy'n cynnwys 100% o dai fforddiadwy. Mae perygl llifogydd wedi cael sylw a'r bwriad yw codi wal fwnd i amddiffyn rhag llifogydd. Mae Cyfoeth Naturiol Cymru yn hapus efo hyn.

Gofynnodd y Cyng. Meirick Lloyd Davies a oedd y 'bwnd' arfaethedig wedi ei awgrymu gan Gyfoeth Naturiol Cymru gan nad yw byndiau blaenorol yn y sir wedi bod yn ddigonol.

Dywedodd Mr Mead fod y cynnig hwn ar gyfer 'wal' yn hytrach na 'bwnd'. Eglurwyd y byddai codi lefelau'r lloriau ar y safle yn annerbyniol oherwydd bod y tai cyfagos yn fyngalos.

Cynigion:

Cynigiodd y Cyng. McCarroll y dylid RHOI caniatâd yn unol ag argymhelliad y Swyddog. Eiliwyd y cynnig gan y Cyng. Jeanette Chamberlain-Jones.

PLEIDLAIS:

CYMERADWYO - 24

YMATAL - 0

GWRTHOD - 1

FELLY RHODDWDYD CANIATÂD

Cais Rhif: 46/2014/0436/PS

Lleoliad: Tir ar ochr ogleddol Bryn Gobaith, Bryn Gobaith, Llanelwy

Disgrifiad: Dileu Amod rhif 15 caniatâd cynllunio amlinellol rhif 46/2013/0802 yn gofyn am gynllun o welliannau ar gyffordd Mount Road/Bryn Gobaith ac arafu traffig ar Mount Road a Bryn Gobaith.

Cyflwynwyd y llythyrau ychwanegol canlynol a oedd yn cynnwys sylwadau:

SYLWADAU HWYR

Ymgynghoreion:

Dŵr Cymru

Mae angen ailadrodd yr angen i gynnwys amodau perthnasol a nodiadau ymgynghorol (cyfeirir atynt yn adroddiad y Swyddog).

Y drafodaeth gyffredinol:

Ni chafwyd unrhyw drafodaeth ar yr eitem hon.

Cynigion:

Cynigiodd y Cyng. Dewi Owen bod y cais hwn yn cael ei ohirio tan y bydd ymweliad safle wedi ei gynnal. Eiliwyd y cynnig hwn gan y Cyng. Meirick Lloyd Davies.

PLEIDLAIS:

Drwy godi dwylo cafodd yr eitem hon ei gohirio.

GOHIRIO - 24

YMATAL - 1

Eitem: 12

Tudalen: 153

Cais Rhif: 46/2013/1222/PF

Lleoliad: Tir ym Mhlanhigfa Bronwylfa, Bryn Gobaith, Llanelwy

Disgrifiad: Codi 15 annedd ar wahân a chreu mynedfa newydd i gerbydau ar 1.44 hectar o dir.

Mewnosod sylwadau hwyr.

Y drafodaeth gyffredinol:

Ni chafwyd unrhyw drafodaeth ar yr eitem hon.

Cynnig:

Cynigiodd y Cyng. Dewi Owen bod y cais hwn yn cael ei ohirio tan y bydd ymweliad safle wedi ei gynnal oherwydd materion diogelwch y ffyrdd. Eiliwyd y cynnig hwn gan y Cyng. Meirick Lloyd Davies.

PLEIDLAIS:

Drwy godi dwylo cafodd yr eitem hon ei gohirio.

GOHIRIO - 23

YMATAL - 1

Cais Rhif: 47/2014/0577/PC

Lleoliad: **Tŷ Capel, Waen, Llanelwy**

Disgrifiad: Cadw estyniad ystafell wydr.

Y drafodaeth gyffredinol:

Esboniodd y Cyng. Barbara Smith fod y cais hwn wedi bod yn destun camau gorfodi. Er nad oedd hi'n hoffi ceisiadau cynllunio ôl-weithredol, mae'n well ganddi dderbyn cais ôl-weithredol na dim cais o gwbl.

Cynigion:

Cynigiodd y Cyng. McCarroll y dylid RHOI caniatâd yn unol ag argymhelliad y Swyddog. Eiliwyd y cynnig gan y Cyng. Bill Cowie.

PLEIDLAIS:

CYMERADWYO - 24

YMATAL - 0

GWRTHOD - 1

FELLY RHODDWDYD CANIATÂD

Cais Rhif: 47/2014/0579PC

Lleoliad: Capel y Waen, Waen, Llanelwy

Disgrifiad: Cadw mynedfa i gerbydau a grëwyd yn flaenorol a newidiadau i greu mynedfa newydd i'r anabl ac ardal barcio/droi

Cyflwynwyd yr wybodaeth ganlynol i'r Pwyllgor yn y taflenni hwyr:

SYLWADAU HWYR

Sylwadau o gefnogaeth gan:

Y Cyng. Bobby Feeley (Cefnogwr Pobl Hŷn ac Aelod Arweiniol Gofal Cymdeithasol)

Pwysleisiodd werth y gwasanaeth gwirfoddol a ddarperir yn yr eiddo a chefnogodd y camau gweithredu i gael cyfaddawd i'r sefyllfa o ran mynediad a pharcio.

Y drafodaeth gyffredinol:

Unwaith eto esboniodd y Cyng. Barbara Smith fod y datblygiadau wedi bod yn destun camau gorfodi. Fodd bynnag, awgrymodd fod yr ymgeiswyr wedi gwneud ymdrech sylweddol o ran y manylion i wneud hwn yn gynig llawer mwy diogel.

Esboniodd Mike Parker fod hwn wedi bod yn sefyllfa anodd, yn enwedig o ystyried mai cais ôl-weithredol ydyw. Roedd y trefniadau mynediad a grëwyd yn flaenorol yn beryglus ond credodd mai'r opsiwn gorau yw'r opsiwn sy'n cael ei gynig yn y cais hwn.

Diolchodd y Cyng. Meirick Lloyd Davies i'r Swyddogion am eu gwaith caled gyda'r mater hwn gan ei fod wedi bod yn anodd.

Cynigion:

Cynigiodd y Cyng. Arwel Roberts y dylid CYMERADWYO'R cais yn unol ag argymhelliad y Swyddog. Eiliwyd y cynig gan y Cyng. Meirick Lloyd Davies.

PLEIDLAIS:

CYMERADWYO - 22

YMATAL - 1

GWRTHOD - 2

FELLY RHODDWDY CANIATÂD

EITEM RHAGLEN RHIF 6

ADRODDIAD GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

BRIFF DATBLYGU BODELWYDDAN

Datganodd y Cyng. Alice Jones, yr Aelod Lleol, gysylltiad yn yr eitem hon gan ei bod yn berchen ar eiddo cyfagos ac yn Aelod o Grŵp Gweithredu Bodelwyddan. Roedd y Cyng. Jones wedi llenwi ffurflen Datgan Cysylltiad ac wedi cael gwybod cyn y cyfarfod gan y Swyddog Cyfreithiol nad oedd ei chysylltiad yn rhagfarnu.

Mae llythyr hwyr gyda sylwadau wedi dod i law gan Grŵp Gweithredu Bodelwyddan. Cylchredwyd y llythyr i'r Aelodau.

Cyflwynodd Angela Loftus yr eitem ac eglurodd fod y Briff Datblygu wedi ei gynhyrchu i ychwanegu manylion i gefnogi Polisi BSC5 y Cynllun Datblygu Lleol. Ysgrifennwyd yr adroddiad hwn yn dilyn ymgynghoriad llawn ar y fersiwn drafft. Mae'r adroddiad presennol yn dangos y newidiadau sydd wedi eu gwneud yn dilyn yr ymgynghoriad. Mae cais cynllunio amlinellol wedi ei dderbyn ar gyfer y safle ond nid yw'n cael unrhyw effaith ar yr adroddiad hwn.

Os caiff y briff ei gymeradwyo, byddai'n ystyriaeth gynllunio berthnasol.

Er budd yr Aelodau, amlinellodd Angela yr wybodaeth a gynhwysir yn y papurau gwahanol.

Cafwyd digwyddiad ymgysylltu â'r gymuned yn fuan yn y broses, a hwyluswyd gan "Planning for Real", a helpodd i lywio'r gwaith ar y briff drafft. Wedi hyn cyflwynwyd adroddiad ar y briff i Grŵp Llywio'r Cynllun Datblygu Lleol ac yna fe gyflwynwyd adroddiad i'r Pwyllgor Cynllunio yn gofyn am ganiatâd i gynnal ymgynghoriad. Cytunodd y Pwyllgor Cynllunio i gynnal ymgynghoriad deufis ar y briff. Daeth yr ymgynghoriad i ben ar 6 Mai achafwyd 107 o ymatebion.

Mae'r prif faterion yn ymwneud ag:

- effaith trafndiaeth, gan gynnwys trafndiaeth adeiladu
- ffordd gyswllt trwy'r datblygiad
- yr effaith ar yr ardal gadwraeth a'r Eglwys Farmor
- gofynion ar gyfer byfferau tirwedd o amgylch yr ymyl a thu ôl i Marble Church Grove
- perygl llifogydd a draenio
- lleoliad yr ysgol
- yr angen am gyflogaeth

Y prif newidiadau arfaethedig:

- Eglurhad o fynediad y safle (dim mynediad o flaen yr Eglwys Farmor, dim trafndiaeth adeiladu drwy'r pentref nac ar hyd y ffordd o flaen yr Eglwys Farmor)
- Cyfeiriad ychwanegol at y ffordd gyswllt o gyffordd 26 a Sarn Lane
- Manteisio i'r eithaf ar fioamrywiaeth
- Cyfeiriad at yr AHNE

- Diwygiadau i'r prif gynllun i gynnwys byfferau tirwedd
- Nodi llwybr y ffordd gyswllt fel ffordd ddangosol
- Cynllun o'r estyniad i iard Eglwys y Santes Margaret
- Canllawiau dylunio ychwanegol i amddiffyn Eglwys y Santes Margaret
- Mwy o bwyslais ar lwybrau troed a llwybrau beicio
- Cyfeiriad ychwanegol at gartrefi am oes

Esboniodd y Cyng. Alice Jones mai pryder mwyaf y gymuned yw llwybr y ffordd gyswllt. Soniodd y Cyng. Jones am y ddau gynllun, un a oedd yn rhan o bapurau'r Pwyllgor ac un y cyfeirir ato fel y cynllun BE sy'n dangos llwybr gwahanol (mae'r cynllun BE wedi ei gylchredeg i'r Aelodau fel rhan o'r papurau hwyr yn y daflen las).

Dywedodd y Cyng. Jones bod Grŵp Aelodau Ardal Elwy wedi cael gwybod gan y datblygwyr nad ydynt yn bwriadu datblygu ffordd gyswllt fawr. Roedd hyn yn siom gan fod y grŵp ar ddeall bod hyn yn elfen allweddol o'r safle strategol allweddol. Dywedwyd wrthynt mai'r bwriad yn awr yw creu stryd droellog. Teimlwyd y byddai hyn yn rhannu'r safle strategol allweddol yn ddau. Nid dyma'r hyn a ragwelwyd. Ni ymgynghorwyd â'r Grŵp ar y cynllun cyfredol. Mae Grŵp Llywio'r Cynllun Datblygu Lleol wedi dewis y cynllun gwreiddiol, sy'n dangos ffordd ar hyd ffin y safle, fel yr opsiwn a ffafrir. Dywedodd y Cyng. Jones na fyddai tref Bodelwyddan yn dref unedig a chanddi gymuned unedig petai ffordd yn cael ei hadeiladu ar draws ei chanol.

Dywedodd y Cyng. Jones hefyd bod yr arolygydd wedi edrych ar hyfywedd yn ystod yr archwiliad o'r Cynllun Datblygu Lleol a'i fod wedi gofyn am ddatganiad llawn o sefyllfa ariannol Barwoods ar gyfer y safle strategol allweddol. Dangosodd y datganiad bod y datblygwyr wedi neilltuo £30 miliwn ar gyfer y safle. O ganlyniad i'r sefyllfa ariannol gref hon barnodd yr arolygodd bod y Cynllun Datblygu Lleol yn gynllun cadarn. Felly dyma pam y mae'r Cyng. Jones yn teimlo nad oes modd ystyried hyfywedd yn broblem ar hyn o bryd.

Eglurodd Angela Loftus y ffaith bod y cynllun a ddosbarthwyd wedi ei gymryd o adroddiad MMDA Bodelwyddan a gynhyrchwyd gan y BE Group/Faber Maunsell yn 2007. Crëwyd y cynllun ar yr un adeg yr oedd y Cyngor yn edrych ar nifer o wahanol opsiynau ar gyfer y Cynllun Datblygu Lleol. Roedd y Cyngor yn edrych ar wahanol ardaloedd gyda'r bwriad o ddyrannu safle strategol allweddol. Mae'r cynllun a gylchredwyd yn rhan o opsiwn a awgrymwyd a fyddai hefyd yn galluogi datblygu darn arall o dir i'r gorllewin o Fodelwyddan i greu parc lorïau HGV a chanolfan gynadledda ac ati. Mae'r cynllun yn ddogfen gefndir hanesyddol ac ni ddatblygwyd y cynllun fel rhan o archwiliad y Cynllun Datblygu Lleol, ond fe ffurfiodd ran o'r "llyfrgell" o wybodaeth gefndirol. Dangosodd ymgynghoriad a gynhaliwyd gan y Cyngor yn 2008, cyn archwilio'r Cynllun Datblygu Lleol, y potensial ar gyfer datblygiad gyda ffordd gyswllt drwyddo (nid ar hyd ffin y safle). Cynhaliwyd ymgynghoriad cyhoeddus ar yr opsiwn yma. Nid oedd cynllun adroddiad y BE Group yn rhan o'r ymgynghoriad hwn, ond roedd yn rhan o'r dogfennau a archwiliwyd. Roedd pob dogfen a oedd wedi ffurfio tystiolaeth gefndir i lywio datblygiad y Cynllun Datblygu Lleol a'r drafodaeth ar y safle wedi ei chyflwyno ynghyd â'r dogfennau a oedd yn ystyried safleoedd strategol allweddol posibl yn y Rhyl a Llanelwy.

Drwy gydol cyfnod yr ymgynghoriad dangoswyd llwybr y ffordd yn mynd drwy'r datblygiad, nid ar hyd ffin y safle. Yn 2009, edrychodd Gweithgor y Cynllun Datblygu Lleol ar wahanol opsiynau a oedd yn dangos y ffordd yn mynd drwy'r safle ac nid o'i gwmpas. Cyflwynwyd Briff Datblygu drafft i Arolygydd y Cynllun Datblygu Lleol fel rhan o'r llyfrgell arholi. Ystyriwyd hyn gan y Gweithgor ac roedd yn cynnwys prif gynllun gyda llinell yn dangos ffordd drwy'r safle, nid o'i gwmpas.

Roedd y Briff Datblygu drafft a ymgynghorwyd arno hefyd yn nodi ffordd ddangosol drwy'r safle, nid o'i amgylch, a chytunodd y Grŵp Llywio a'r Pwyllgor Cynllunio i ymgynghori ar yr opsiwn hwn. Fodd bynnag, o'r ymatebion a dderbyniwyd, teimlwyd bod angen eglurhad pellach yn y briff i ddangos y ffordd gyswllt yn gliriach. Yn ogystal, yn y cyfarfod cyhoeddus a drefnwyd gan Grŵp Gweithredu Datblygu Bodolwyddan, cytunwyd ar gynnig bod angen ffordd gyswllt wedi ei chreu'n briodol o gylchfan parc busnes Llanelwy drwy'r safle i Sarn Lane. Adlewyrchwyd hyn yn y rhan fwyaf o'r sylwadau a dderbyniwyd gan y cyhoedd. Ni dderbyniwyd unrhyw sylw a oedd yn crybwyll ffordd osgoi o amgylch y safle na ffordd ffiniol. Os yw ffordd yn cael ei hadeiladu o gwmpas y safle yna byddai dal angen ffordd arall trwy'r safle er dibenion mynediad. Bydd datblygiad cyflogaeth a phreswyl ar y safle a byddai ffordd drwy'r canol yn darparu mynediad i'r ddau. Byddai llwybr masnachol hyfyw i fysiau hefyd yn cael ei greu ar hyd y ffordd. Byddai cyfle hefyd i ddarparu llwybr cerdded/beicio o gwmpas y safle. Fodd bynnag, byddai'n anoddach darparu hyn os oes ffordd osgoi o amgylch y safle.

Byddai union llwybr y ffordd yn rhywbeth a fyddai'n cael ei drafod fel rhan o gais cynllunio manwl. Yn ystod cam y Briff Datblygu fodd bynnag y cwbl sydd angen ei nodi yw llwybr dangosol rhwng Cyffordd 26 a Sarn Lane.

Eglurodd Mike Parker (Priffyrdd) y byddai'r ffordd gyswllt yn treiddio i mewn i'r datblygiad ac yn darparu mynediad da o'r A55 a Sarn Lane. Dywedodd Mr Parker hefyd y byddai llwybr i gerddwyr/beicwyr yn fwy addas o amgylch y tu allan i'r safle.

Teimlodd y Cyng. Meirick Lloyd Davies bod y Cyng. Jones wedi amlinellu'r sefyllfa'n dda. Roedd Bryn Cwnin (y Rhyl) yn ffordd gyswllt na weithiodd yn dda. Byddai ffordd o amgylch y safle yn caniatáu i ambiwlansiau a cherbydau brys eraill fynd o gwmpas y safle yn gynt. Roedd yn synnu ac yn siomedig bod priffyrdd yn cefnogi opsiwn y ffordd gyswllt. Yn y cyfarfod agored y bu iddo fynychu roedd yn gwbl glir iddo fod ar y cyhoedd eisiau ffordd a oedd yn mynd o amgylch y safle. Teimlodd y byddai ffordd lai drwy'r safle yn y pen draw yn llawn ponciau arafu. Anogodd yr Aelodau i beidio â gwrando ar y Swyddogion.

Dywedodd Graham Boase mai briff datblygu dangosol yw hwn, nid cais cynllunio manwl. Y cysyniad cyffredinol yw bod angen ffordd drwy'r safle fel rhan o'r safle. Ei argymhelliad yw na ddylid newid paragraff 6.29 ar dudalen 215. Byddai modd trafod y manylion ar ôl i'r cais cynllunio gael ei gyflwyno. Fodd bynnag, petai'n rhaid iddo ef fel cynllunydd ddewis yr opsiwn orau, yna byddai'n rhaid iddo ddweud mai'r ffordd gyswllt drwy'r safle yw'r ateb dylunio gorau ac nid ffordd ar hyd ffin y safle

Dywedodd y Cyng. Arwel Roberts bod y Cyng. Smith, yng nghyfarfod y Grŵp Llywio, wedi cynnig y dylai'r ffordd fynd "o amgylch" y safle ac nid "drwyddo". Teimlodd bod cynnig y Cyng. Jones yn gynnig teg.

Eglurodd Graham Boase fod tudalen 1 yn cynnwys sylwadau hwyr gan Grŵp Gweithredu Datblygiad Bodelwyddan; maent yn gofyn am ffordd briodol "trwy'r" safle. Dyma'n union sy'n cael ei gynnig yn y Briff Datblygu. Dylid gadael y manylion tan y bydd y cais cynllunio manwl wedi dod i law. Mae geiriad y Briff Datblygu yn briodol i osod y cysyniadau cyffredinol.

Teimlodd y Cyng. J. Chamberlain-Jones bod yn rhaid iddi anghytuno â Graham Boase. Byddai ffordd gyswllt yn achosi problemau tebyg i'r rhai a brofir gan drigolion Ffordd Bryn Cwnin. Mae cael mesurau lleddfu trafndiaeth ar y ffordd hon wedi bod yn gostus ac wedi cymryd cryn amser i'w datrys. Teimlodd y Cyng. Chamberlain-Jones mai rŵan yw'r amser i wneud newidiadau er mwyn sicrhau nad yw'r ffordd yn cael ei hadeiladu drwy ganol y safle.

Cytunodd y Cyng. Mervyn Parry â'r Cyng. Jones. Teimlodd y dylai'r ffordd allu gwrthsefyll prawf amser gan fod ffyrdd yn mynd yn brysurach ac na fyddai ar bawb eisiau gyrru drwy'r safle. Teimlodd y byddai'r ffordd o amgylch y safle o fudd i'r ardal ehangach yn hytrach na dim ond y safle datblygu.

Dywedodd y Cyng. Rhys Hughes pe bai'n o'n ddatblygwr, na fyddai o'n creu ffordd o amgylch y safle oherwydd y byddai hynny'n atal datblygu'r tir ar yr ochr arall yn y dyfodol.

Teimlodd Graham Boase fod newid y Briff Datblygu fel y cynigir yn cael gwared ar yr opsiwn o ffordd gyswllt, ond bwriad y Briff Datblygu yw ceisio cadw'r opsiynau ar agor. Yn syml, fe ddylai'r ffordd fynd o un pwynt i'r llall drwy'r safle. Byddai opsiwn y Cyng. Jones yn golygu ail-ddylunio'r briff, gan ymrwymo'r Cyngor i un opsiwn yn unig.

Roedd y Cyng. Penlington mynd i awgrymu tynnu'r gair 'cyswllt' allan o'r Briff.

Eglurodd y Cyng. Jones fod hwn yn ddatblygiad enfawr a bod ganddi waith i'w wneud i amddiffyn y safle hwn fel yr Aelod Lleol. Mae adroddiad BE Group/Faber Maunsell yn rhoi darlun ehangach ar sut y bydd y safle hwn yn edrych yn yr ardal ehangach ac argymhellodd bod yr holl Aelodau yn darllen yr adroddiad hwn. Byddai angen ffordd trwy'r safle ar gyfer y tai beth bynnag sy'n digwydd ond, drwy wneud y ffordd honno yn brif ffordd ar gyfer y safle byddai cymuned Bodelwyddan yn cael ei rhannu yn bum rhan gan ei wneud yn fwy rhanedig na chynhwysol.

Awgrymodd Gary Williams (Cyfreithiol) y dylai paragraff 6.29 nod fod "angen ffordd sy'n cysylltu'r ddau leoliad er mwyn sicrhau gweithrediad diogel ac effeithlon o'r rhwydwaith priffyrdd lleol a gwella mynediad i Ysbyty Glan Clwyd a lleddfu pwysau Cyffordd 27 o'r A55". Dywedodd y byddai peidio â nodi llinell ddangosol ar y map yn sicrhau na fyddai penderfyniad ymlaen llaw lle yn cael ei wneud o ran llwybr y ffordd ac y byddai penderfyniad yn cael ei wneud gan yr Aelodau a'r Swyddogion pan fydd yr holl asesiadau perthnasol wedi eu cyflwyno fel rhan o'r cais.

Fodd bynnag, dywedodd y Cyng. Jones fod ei chynnig, a gafodd ei eilio, yn gofyn am ychwanegu'r geiriau "ffordd ffin datblygiad" yn lle "ffordd gyswllt".

Eglurodd Garry Williams y bydd y gair "cyswllt" yn cael ei ddileu a'i ddisodli gan y gair "ffin datblygiad".

Cynnig

Cynigiodd y Cyng. Alice Jones y dylid diwygio'r briff datblygu i gynnwys "ffordd ffin datblygiad" yn lle "ffordd gyswllt" ac i gael gwared ar linell y ffordd ar y map. Eiliwyd hyn gan y Cyng. Arwel Roberts. Mae angen diwygio'r briff fel nad yw'r gymuned ar y safle yn cael ei rhannu gan brif ffordd gyswllt, i sicrhau llwybr i gerbydau brys ac eraill deithio rhwng yr ysbyty a'r A55, ac oherwydd pryderon ynghylch effeithiau ffyrdd cyswllt eraill yn y Sir.

Pleidlais dros y diwygiad:

CYMERADWYO - 19

YMATAL - 1

GWRTHOD - 4

FELLY DERBYNIWYD Y DIWYGIAD

Pleidlais dros yr argymhelliad ar gyfer y Briff Datblygu:

CYMERADWYO - 18

YMATAL -1

GWRTHOD - 4

FELLY MABWYSIADWYD Y BRÏFF DATBLYGU GYDA'R DIWYGIAD UCHOD

EITEM RHAGLEN RHIF 7

**ADRODDIAD GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y
CYHOEDD**

GRŴP TASG A GORFFEN TAI FFORDDIADWY

Cyflwynwyd yr wybodaeth ganlynol i'r Pwyllgor yn y taflenni hwyr.

Diweddariad mewn perthynas â diweddaru paragraff 4.5, tudalen 344 o'r adroddiad -

Mae'r dyddiadau, yr amseroedd a'r lleoliadau canlynol ar gyfer pob un o'r 6 sesiwn wedi eu cadarnhau -

Mae pob wedi ei drefnu ar gyfer 2 awr

Dydd Mawrth 16 Medi am 3.00 pm - Ystafell Gyfarfod 2, Ffordd Brighton, Y Rhyl

Dydd Mawrth 23 Medi am 1.30 pm - Ystafell Gynhadledd 3, Neuadd y Sir, Rhuthun

Dydd Iau, 9 Hydref am 2.30pm - Ystafell Gyfarfod 1, Caledfryn, Dinbych

Dydd Gwener 24 Hydref am 1.30 pm - Ystafell Gynhadledd 3, Neuadd y Sir, Rhuthun

Dydd Mawrth 4 Tachwedd, 3.00pm - Ystafell Gynadledda 3, Neuadd y Sir, Rhuthun.

Dydd Gwener, 28 Tachwedd am 1.00pm - Ystafell Gynadledda 3, Neuadd y Sir, Rhuthun.

Enwebodd y Cadeirydd y Cyng. Rhys Hughes fel cynrychiolydd. Eiliwyd y cynnig gan y Cyng. Arwel Roberts.

Cynigwyd ac eiliwyd y Cyng. Peter Owen fel cynrychiolydd.

Awgrymwyd y dylid enwebu dau aelod wrth gefn rhag ofn nad yw'r dyddiadau sydd wedi eu trefnu'n gyfleus i'r prif enwebeion.

Enwebodd y Cyng. Rhys Hughes y Cyng. Stuart Davies fel aelod wrth gefn.

Enwebwyd y Cyng. Joan Butterfield gan y Cyng. J. Chamberlain Jones

EITEM RHAGLEN RHIF 8

ADRODDIAD GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

APÊL NEUADD LLANBEDR

Esboniodd Ian Weaver y bydd gwrandawriad anffurfiol yn cael ei gynnal a bod yr adroddiad hwn yn ceisio ffurfioli cynrychiolaeth dau Aelod yn y gwrandawriad hwnnw. Yr Aelodau a gynigiodd ac eiliodd y gwrthodiad oedd y Cyng. Huw Williams a'r Cyng. Huw Hilditch-Roberts. Mae Ymgynghorydd Cynllunio eisoes wedi bod yn ymwneud ar yr apêl hon oherwydd y dyddiadau dan sylw.

Cynnig

Cynigiwyd y dylai'r Cyng. Huw Williams a'r Cyng. Huw Hilditch-Roberts gynrychioli'r Cyngor a bod Ymgynghorydd Cynllunio hefyd yn rhan o'r apêl.

EITEM RHAGLEN RHIF 9

MENTER TREFTADAETH DINBYCH

Rhoddodd Phil Ebbrell gyflwyniad byr ynghylch y gwaith y Fenter Treftadaeth Treflun yn Ninbych.

Canmolodd y Pwyllgor yr holl Swyddogion a oedd wedi bod yn rhan o'r cynllun am y canlyniadau rhagorol maent wedi eu cyflawni.

Daeth y cyfarfod i ben am 1.45 p.m.

Mae tudalen hwn yn fwriadol wag

Item No	Application No	Location and Proposal	Page No
1	12/2014/0611/PF	Land to south east of Maes Llan Derwen Corwen Erection of a detached dwelling together with a detached single garage, formation of a new vehicular access and installation of a new septic tank	45
2	43/2014/0205/PF	105-107 High Street Prestatyn Conversion of upper floors over existing retail unit to form 3 no. flats, demolition of two storey rear outrigger building and erection of extension to rear to form 5 no. 1 bed flats and associated works	57
3	43/2014/0206/CA	105-107 High Street Prestatyn Conservation Area Consent for the demolition of a garage (redevelopment of site subject to separate application - ref: 43/2014/0205)	71
4	43/2014/0250/PF	55 Pendre Avenue Prestatyn Erection of a single-storey extension to rear of dwelling with alterations to roof and dormer window to side elevation to provide accommodation in roofspace	77
5	45/2014/0617/AC	Shirley 23 Marine Drive Rhyl Details of proposed screen to prevent access from existing balcony to flat roof area submitted in accordance with condition no. 5 of planning permission code no. 45/2013/0805	87
6	45/2014/0924/PF	Shirley 23 Marine Drive Rhyl Amended details of alterations and extensions to dwelling (previously granted under code no. 45/2013/0805), eliminating external staircase, involving alternative design of first floor lobby to incorporate internal staircase to ground floor level and the erection of a 1.8m high side boundary screen to permit use of additional section of flat roof area as extension to existing balcony	97
7	45/2014/0746/PF	Fronfraith 1 Boughton Avenue Rhyl Change of use of offices to form 6 no. residential apartments	109
8	45/2014/0787/PF	Fronfraith 1 Boughton Avenue Rhyl Conversion, alterations and extensions of existing office to form a residential institution	119
9	45/2014/0927/PO	Former Honey Club Site 21-26 West Parade Rhyl Development of 0.18ha of land by the erection of a 70 bedroom hotel (Class C1), Restaurant (Class A3) and a ground floor Class A1 /A3 unit (retail shop / food and drink use) (Outline application including access, appearance, layout and scale).	127
10	46/2013/1222/PF	Land at Bronwylfa Nurseries Bryn Gobaith St Asaph Erection of 15 No. detached dwellings and construction	141

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

Item No	Application No	Location and Proposal	Page No
11	46/2014/0436/PS	of new vehicular accesses on 1.44 hectares of land Land at north side of Bryn Gobaith Bryn Gobaith St Asaph Removal of condition no. 15 of outline planning permission code no. 46/2013/0802 requiring a scheme of improvements at the Mount Road/Bryn Gobaith Junction and traffic calming on Mount Road and Bryn Gobaith	157
12	46/2014/0126/PF	H M Stanley Hospital Upper Denbigh Road St Asaph Partial demolition of buildings and redevelopment of site to provide 54 no. dwellings, 33 no. apartment assisted living facility, and associated works	165

Heading:

REFERENCE NO. 12/2014/0611/PF
LAND TO SOUTH EAST OF MAES LLAN
DERWEN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site



Date 27/8/2014

Scale 1/1250

Centre = 307191 E 350726 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



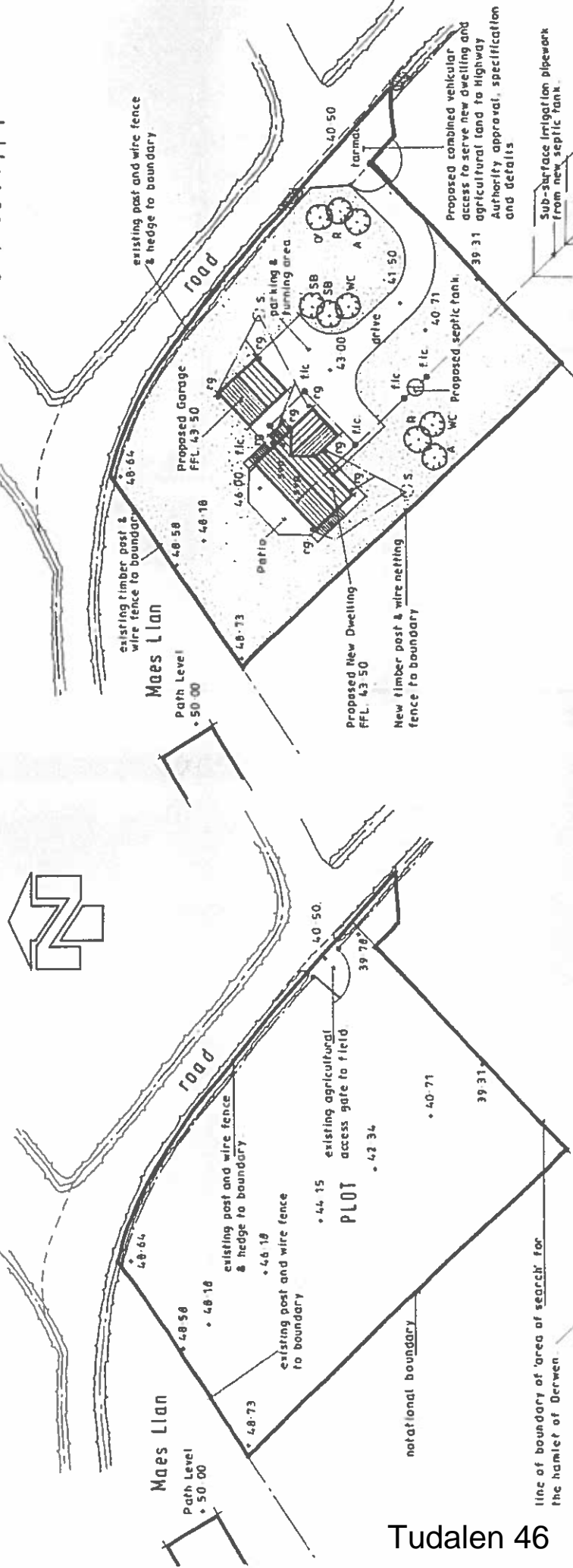
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SITE PLAN

12 2014/0611 / PF



PROPOSED SITE LAYOUT PLAN
1:500

EXISTING SITE LAYOUT PLAN
1:500

From new combined vehicular access to serve the new dwelling and the agricultural land off the existing public road, as shown on plan, and to be constructed fully in accordance with the Highway Authority's approval, specification details & recommendations.
The new vehicular accesses to be a min. 4.00m wide with gates set back a min. 5m from the edge of the road.
New solid timber gates to the new access positions to open in to the site to client's details and approval.
The new spaded entrance area from the edge of the existing road up to the entrance gate position is to be surfaced with a lammac finish to the Highway Authority's approval and specification.

The proposed new private driveway parking and turning area to serve the proposed new dwelling is to be finished in a permeable paving system, to client's specification and approval. e.g. limestone chippings, grasscrete open-cell type paving or other approved surface finish.
Proposed New Septic Tank Installation
The new septic tank to serve the proposed new dwelling is to be by Enric, Klugester or other approved. The tank capacity to be min. 3500 litres to cater for a max. 7 full time residents.
The tank to be fixed a min. 7m from all buildings and public roads. The tank to be fixed with a recommended Sub-surface irrigation pipework to be laid in accordance with manufacturer's details, installation instructions and recommendations. Length of drain runs depends on soil porosity test results.

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- 100mm dia. four drainage runs - min. fall to pipes to be 1 in 40.
- 100mm dia. surface water drainage runs - min. fall to pipes to be 1 in 50
- Soak-away constructions - sited a min. 5m from any building or road.
- Turfed/Seeded Grassed Area.

Tree Planting
Native tree planting to be 3.0m to 3.6m tall and to be sited a min. 5m from any buildings.
O - Oak, WC - Wild Cherry, SB - Saver Birch, R - Rowan, A - Ash.
New paths and patio areas to be finished in stone/slate flags to client's specification and approval.
All existing timber post & wire netting fences and hedgerows to the application site boundaries are to be retained.
New timber post & wire netting fence to the western and southern boundaries - to be a min. 1200mm high.
All planting, seeding, turfing, fencing or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development.
Any trees or plants which, within a period of five years of completion of the development, die, are removed or seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

All existing trees and hedgerows shown to be retained to be protected during the course of development by the erection of a timber chestnut paling fence to the perimeter of the crown of the tree.
The fence is to be kept in place to the completion of the building works.

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MATISCHOK & ROSS
architectural services

project title
Land to south-east of Maes Llan, Derwen, Conwen.

drawing title
Drawing this

project no.
Existing and Proposed Site Plans.

drawing no.
1

scale
1:500

date
15/05/2014

drawn by
P M

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PROPOSED ELEVATIONS

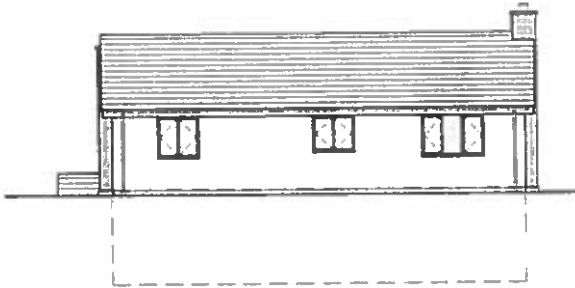
12 2014/0611/PF



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

External Materials - all to local authority approval
Roof - Redwood Composite rainwatered slates (blue/grey colour)
Walls - Facing brickwork with smooth render finish (E-Rend or other approval) where shown
 Horizontal boarded cedar cladding where shown
Roofs/Gutter/Coffers - where applicable gutters and down pipes
Windows & External Doors/Frames - where applicable where shown & external doors
Fascia, Soffit & Barge Boards - where applicable barge boards & soffit boards

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 CALEDFRYN RECEPTION

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 architectural services

project title
 Land to south-east of Maes Llan, Derwen, Corwen.

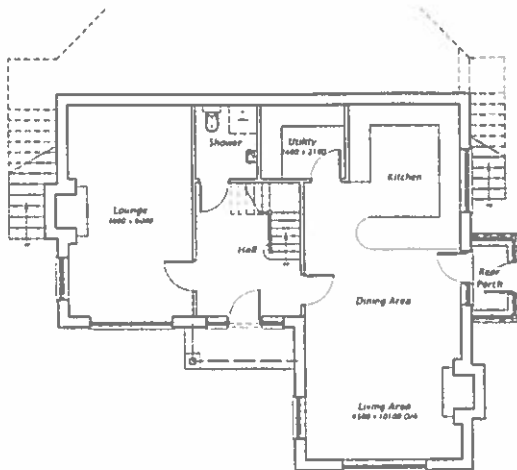
drawing title
 Proposed Elevations

project no. 0562	drawing no. 3	revision
date 15/05/2014	scale 1:100	drawn by SR

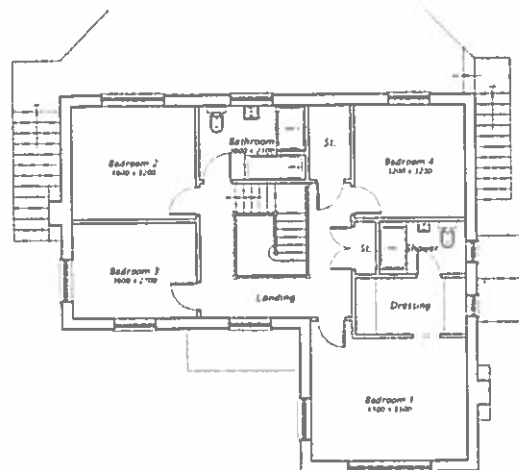
Birch House, Hen Lan Parcwr, Ruthin, Denbighshire, LL19 1NA
 01824 705 222 & 01824 707 171
 email@matischokross.co.uk or www.matischokross.co.uk

14 2014/0611/PF

PROPOSED FLOOR PLANS



Ground Floor Layout Plan



First Floor Layout Plan

RECEIVED
 23 MAY 2014
 CALEDFRYN RECEPTION

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MATISCHOK & ROSS
 architectural services

project title
 Land to south-east of Maes Llan, Derwen, Corwen.

drawing title
 Proposed Ground & First Floor Layout Plans.

project no. 0562	drawing no. 2	revision
date 15/05/2014	scale 1:100	drawn by SR

Birch House, Hen Lan Parcwr, Ruthin, Denbighshire, LL19 1NA
 01824 705 222 & 01824 707 171
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ITEM NO: 1

WARD NO: Efenechtyd

WARD MEMBER(S): Cllr Eryl Williams

APPLICATION NO: 12/2014/0611/ PF

PROPOSAL: Erection of a detached dwelling together with a detached single garage, formation of a new vehicular access and installation of a new septic tank

LOCATION: Land to south east of Maes Llan Derwen Corwen

APPLICANT: Mr & Mrs Robin & Manon Jones

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

DERWEN COMMUNITY COUNCIL:

"Whilst the Members of Derwen Community Council has no objections to the above planning application and plans only to ask a question on the application form where does the fact that Yes is answered to question 18 on the application form (Residential Units) agrees or not with the Denbighshire County Council's Local Development Plan Policy BSC 6 on Local Connections Affordable Housing in Hamlets."

NATURAL RESOURCES WALES:

No objections

GRWP CYNEFIN:

Confirm the applicant is eligible to be registered for affordable home ownership.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer:

No objections

- Public Protection:

No response received

RESPONSE TO PUBLICITY:

In objection

Representations received from:

G. Mann, Yr Hen Dy Ysgol, Derwen

S. & A. Reese, Hen Ysgol, Derwen

Summary of planning based representations in objection:

Principle

Questions over the eligibility of applicants for affordable housing / applicants already own an open market dwelling which has been modernised and enlarged / are not living in unsuitable conditions / house can be adapted / new dwelling would not be affordable to majority of those in affordable housing need but only to the applicant / process must be made fair and consistent / Grwp Cynefin process is weak or robust and does not meet DCC's criteria.

Impact on visual amenity

Scale and form of proposed dwelling excessive / plot is excessive for an affordable house / inefficient use of land

In support

Representations received from:

L. Roberts, Ysgubor Lelo, Derwen

R. Jones, Maes Llan, Derwen

Summary of planning based representations in support:

- Proposals meet LDP policies / would assist a young family to move into the community / dwelling would be tied to affordable need in perpetuity

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a detached dwelling together with a detached single garage, formation of a new vehicular access and installation of a new septic tank.
- 1.1.2 The dwelling would have an 'L' shaped footprint, with a frontage approximately 12m wide, and a maximum depth of 11m, and 6.5 metres, at it shallowest. On the ground floor there would be a kitchen/dining/living area, hall, wc and lounge. On the first floor there would be 4 bedrooms, and a bathroom.
- 1.1.3 Externally the dwelling would feature a large amount of glazing to the front (south facing) elevation, and more traditional fenestration to the rear. The external materials are proposed as facing bricks, and render on the walls with a slate roof.
- 1.1.4 The dwelling would be partially 'sunk' into the ground, to adapt to the sloping nature of the site. From the rear, the dwelling would appear as a single storey building.
- 1.1.5 As the site is located on the fringe of the hamlet of Derwen in the Local Development Plan, the applicant has provided supporting information to assist consideration of the proposals in relation to the tests of local connections affordable housing.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the south east of the hamlet, Derwen. It is currently an open agricultural field. A minor road runs along the eastern boundary of the site, and access to the site would be from this road.
- 1.2.2 To the north west of the site are dwellings within the hamlet. Development in this area is of mixed form, with both two storey and single storey dwellings of varying ages,

with some older traditional types of buildings (including converted school buildings) sitting adjacent to former Local Authority houses.

1.2.3 Site boundaries are defined by mature hedgerows.

1.3 Relevant planning constraints/considerations

1.3.1 For planning policy purposes, Derwen is identified as a hamlet in the Local Development Plan. Policy BSC6 of the Plan is of specific relevance to proposals for new dwellings in hamlets.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC6 – Local connections affordable housing in hamlets

Policy BSC11 – Recreation and open space

Policy ASA3 – Parking Standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 7 (July 2014)

Technical Advice Note 2 – Planning and Affordable Housing

Technical Advice Note 6 – Planning for Sustainable Rural Communities

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

- 4.1.2 Eligibility of applicants for Local Connections Affordable Housing
- 4.1.3 Impact on visual amenity
- 4.1.4 Impact on residential amenity
- 4.1.5 Highways

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located adjacent to the hamlet, Derwen, on land which is shown in the Local Development Plan as being a 'search area' for local connections affordable housing. In the preamble to Chapter 6, the LDP states that development boundaries are drawn to define clear physical limits to developed areas. It explains that development within boundaries will in principle be supported, but that these boundaries exist to protect the County's landscapes and open spaces.

Planning Policy Wales also advises that development in the countryside should be located within and adjacent to those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling, or minor extensions to existing settlements may be acceptable in particular where it meets a local need for affordable housing. This is amplified in Technical Advice Note 2, and Technical Advice Note 6, which relates specifically to development in rural areas, supporting the concept of 'Rural Exceptions' Policies.

In terms of the LDP, the most relevant policy is considered to be BSC 6, Local Connections Affordable Housing, which permits local connections affordable housing development where the following five criteria are met:

"i) the proposal would provide an affordable dwelling to meet local needs; and, ii) the proposals would help to secure the viability of the local community, and strengthen the community and linguistic character; and, iii) new housing is located within the defined area of search of the hamlet and overall growth levels restricted to that indicated below; and, iv) the proposal is in keeping with traditional building styles and is sympathetic in design, scale and materials to other traditional buildings in the locality; and, v) satisfactory arrangements are made to ensure the dwelling is retained in perpetuity as an affordable dwelling for local need and this is contained in a Section 106 agreement."

Officers suggest the above tests are significant to the determination and these are reviewed in turn below:

In respect of criterion i) the applicants eligibility for an affordable dwelling to meet local needs is discussed in detail in Section 4.2.2 below. On the basis of the Grwp Cynefin assessment of the applicants circumstances, it is suggested the proposals comply with criterion i) of Policy BSC 6.

In reference to criterion ii), the proposal would allow a local welsh speaking family to return to their home community. It is difficult to quantify what impact this will have on the viability of the local community and linguistic character of the community, but it is not considered that there would be conflict with criterion ii) of Policy BSC 6.

Criterion iii) requires the proposed dwelling to be within the defined area of search of the hamlet. The site, as mentioned previously is within this area (as defined on the proposals map) and constitute one of the 5 dwellings for Derwen indicated as permitted over the plan period. The proposal is considered to comply with criterion iii) of Policy BSC 6.

Criterion iv) relates to the visual impact of the proposal. This issue is in paragraph 4.2.3 of the report. The Officer view is that the proposals are acceptable in terms of design, scale and materials.

Criterion v) requires satisfactory arrangements to be put in place to ensure the proposed dwelling is retained in perpetuity as an affordable dwelling for local need and this is contained in a Section 106 agreement. The applicants are willing to enter into such an agreement.

Having regard to the above, it is considered that the principle of a dwelling in this location is acceptable in terms of the tests in Local Development Plan Policy BSC 6.

4.2.2 Eligibility of applicants for Local Connections Affordable Housing

As stated above, the LDP policy requirement is that any dwelling built on this site should be for local connections affordable housing only and that this should be controlled through a section 106 legal agreement. To assist consideration of the Local Connections eligibility issue, an assessment of the applicant's circumstances has therefore been undertaken on behalf of the Council by Grwp Cynefin.

For Members information, the Council's Supplementary Planning Guidance Note on Affordable Housing (May 2014) expands upon the definition of local connections affordable housing and provides additional criteria that households must meet in order to be considered eligible. Appendix 3 of Supplementary Planning Guidance Note on Affordable Housing states that:

“Where the provision of Affordable Housing is to be provided through granting planning permission a Section 106 agreement (or similar) is required to ensure that the household meets all 3 of the following criteria :

- is an eligible affordable household,*
- comprises a household in unsatisfactory accommodation, and*
- comprises a household with a genuine or strong local connection.”*

The fundamental principles within the concept of local connections affordable housing are whether the applicant has a need (connection) to live in the locality, and can afford a dwelling in the locality.

The applicants have submitted details of their household income, current mortgage and outstanding loans, which have been assessed by Grwp Cynefin.

Factually, the applicants have previously resided within the Derwen community for 22 years, and now wish to return. Their parents still reside in Derwen. With regard to the local connection criteria test of SPG Affordable Housing (Appendix 3) it is considered that the applicants have a genuine and strong local connection to Derwen.

The applicants currently reside in Clocaenog in a 3 bedroom dwelling. They have three children and it is stated that the 3rd bedroom is too small to be fit for purpose. The property is currently on the market. It is suggested by Grwp Cynefin that the sale of the property would fund the development of the plot in Derwen. Consideration has been given to extending the Clocaenog dwelling, but it is understood that the applicants can not afford to do this. Whilst this may seem contradictory given the applicants are pursuing a new build dwelling, it is relevant that the new build is to be funded by the sale of the dwelling in Clocaenog.

Assessment of the housing market in Derwen suggests that at the time the application was made, there were no houses for sale within the applicant's price range. (There was one property on the market for £370,000, and since 2008, 6 properties have been sold in the price range £250,000 to £400,000.)

With due respect to the representations received, the above information suggests the applicants are eligible for local connections affordable housing in Derwen. It is not considered that there is a suitable or affordable open market house for sale within the

locality. The proposal is therefore considered to accord with the aims and intentions of Policy BSC 6.

4.2.3 Impact on visual amenity:

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. Policy BSC 6 requires local connections for affordable housing dwellings to be in keeping with traditional building styles and is sympathetic in design, scale and materials to other traditional buildings in the locality

The proposed two storey dwelling would be located in an area characterised by a number of substantial dwellings in large plots, and a mix of dwelling types. The dwelling would be constructed of brick, render and slate roof. Within the surrounding area there is a wide range of building materials evident. The proposed dwelling would be set back from the highway with a parking and turning area located to the front. The site is visible from distance views in Bryn Saith Marchog.

It is considered that the scale and form of the dwelling are in keeping with the character of the area. The choice of materials is considered acceptable in this location, and the layout of the site would not appear at odds with the surrounding area. Within the scheme there is scope for suitable landscaping to help assimilate the development into the area. The dwelling would not appear overly prominent in distant views, benefitting from the site topography which slopes up behind it. The proposal is therefore considered to be acceptable in terms of visual amenity and its impact upon the character of the area, and is in accordance with Policy RD 1 tests, and BSC6 test iv, iv, and v.

4.2.4 Impact on residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The proposed dwelling would be located to the south east of Derwen. The nearest dwelling would be located 30 metres north west of the proposed dwelling. The proposed dwelling would be orientated so that the principal windows would be looking away from the existing dwellings towards the open countryside. Only three windows are proposed to the rear elevation – one bathroom window, and two bedroom windows. These would face onto the rear garden of the proposed dwelling and adjacent highway. There would be over 100 sqm of garden area.

Given the separation distances involved, and the location of windows, it is not considered that the proposed dwelling would result in a loss of amenity for surrounding properties. With in excess of 100 square metres of garden space, the proposed dwelling would have sufficient amenity space for occupants. In terms of residential amenity the proposed dwelling is considered acceptable and in accordance with the relevant planning policies and guidance.

4.2.5 Open Space

Policy BSC 3 seeks to secure, where relevant, infrastructure contributions from development. Policy BSC 11 requires all new residential development to provide a contribution to recreation and open space either on site, or by the provision of a commuted sum.

The proposal is for a single dwelling. A commuted sum in the region of £2660 towards the provision of improved facilities, and the ongoing maintenance of the recreation space in Derwen would be required if permission is granted.

It is considered that in this instance the provision of a commuted sum is preferable to the option of on site provision, given that the proposal is for a single dwelling. It is therefore considered that the proposal is in accordance with Policy BSC 3 and Policy BSC 11, subject to agreement to payment of the relevant commuted sum, which can be dealt with a Section 106 Agreement.

4.2.6 Highways

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The proposal involves a new access onto the highway, and the closure of the existing field access. It would provide visibility splays, and a low boundary wall at 750mm. There is a parking and turning area proposed to the front of the dwelling, along with a garage. No objections have been received from the Highway Officer.

With regard to the requirements of Policy RD 1 and TAN 18, it is considered that the proposal is acceptable, and would not have an adverse impact upon highway infrastructure.

4 **SUMMARY AND CONCLUSIONS:**

- 4.1 The application involves the erection of a new dwelling within the local needs affordable housing search area of Derwen. The applicants have submitted evidence to demonstrate that they are eligible for affordable housing and are willing to enter into a legal agreement with the Council to secure the dwelling as affordable for local needs in perpetuity.
- 4.2 Officers' conclusions having regard to the relevant considerations are that the development is in accordance with planning policy, and it is recommended that permission be granted subject to completion of a s106 legal agreement setting out the requirements relating to future occupancy (including sales price) and an open space contribution.
- 4.3 The recommendation is therefore to GRANT permission subject to the completion of a Section 106 Obligation.
 - a) Securing the dwelling as affordable for local needs in perpetuity.
 - b) Securing the relevant commuted sum payment for Open SpaceThe Certificate of Decision would only be issued on completion of the Section 106 Obligation and in the event of the Obligation not being completed within 12 months of the date of the resolution of Planning Committee, the application will be re-presented for determination by Committee against policies and guidance relevant at that time.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. **PRE-COMMENCEMENT CONDITION**
The access shall be laid out and constructed as shown on the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.
4. **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.
5. 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 shall be completed prior to the development being brought into use.
6. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs before it is brought into use.
7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned, domestic gardens, shall be submitted for the consideration of the Local Planning Authority prior to the occupation of any dwellings and the landscape management plan shall be carried out as approved in accordance with such time scale 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 visual amenity.
3. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. 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.
6. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

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

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

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

Mae tudalen hwn yn fwriadol wag

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 43/2014/0205/PF
105-107 HIGH STREET
PRESTATYN

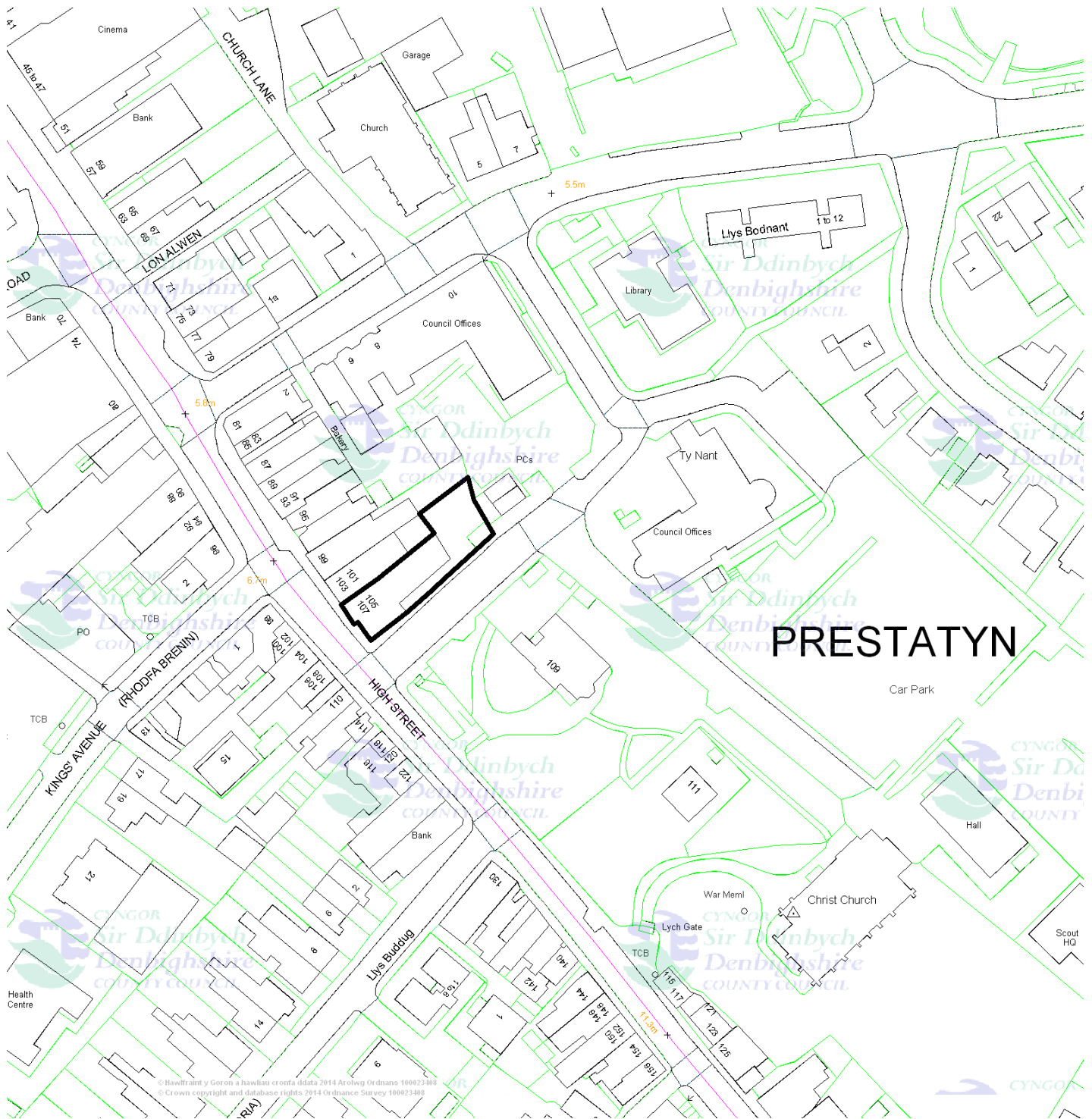
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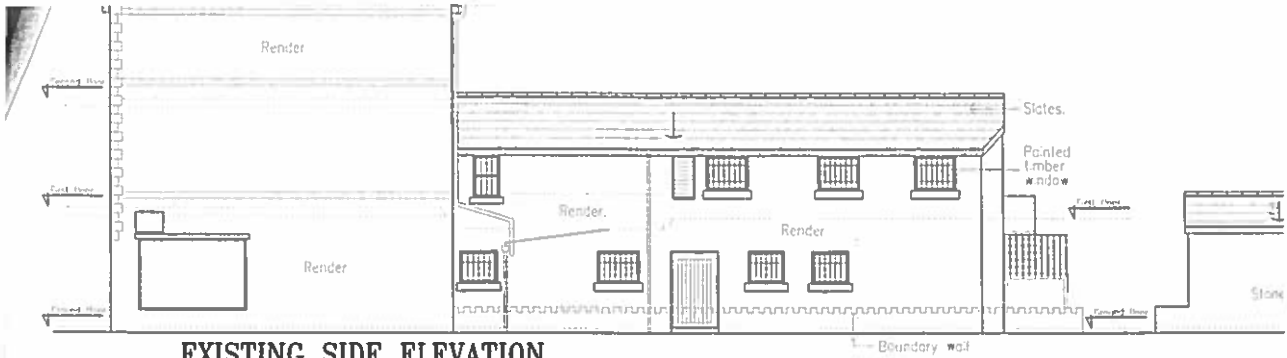
Date 27/8/2014
Centre = 306659 E 382863 N

Scale 1/1250

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



EXISTING ELEVATIONS

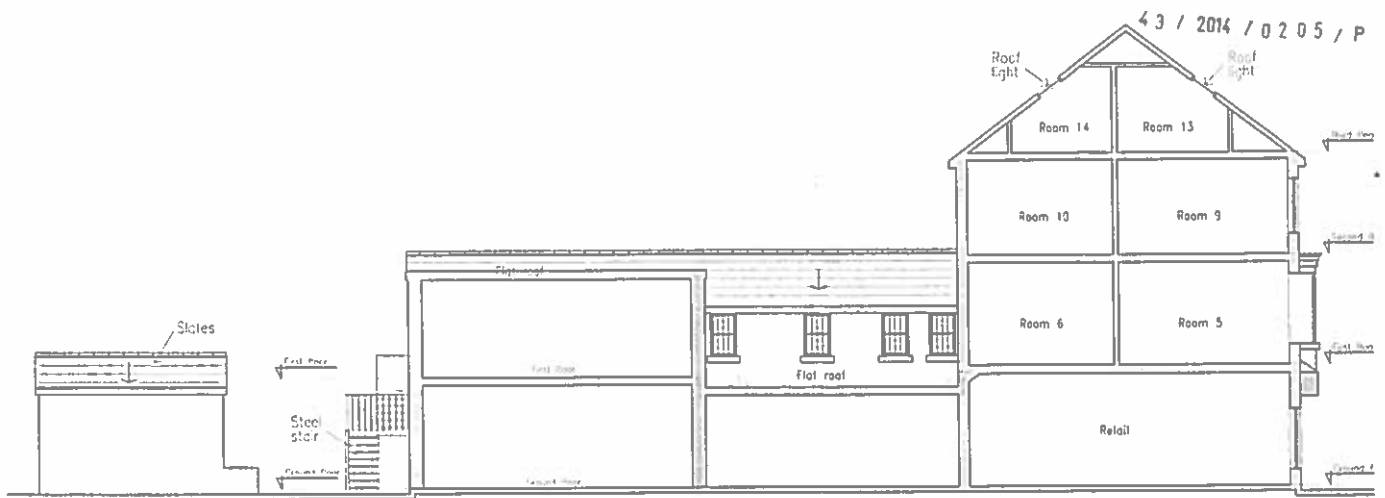


EXISTING SIDE ELEVATION

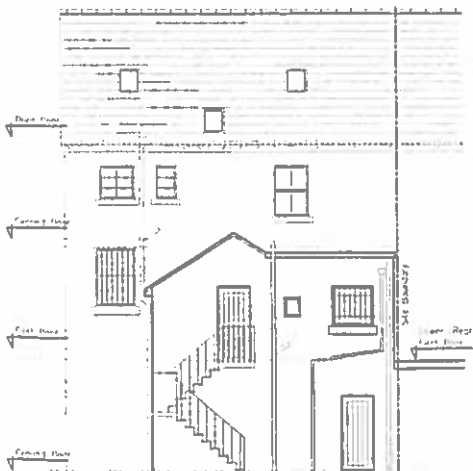


EXISTING FRONT ELEVATION

<p>PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS</p> <p>26 Bryn Street, Llanelli in Carmarthenshire, South West Wales Tel: 01442 717700 Fax: 01442 717706 Mobile: 0796 220690 E-mail: peter.darlington@peterd.co.uk</p> <p>1. Figure dimensions to be followed in preference to text 2. All dimensions to be checked on site 3. This drawing remains the copyright of the architect and may not be copied without prior consent</p>	Project	105 - Prestatyn
	Drawn by	M.M.
	Scale	1:100
	Date	Jan 14



EXISTING SECTIONAL ELEVATION



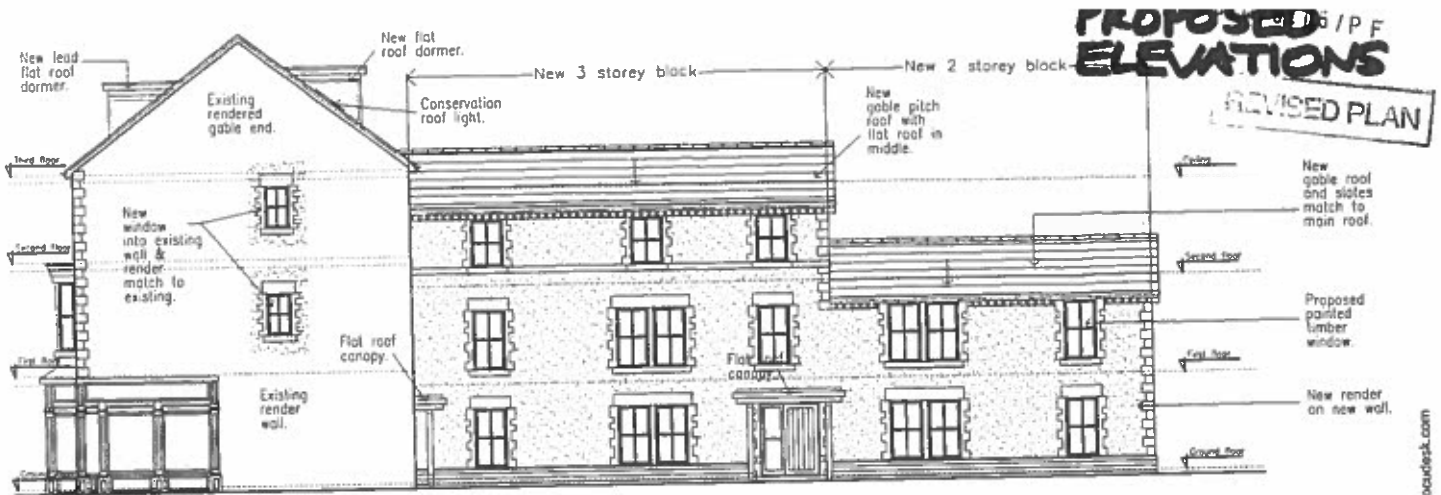
EXISTING REAR ELEVATION

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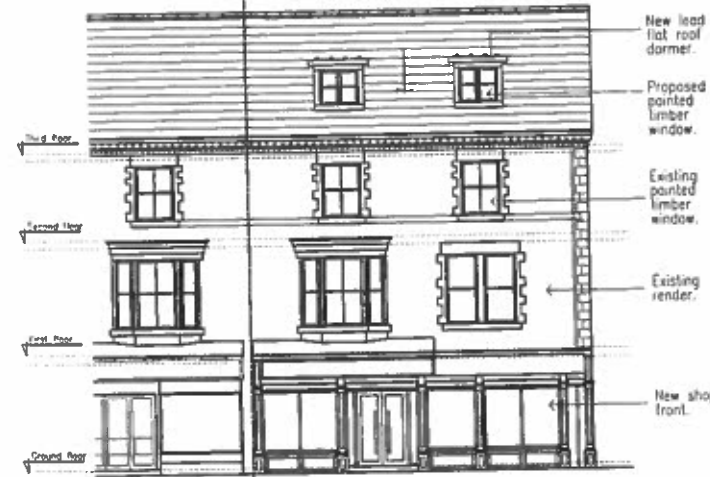
26 FEB 2014

Tudalen 58

<p>PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS</p> <p>26 Bryn Street, Llanelli in Carmarthenshire, South West Wales Tel: 01442 717700 Fax: 01442 717706 Mobile: 0796 220690 E-mail: peter.darlington@peterd.co.uk</p> <p>1. Figure dimensions to be followed in preference to text 2. All dimensions to be checked on site 3. This drawing remains the copyright of the architect and may not be copied without prior consent</p>	Project	105 - 107, High Street Prestatyn North Wales
	Drawn by	M.M.
	Scale	1:100
	Date	Jan 14



PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION

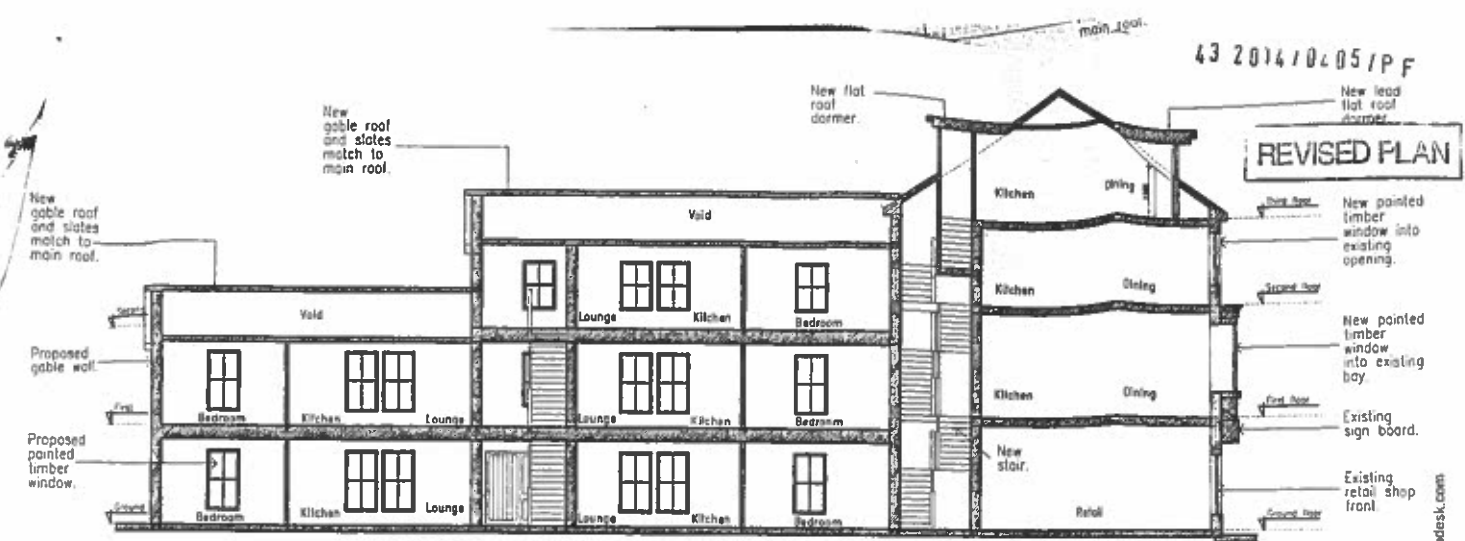
- Rev-D Front of buildings floor lowered & pitch roof dormer added to rear. 22-7-14
- Rev-C Gable roof added to rear. 22-7-14
- Rev-B Window re-positioned to staircase & bay window added. 22-5-14
- Rev-A Scheme revised as per Conservation officer's comment. 13-5-14

Rev-E Dormer roof amended to rear. 24-7-14

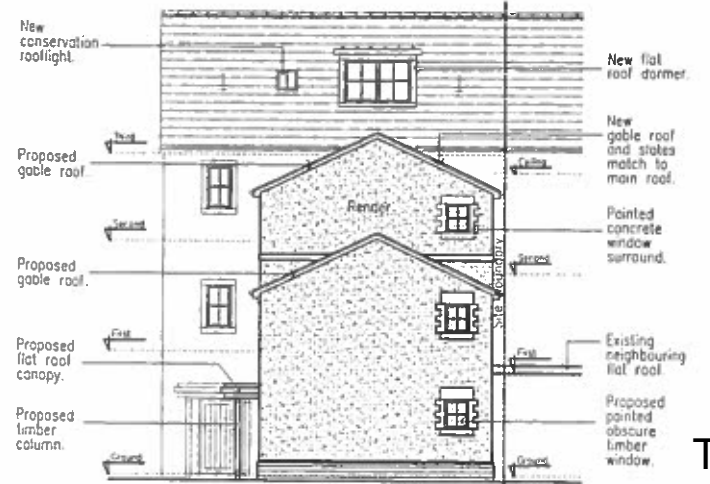


PETER DARLINGTON ARCHITECTS		105-107, High Street, Prestatyn, North Wales	
Project: Proposed Front and Side Elevation.		Drawn by: M.M.	Date: Jan '14
Scale: 1:100		Sheet: 2	Rev: E

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PROPOSED SECTIONAL ELEVATION



PROPOSED REAR ELEVATION

- Rev-D Front of buildings floor lowered & pitch roof dormer added to rear. 22-7-14
- Rev-C Ground and second floor lowered. 22-7-14
- Rev-B Gable roof added to rear. 22-7-14
- Rev-A Scheme revised as per Conservation officer's comment. 13-5-14

Rev-E Flat roof dormer amended to rear. 24-7-14



PETER DARLINGTON ARCHITECTS		105-107, High Street, Prestatyn, North Wales	
Project: Proposed Rear and Sectional elevation.		Drawn by: M.M.	Date: Jan '14
Scale: 1:100		Sheet: 2	Rev: E

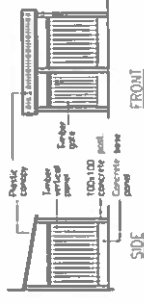
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SITE PLAN + GROUND FLOOR LAYOUT

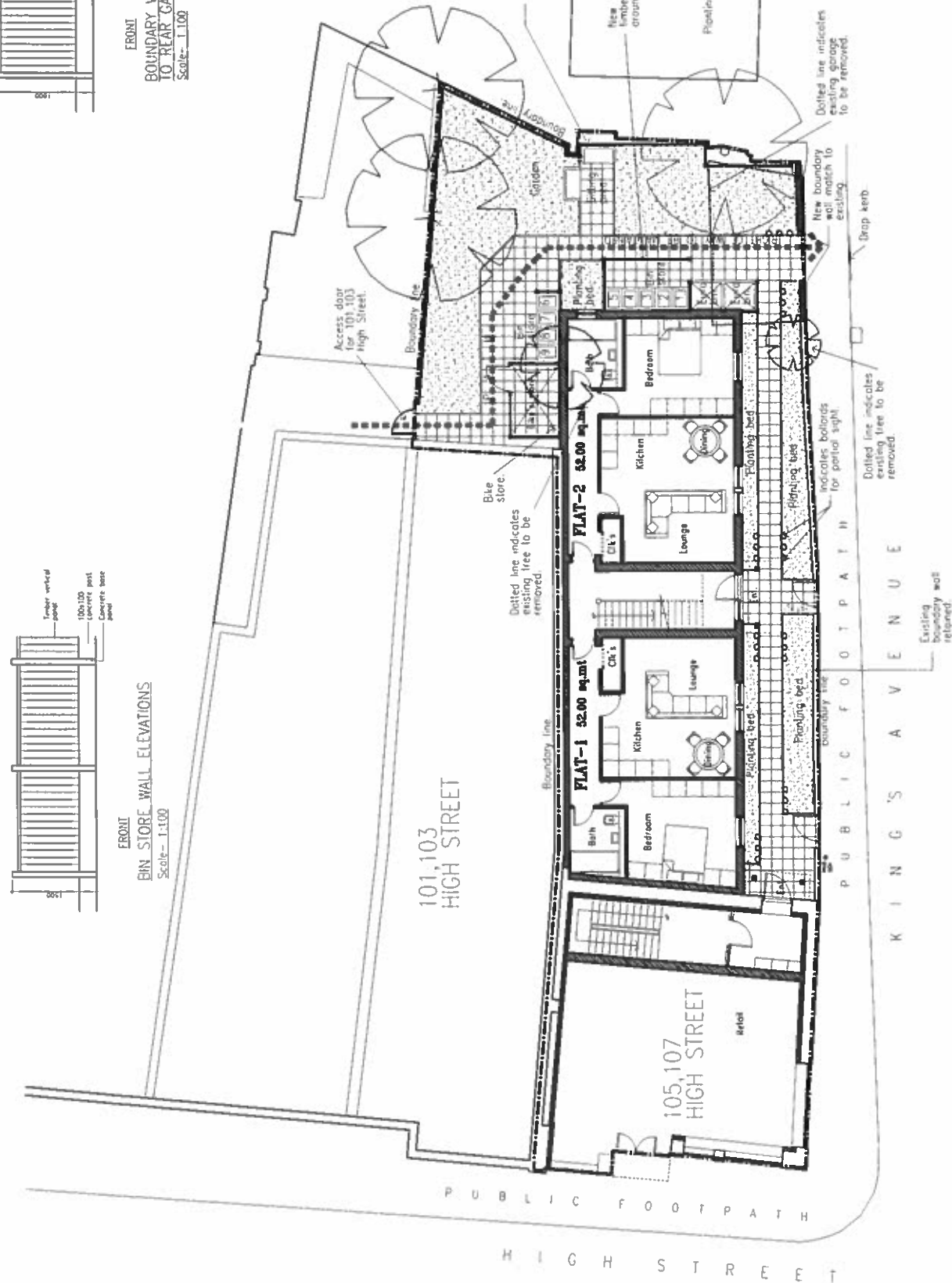
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FRONT
BOUNDARY WALL ELEVATIONS TO REAR GARDEN
Scale- 1:100



FRONT
BIKE'S STORE
Scale- 1:100



22-7-1
13-5-1

Rev-B Right of way added

Rev-A Conservation officer's comment

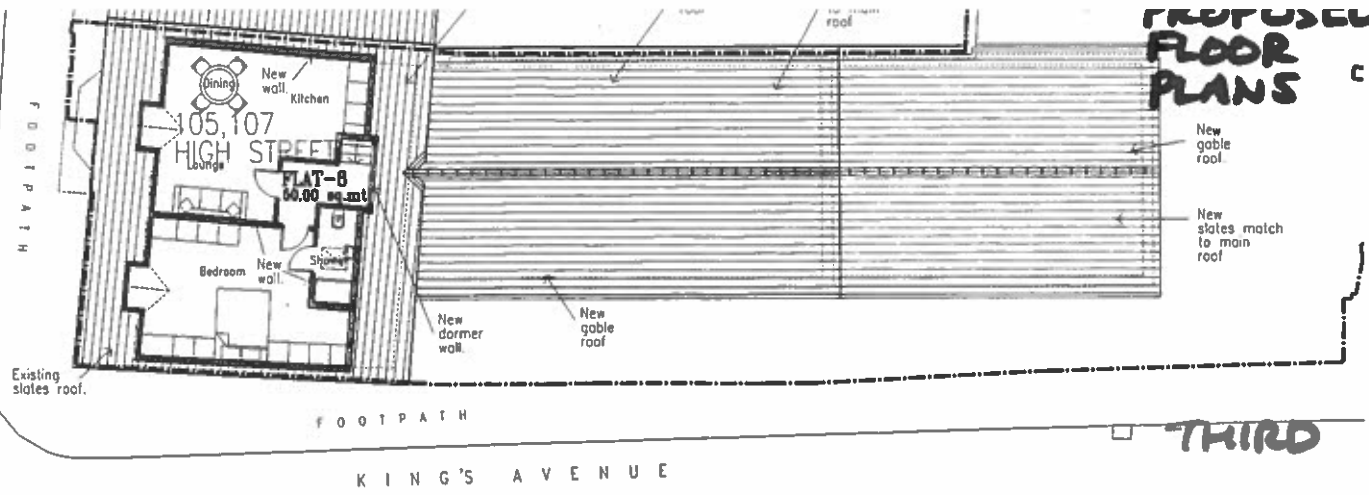
Scheme revised as per

105-107, High Street Newcastle North Wales	Proposed Site Plan	Rev B
PETER DAVENPORT ARCHITECTS 11 North Street, North Wales		
105-107, High Street Newcastle North Wales	SK056/PL/07	Rev B
Drawn by	Checked by	Author
M.M.	M.M.	As-14
Scale	1:100	

PROPOSED SITE PLAN SCALE-1:100

HIGH STREET

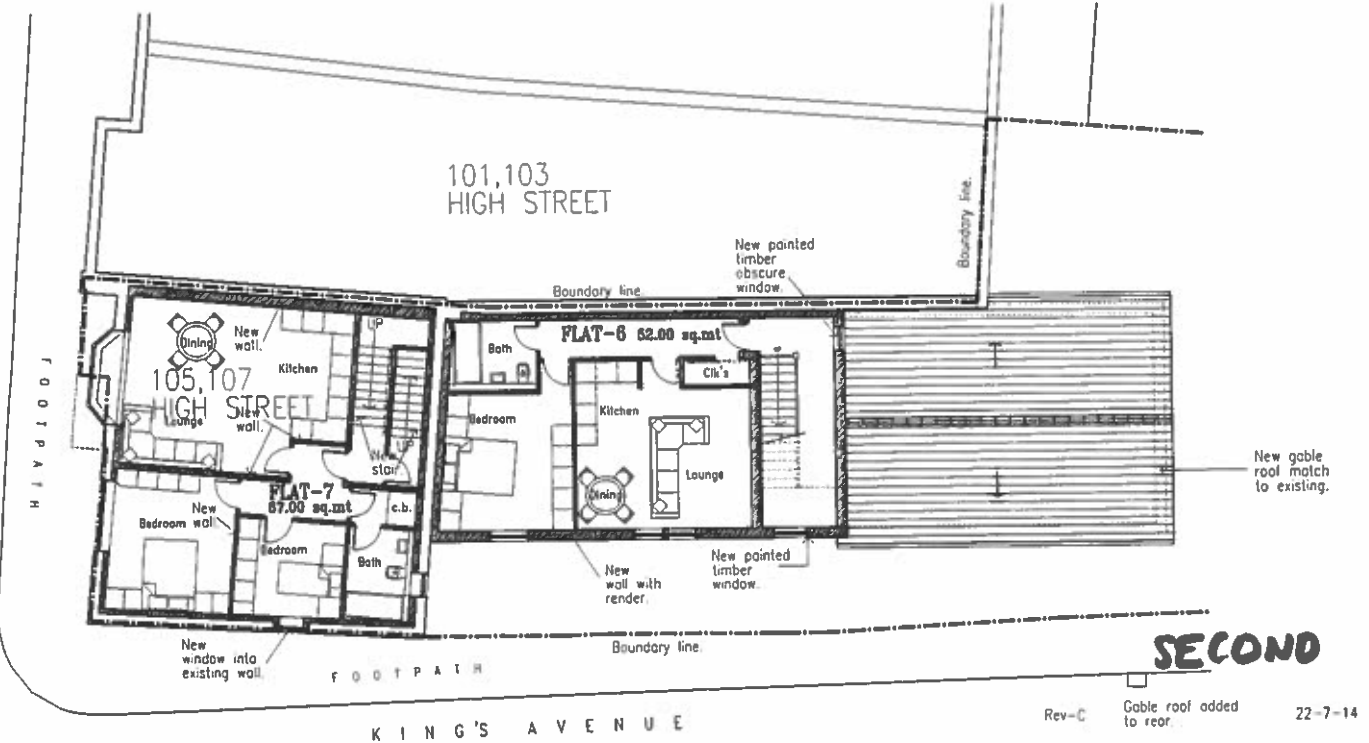
PROPOSED FLOOR PLANS



Rev-C Window - Trial :: http://www.docuDesk.com

HIGH STREET

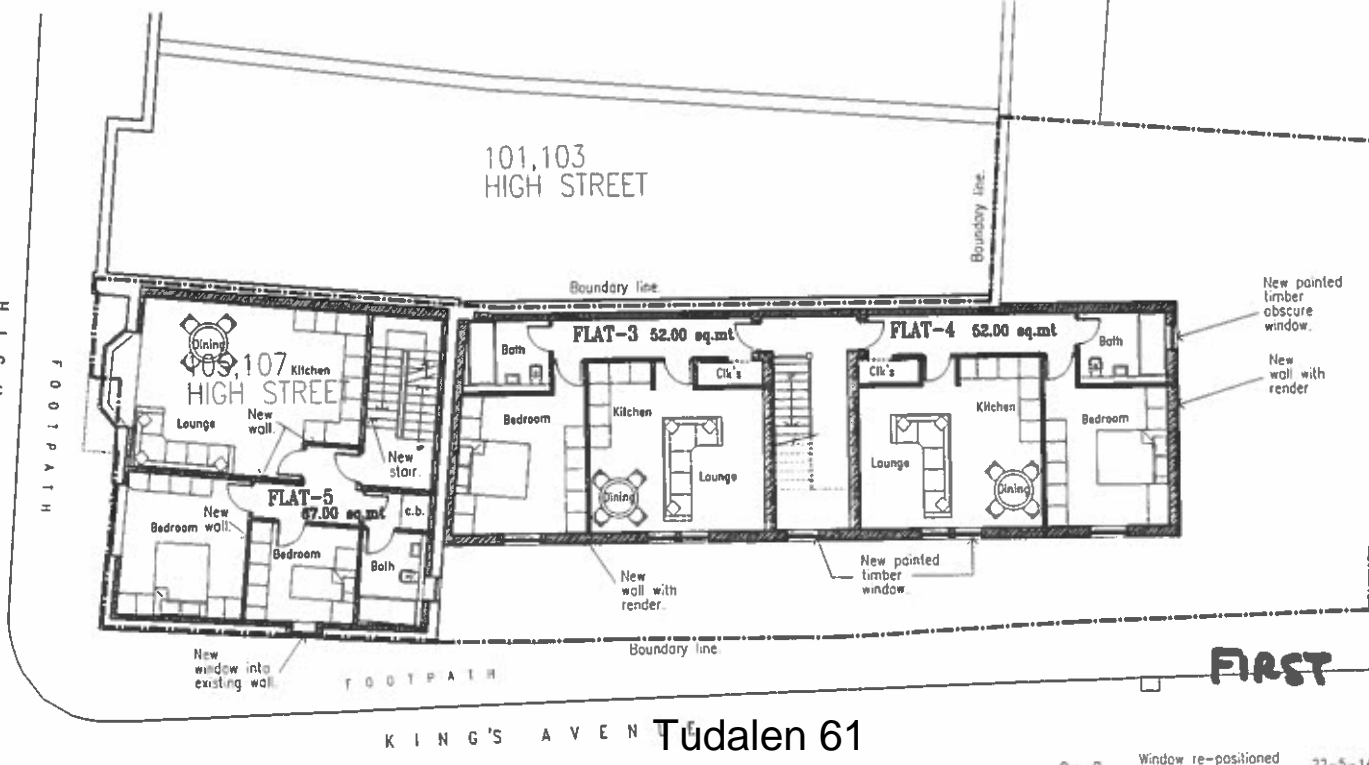
SECOND



Rev-C Gable roof added to rear. 22-7-14

HIGH STREET

FIRST



Rev-B Window re-positioned to staircase. 22-5-14

Tudalen 61

ITEM NO: 2

WARD NO: Prestatyn East

WARD MEMBER(S): Cllr James Davies
Cllr Julian Thompson-Hill

APPLICATION NO: 43/2014/0205/ PF

PROPOSAL: Conversion of upper floors over existing retail unit to form 3 no. flats, demolition of two storey rear outrigger building and erection of extension to rear to form 5 no. 1 bed flats and associated works

LOCATION: 105-107 High Street Prestatyn

APPLICANT: JBZ Peels Ltd.

CONSTRAINTS: Conservation Area

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant – Town Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“Objection, Loss of historic character associated with buildings. Over intensification and lack of adequate on site parking. Potential loss of retail/ employment opportunity.”

WELSH WATER/ DWR CYMRU

No objection, subject to standard notes to applicant

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Biodiversity Officer

No objection

Conservation Officer

No objection, subject to conditions relating to material details.

Highways Officer

No objection

Housing Officer

No objection. Current figures show a demand for one bedroom accommodation in Prestatyn.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Alyson Evans, 109 High Street, Prestatyn

Farhar Khan, 4 Abbots Way, Newcastle under Lyme

Emma Heath, 99B High Street, Prestatyn
Gary Alexander, 14 Lon Eirlys, Prestatyn
Chris Parry, Hillside House, Prestatyn

Summary of planning based representations in objection:

Overdevelopment of the site

Highways issues- lack of parking

Flats not appropriate for Prestatyn- no need for 1 bed units

Visual amenity- scale of development would have a negative impact on the Conservation area

Access issues to adjacent properties- rights of way concerns

Other matters:

Accuracy of submission- no applicant name on form

EXPIRY DATE OF APPLICATION: 06/05/2014

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the part redevelopment of no. 105-107 High Street in Prestatyn. The front section of the existing building is proposed to be retained, and the existing two storey rear outrigger is proposed to be demolished and replaced. The demolition element of the scheme is the subject of a separate Conservation Area Consent application which is the next item on the agenda for Committee.
- 1.1.2 The ground floor retail unit would be retained and the upper floors of the remaining original building converted into 3 one bedroom self contained flats. There would be 5 additional flats created in the new three and two storey rear extension.
- 1.1.3 The proposed extension has been designed to reflect the character of the existing building with similar fenestration patterns and materials. Two flat roof dormers are proposed on the original building, on the front and rear elevations, and a new traditional shopfront is proposed to be installed.
- 1.1.4 The proposal would create in total 8 one bedroom self contained flats. The internal floor space of the flats would range between 50 sq m to 67 sq m. The flats would be accessed from the Kings Avenue side of the building, rather than from the High Street.
- 1.1.5 Externally, an existing outbuilding to the rear of the site would be removed to accommodate an amenity area measuring approximately 95 sq metres. A bin and bike storage area would be located in a rear yard which would be shared with the commercial premises on the ground floor. The boundary wall to Kings Avenue would be retained and three pedestrian gates would be created to access the flats and right of way to the rear of adjoining properties.

1.2 Description of site and surroundings

- 1.2.1 The site comprises of a ground floor retail premises, formally occupied by the Blockbuster video shop on the southern end of a terrace of property fronting High Street in Prestatyn. The upper floors and the outrigger have previously been used in conjunction with the ground floor use. There is a stone outbuilding in the rear curtilage.

1.2.2 As it is on the end of the terrace, the building on the site fronts High Street and Kings Avenue. To the rear of the site (eastern side) are the Kings Avenue public conveniences. Further along Kings Avenue is the former Council Offices at Ty Nant.

1.2.3 The site is located in the town centre of Prestatyn. The locality is characterised by a wide range of uses, primarily retail with some residential uses above.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary, Prestatyn Conservation Area and designated Town Centre.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 The original scheme has been amended on the advice of Officers to ensure the development meets the floorspace requirements of current Supplementary Planning Guidance. This resulted in the number of flats being reduced from 9 flats to 8.

1.5.2 The Conservation Officer has also requested some amendments which were mainly related to the detailing and design of the external appearance of the scheme.

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC7 – Houses in multiple occupation and self contained flats

Policy BSC11 – Recreation and open space

Policy PSE8 – Development within town centres

Policy VOE 1 – Key areas of importance

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance
SPG7 – Residential Space Standards

3.2 Government Policy / Guidance
Planning Policy Wales Edition 7

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Open Space
- 4.1.5 Highways (including access and parking)
- 4.1.6 Affordable Housing

4.2 Other matters

4.3 In relation to the main planning considerations:

4.3.1 Principle

The site is located within the development boundary of Prestatyn where new residential development will, in principle, be supported provided that it meets the criteria of other policies in the Local Development Plan and material planning considerations. Policy BSC 7 is the detailed policy relating to Houses in Multiple Occupation & Self Contained Flats. The policy states that the sub-division of existing premises to self contained flats will be permitted provided that all the following criteria are met: i) the property is suitable for conversion to the number and type of flats proposed without unacceptably affecting the character, appearance and amenity standards of the locality (including cumulative effects of such proposals); and ii) the proposal conforms to the Council's approved space and amenity standards.

SPG Note No. 7 relates to 'Residential Space Standards'. This Note is one of a series of Supplementary Planning Guidance Notes (SPGs), amplifying the development plan policies and other issues with the aim of improving the design and quality in new developments. It sets basic internal floor and external space standards for new development and conversions.

Chapter 9 of Planning Policy Wales (PPW) sets out Welsh Government's objectives in relation to housing. PPW encourages higher densities on easily accessible sites, where appropriate, but highlights the importance of good design to ensure a high quality environment. The need for 'barrier free housing' is also highlighted and the use of Lifetime Homes Standards is advocated.

Chapter 5 of Technical Advice Note 12: Design highlights the importance of good design in relation to quality of life and also the importance of inclusive design.

In considering the of principle of change of use, Officers have taken into account the latest planning policies and guidance. It is considered that the relevant policies and guidance do not preclude the change of use to one bedroom flats in the area, particularly where the relevant floor space standards have been met as these space standards have been set to define 'quality accommodation'. The application is considered acceptable in principle, and the detailed impacts of this application to develop the site are considered below.

4.3.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to

protect and enhance development in its local context. Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6), stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting.

The application proposes redevelopment of 105-107 High Street. The main changes are proposed to the rear of the High Street frontage, off Kings Avenue. An existing two storey outrigger is proposed to be replaced with a three and two storey extension. The extensions have been designed to take into account the character and appearance of the existing building and the Conservation area. Prestatyn Town Council has advised that they are concerned that the proposal would result in the loss of historic character associated with building but the Conservation Officer has raised no objection to the proposal.

Having regard to fact the High Street frontage would remain almost as existing and the rear extension has been sensitively designed it is not considered that the proposal could be resisted on visual amenity grounds. The Agent has amended the scheme on the advice of the Conservation Officer and has taken into account the Conservation Area designation in designing the scheme. Subbet to control over the details such as materials and fenestration it is considered that the proposals would have an acceptable visual impact and would not detract from the character or appearance of the Conservation Area. The proposals are therefore in accordance with the policy requirements set out above.

4.3.3 Residential amenity

Policy RD1 sets specific tests to be applied to amenity impacts of development. Policy BSC 7 and SPG 7 also require amenity issues to be considered for proposals to subdivide properties in to self-contained flats.

In relation to the scale and mass of the proposal in relation to the existing building, it is noted that it projects some 5.5 metres more to the rear than the existing building. There are no windows proposed in all elevations except the northern elevation which abuts neighbouring properties to the north. The flats range in internal floor space from 50 sq metres to 67 sq metres. To the rear of the building it is proposed to provide a bin store area and external drying area, and a garden and sitting area measuring 95 sq metres. The Town Council have raised concerns relating to 'over intensification'.

Considering the scale of the development and fenestration detailing it is not considered it would have a significantly greater impact on the amenity of the adjacent occupiers than the existing arrangement. In terms of the amenity of potential occupiers, for 1 bed units, SPG 7 requires a minimum floorspace of 50 sq m, which the proposal exceeds. The minimum space standards given for living rooms and bedrooms are also exceeded. The plans indicate the provision of amenity space to the rear, the level of amenity afforded is considered acceptable. The concerns of the Town Council in relation to the over intensification of the use of the site are duly noted. Although the scheme fails to meet the external amenity space requirement of 130 sq metres by 35 sq metres, it is not considered that this would be unacceptable having regard to the quality of the space provided, the town centre location and access to recreational facilities in the locality.

It is considered that a suitable level of amenity would be afforded to future occupiers of the flats and therefore the proposal complies with Policy RD1, BSC 7 and SPG 7.

4.3.4 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The proposal includes the creation of 8 no. new residential units.

It is considered that the proposals would be acceptable in relation to open space subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

4.3.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development. SPG 21 sets a maximum requirement for parking to be 1.5 spaces per 1 bed dwelling. This is a maximum requirement and mitigating circumstances such as access to off site parking and provision of public transport will be taken into account.

There is no parking for the existing commercial use and no parking for the proposed flats. Restricted on street parking is available on the High Street and Kings Avenue. The site is located within a town centre within walking distance to local shops and facilities, and a bus and train station. The Head of Highways has raised no objection. Concerns have however been raised by the Town Council over the lack of parking.

Whilst it is noted that there is no on-site parking for the use, the town centre location has to be considered, as must the fact the building has no parking as existing. It is the opinion of Officers that it would be difficult to resist the proposal for parking reasons alone particularly where planning policies are in place to reduce reliance on the private car and promote sustainable means of transport. As such it is not considered that the proposal conflicts with the highways considerations of Policy RD1.

4.3.6 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4. Policy BSC4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either onsite on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

The proposal is for the creation of 8 no. residential units, which would generate the need for an affordable housing contribution in accordance with Policy BSC 4. The Housing Officer has considered the proposal and raises no objection to the scheme on the basis that current housing data shows a demand in the area for one bedroom accommodation and affordable housing.

Having regard to the above it is considered that the proposals would be acceptable in relation to affordable housing contribution subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

4.3.7 Other matters:

The accuracy of the forms has been questioned in representations. In Officers opinion the form has been completed satisfactorily and the relevant certificates submitted. In the absence of evidence to back up the objectors claims that the forms are incorrect the Council must accept the Agents claims of ownership.

Concerns have been raised by adjacent occupiers of the over rights of way at the rear of the property. The Agent is aware that a right of way to the adjacent properties to the north exists and has shown the right of way on the site layout plan. If the proposed arrangement is not in accordance with the deeds of the adjacent properties then this matter should be pursued by the relevant parties with the Agent, as this matter is governed by civil law and is not a material planning consideration.

5. SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. PRE-COMMENCEMENT The development shall not begin until arrangements for the provision of Open Space as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved arrangements.
3. PRE-COMMENCEMENT The development shall not begin until arrangements for the provision of Affordable Housing as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out strictly in accordance with the approved arrangements.
4. Notwithstanding the approved plans, no development shall be permitted to commence until the formal approval of the Local Planning Authority has been obtained for full section details of the windows and doors including their position in the wall, doors, canopy, rooflights and shop-front. The windows shall not to have visible trickle vents and shall be painted to an agreed colour and should not be flush to the elevation. The approved windows and doors shall be installed as approved and maintained as such thereafter.
5. Notwithstanding the approved plans all rainwater goods shall be cast aluminium and shall be maintained as such thereafter.
6. Notwithstanding the approved plans the rooflight shall be top hung, with vertical glazing bar and flush to roof and shall be maintained as such thereafter.
7. There shall be no bell cast render used on the building.
8. Notwithstanding the approved plans, no development shall be permitted to commence until the formal approval of the Local Planning Authority has been obtained for the external materials to be used for the walls and roof materials, and boundary wall and mortar details. The development shall be carried out strictly in accordance with the approved details.
9. The development shall be carried out in accordance with the protected species and mitigation measures submitted to the Local Planning Authority on the 16th July 2014.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of compliance with adopted open space policies.o ensure a satisfactory standard of development for future residents.
3. In the interest of compliance with adopted affordable housing policies.
4. In the interest of visual amenity and to protect the character and appearance of the Conservation Area.
5. In the interest of visual amenity and to protect the character and appearance of the Conservation Area.

6. In the interest of visual amenity and to protect the character and appearance of the Conservation Area.
7. In the interest of visual amenity and to protect the character and appearance of the Conservation Area.
8. In the interest of visual amenity and to protect the character and appearance of the Conservation Area.
9. In the interests of the protection of biodiversity interests on the site.

NOTES TO APPLICANT:

WELSH WATER Note to Applicant:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 43/2014/0206/CA
105-107 HIGH STREET
PRESTATYN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

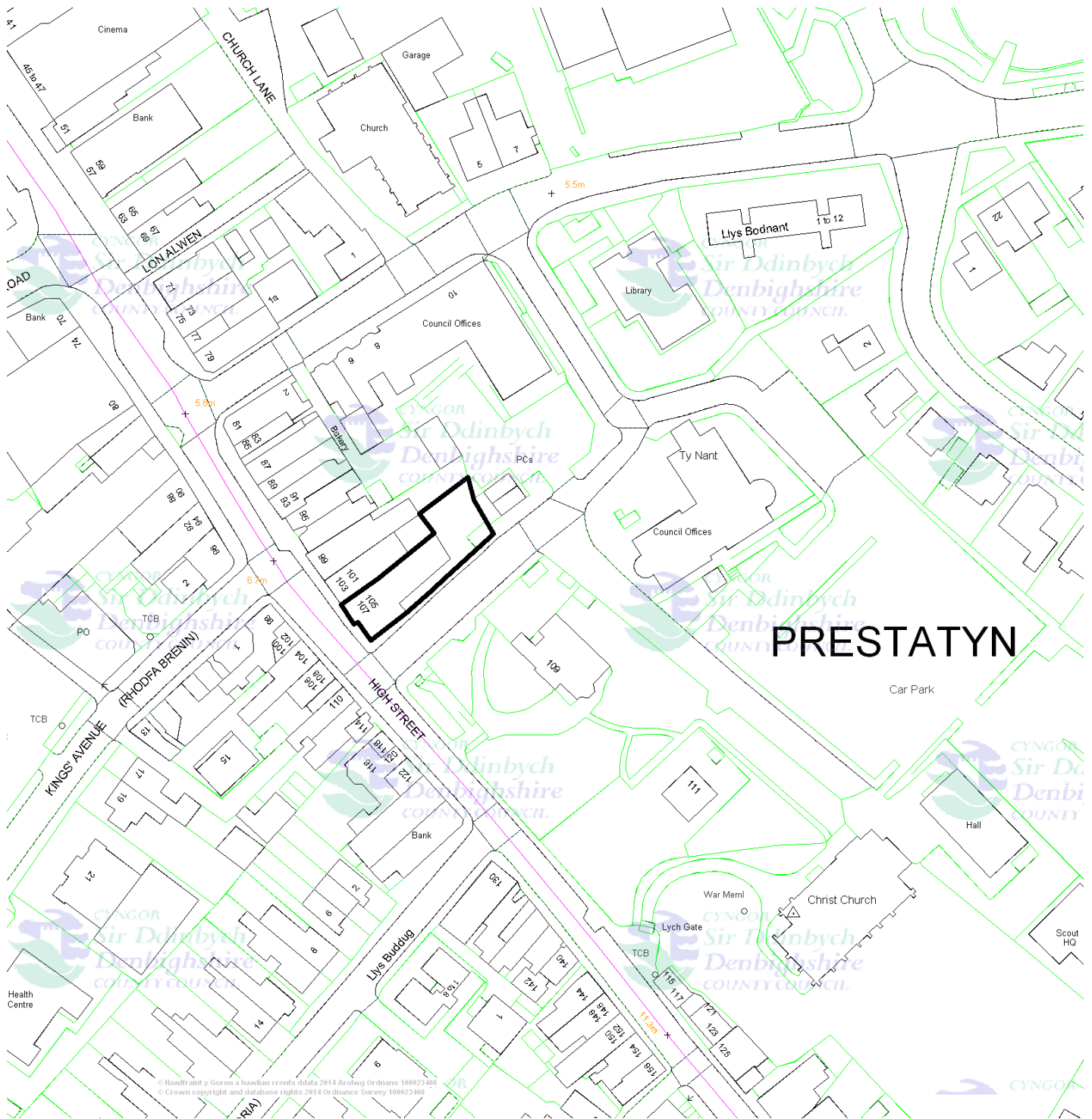
 Application Site



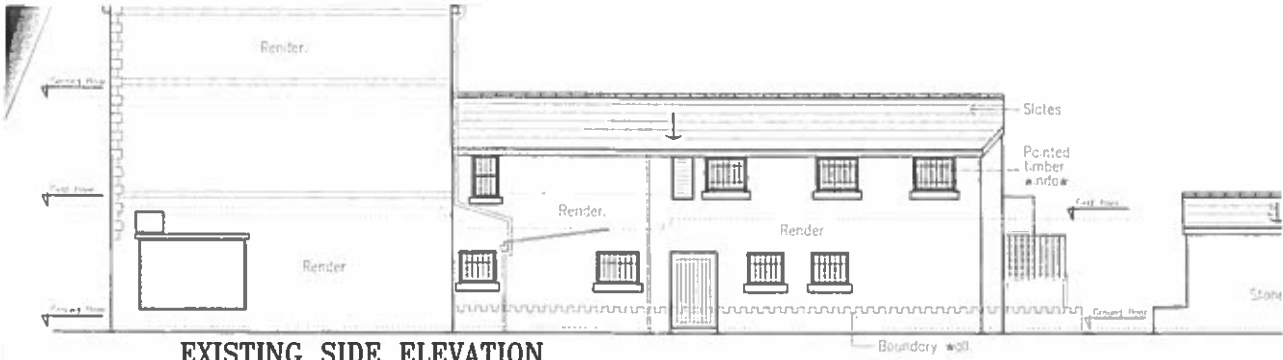
Date 27/8/2014
Centre = 306659 E 382863 N

Scale 1/1250

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



EXISTING ELEVATIONS

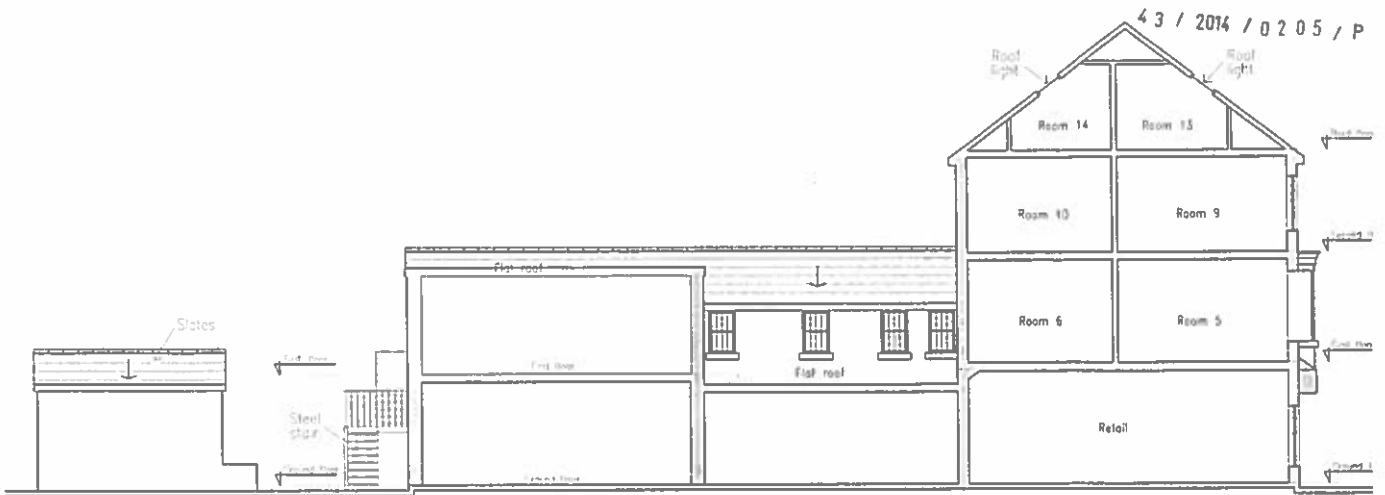


EXISTING SIDE ELEVATION

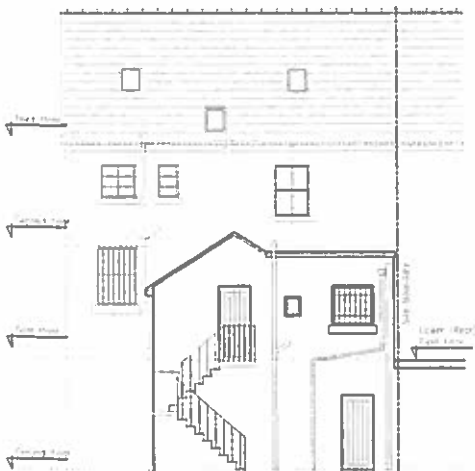


EXISTING FRONT ELEVATION

<p>PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS</p> <p>26 Bryn Street, Llanelli in Carmarthenshire, Wales, SA31 2PL Tel: 01442 317793 Fax: 01442 317795 Mobile: 07906 220916 E-mail: peter.darlington@pddarchitects.com</p>	<p>Project: 105-107, Prestalyn North</p>
	<p>Drawing Title: Existing Side</p>
<p>Drawing No: 3036</p>	<p>Scale: M/M</p>
<p><small>I warrant drawings to be issued in accordance with the terms of the contract and I shall be responsible for the accuracy of the information provided. I shall not be responsible for any errors or omissions in the drawings or for any damage or loss of any kind resulting from the use of the drawings.</small></p>	



EXISTING SECTIONAL ELEVATION



EXISTING REAR ELEVATION

26 FEB 2014
L 11421

<p>PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS</p> <p>26 Bryn Street, Llanelli in Carmarthenshire, Wales, SA31 2PL Tel: 01442 317793 Fax: 01442 317795 Mobile: 07906 220916 E-mail: peter.darlington@pddarchitects.com</p>	<p>Project: 105-107, High Street Prestalyn North Wales</p>
	<p>Drawing Title: Existing Rear and Sectional Elevations</p>
<p>Drawing No: 3036/EX/05</p>	<p>Scale: M/M</p>
<p><small>I warrant drawings to be issued in accordance with the terms of the contract and I shall be responsible for the accuracy of the information provided. I shall not be responsible for any errors or omissions in the drawings or for any damage or loss of any kind resulting from the use of the drawings.</small></p>	
<p>Drawn by: M/M</p>	<p>Scale: 1:100</p>
<p>Date: Jan. '14</p>	

Tudalen 72

ITEM NO: 3

WARD NO: Prestatyn East

WARD MEMBER(S): Cllr James Davies
Cllr Julian Thompson-Hill

APPLICATION NO: 43/2014/0206/ CA

PROPOSAL: Conservation Area Consent for the demolition of a garage (redevelopment of site subject to separate application - ref: 43/2014/0205)

LOCATION: 105-107 High Street Prestatyn

APPLICANT: JBZ Peels Ltd.

CONSTRAINTS: Conservation Area

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant Town Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“Objection, Loss of historic character associated with buildings. Over intensification and lack of adequate on site parking. Potential loss of retail/ employment opportunity.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

- Conservation Officer

No objection to principle of the redevelopment of the site and redevelopment proposal.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 06/05/14

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application is for Conservation Area Consent for the demolition of part of 105-107 High Street in Prestatyn in connection with a redevelopment scheme for a total of 8 flats. The planning application is the subject of the previous report on the agenda (43/2014/0205).

1.2 Description of site and surroundings

1.2.1 No. 105-107 comprises of a ground floor retail premises on the southern end of a terrace of property fronting High Street in Prestatyn. The Upper floors and the outrigger have previously been used in conjunction with the ground floor use. There is

a stone outbuilding in the rear curtilage. The outrigger and stone outbuilding are proposed to be demolished and therefore the subject of this application.

1.2.2 As it is on the end of the terrace, the building on the site fronts High Street and Kings Avenue. To the rear of the site (eastern side) are the Kings Avenue public conveniences.

1.2.3 The site is located in the town centre of Prestatyn. The locality is characterised by a wide range of uses, primarily retail with some residential uses above.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the Prestatyn Conservation Area, which runs along the High Street and includes the block of buildings to the rear of the application site.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application is being considered in conjunction with an application for the redevelopment of the site.

2. DETAILS OF PLANNING HISTORY:

2.1 There is one recent application of relevance to this proposal:

43/2014/0205 Conversion of upper floors over existing retail unit to form 3 no. flats, demolition of two storey rear outrigger building and erection of extension to rear to form 5 no. 1 bed flats and associated works. This is also being considered by Committee.

3. RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy VOE 1 – Key areas of importance

3.2 Supplementary Planning Guidance
SPG 13-Conservation Areas

3.3 Government Policy / Guidance
Planning Policy Wales Edition 7
Welsh Government Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle
Planning Policy Wales highlights the objective of preserving or enhancing the character or appearance of a Conservation Area, which can be achieved either by development which provides a positive contribution to the Conservation Area character and appearance or development which leaves character and appearance unharmed. Local Development Plan Policy RD 1 test (i) requires due regard to issues

of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. This policy is supported by Supplementary Planning Guidance Note SPG 13 – Conservation Areas. SPG 13, paragraph 7.1 states that 'Development should not detract from the character and appearance of the designated area', and mentions a high standard of design required for development in Conservation Areas.

As part of the pre-application discussions, the alteration, extension and re-use of the building was considered. It was noted that this could be done, however the result would be an awkward design which may not achieve the modern standards of accommodation, building regulations standards etc. It is argued that the rear of the building on the site makes no positive contribution to the Conservation Area and that the redevelopment scheme would enhance the character of the conservation area. The Conservation Officer has been consulted on the proposal and has raised no objection to the principle of the demolition of the buildings and redevelopment of the site.

In this context, Officers acknowledge the concerns of Town Council on the loss of historic character but consider it would be difficult to justify withholding consent for demolition. The proposal would not conflict with policies RD1, VOE 1 and PPW.

4.2.2 Other matters

Town Council comments on over-intensification, parking and loss of retail use are considered under the corresponding planning application.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the relevant policies and guidance and is recommended for grant subject to planning conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. No demolition shall be permitted to take place until the Local Planning Authority's approval has been obtained to the detailed plans of the redevelopment, and demolition shall only be permitted to commence once a contract is in place for the redevelopment, and the demolition shall only be carried out as part of the implementation of the redevelopment scheme.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure demolition works are only carried out as part of the implementation of the planning consent for the redevelopment of the site.

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 43/2014/0250/PF
55 PENDRE AVENUE
PRESTATYN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

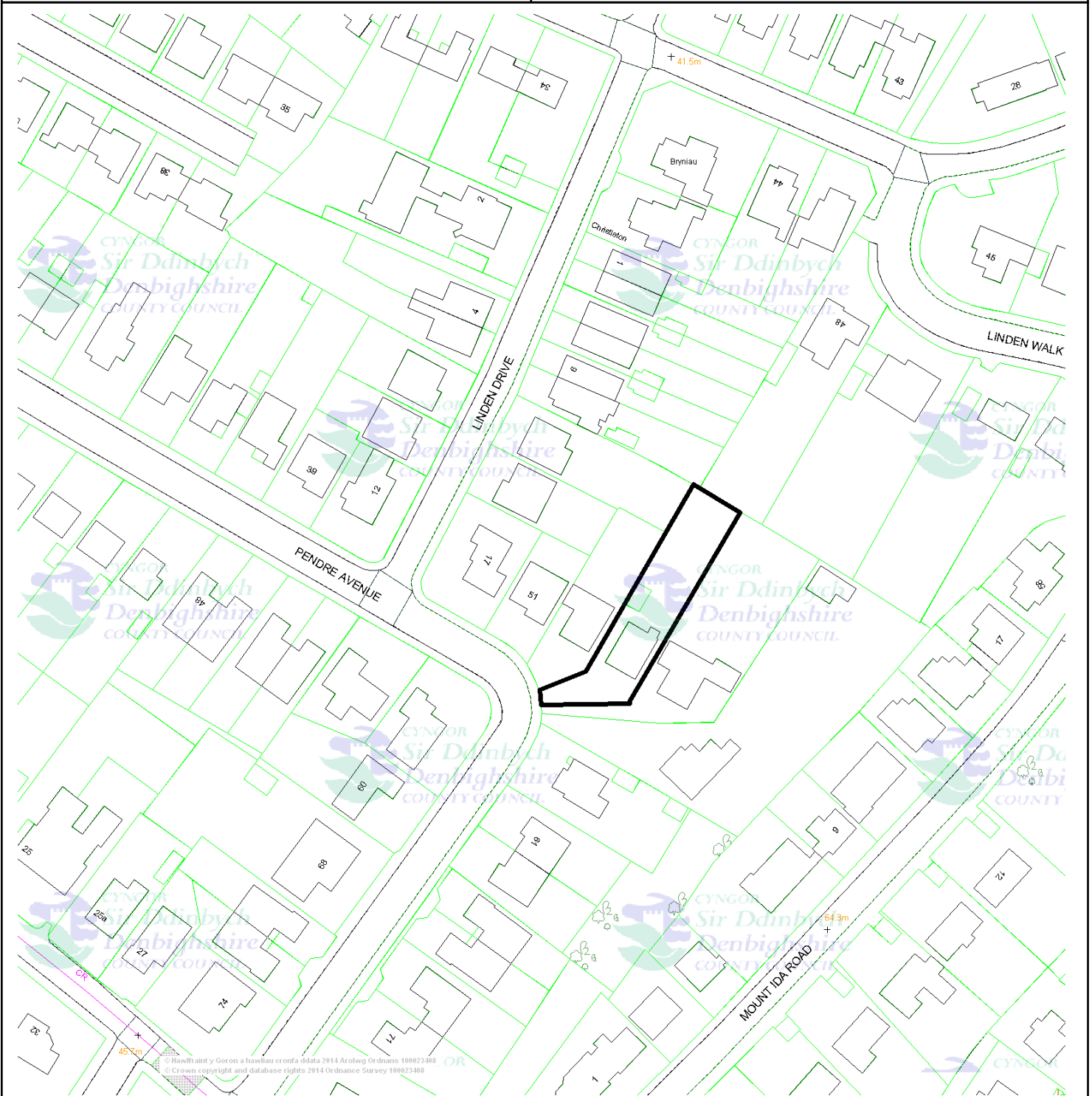


Date 27/8/2014

Scale 1/1250

Centre = 307211 E 382422 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



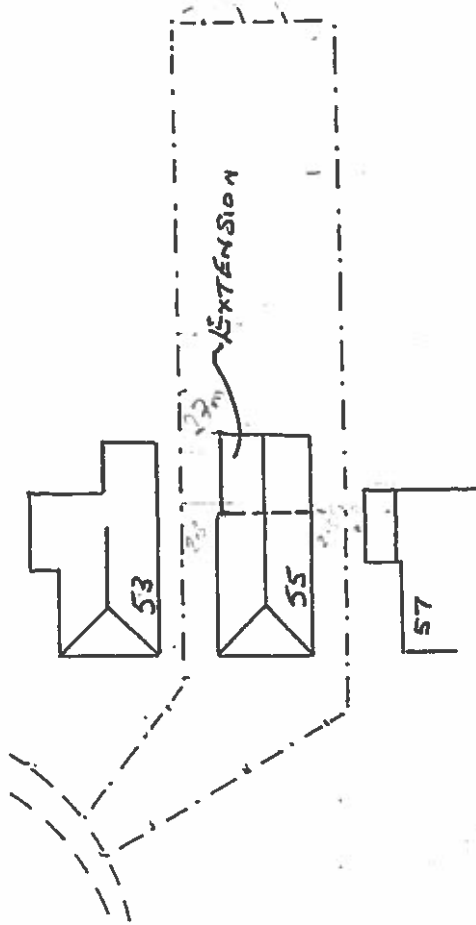
PROPOSED SITE PLAN

55 TENDRE AVENUE,

PRESTATYN.

BLOCK PLAN - A PROPOSED

SCALE : 1 - 500

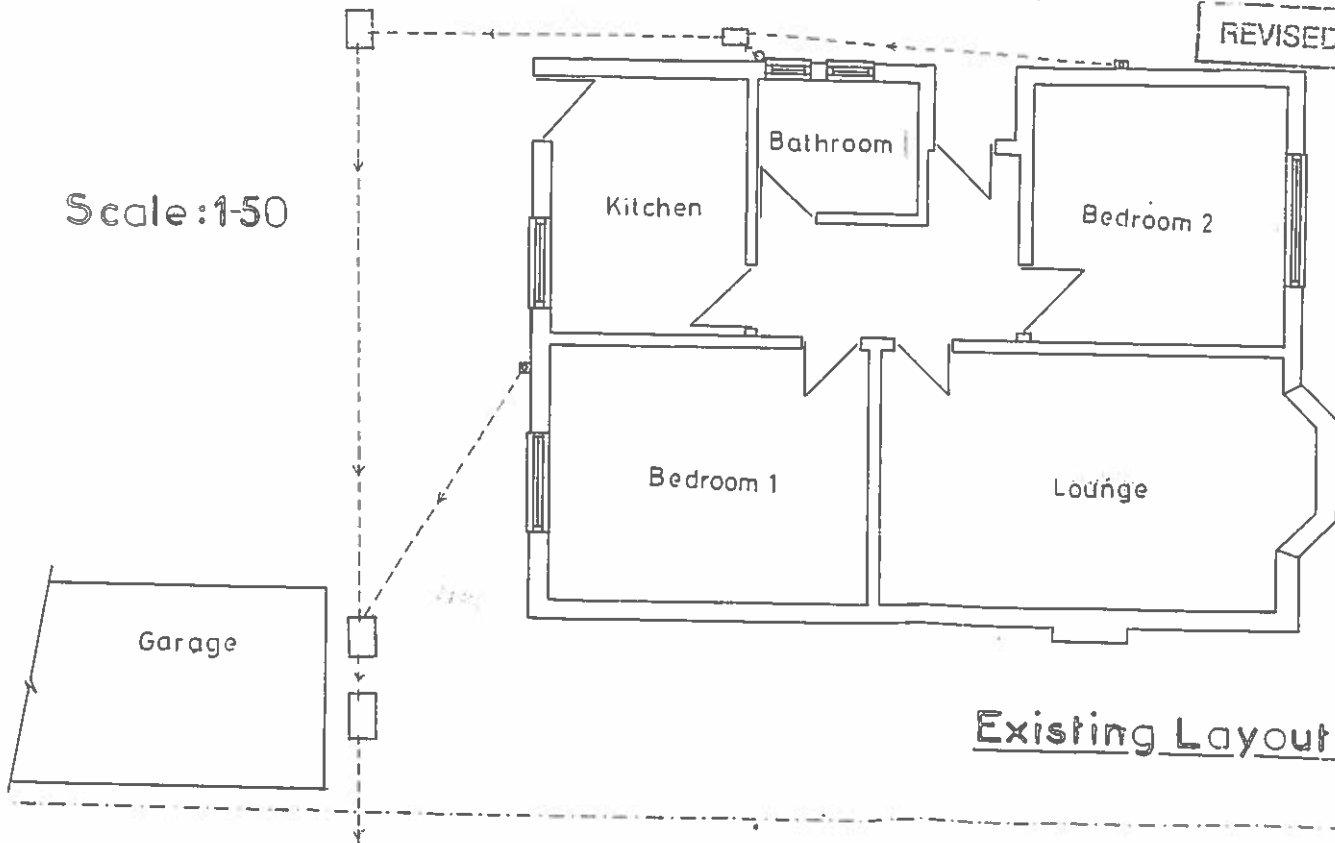


55 PENDRE AVENUE, PRESTATYN.

EXISTING FLOOR PLAN

REVISED PLAN

Scale: 1:50

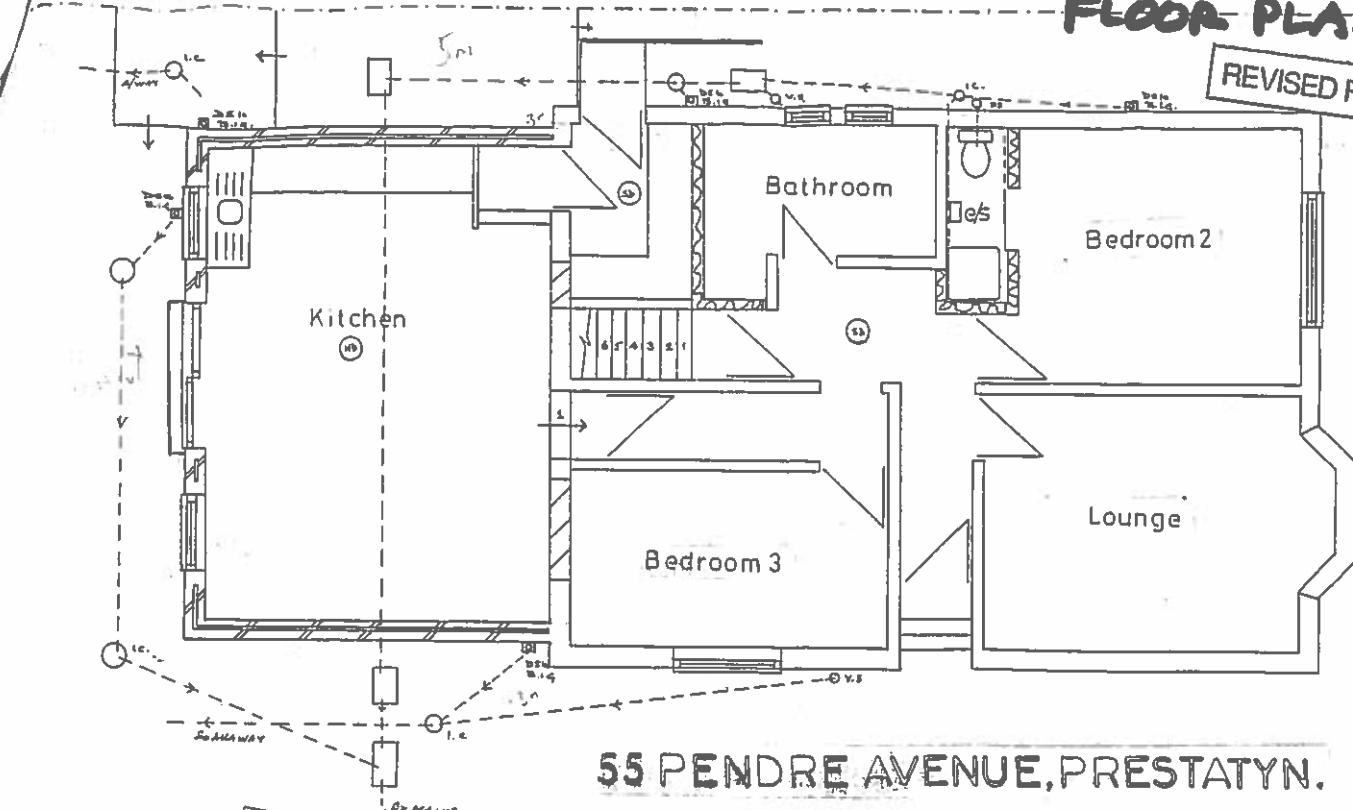


Existing Layout

43 2014/0250/PF

PROPOSED FLOOR PLAN

REVISED PLAN



55 PENDRE AVENUE, PRESTATYN.

Proposed G.F. Layout

Scale: 1:50

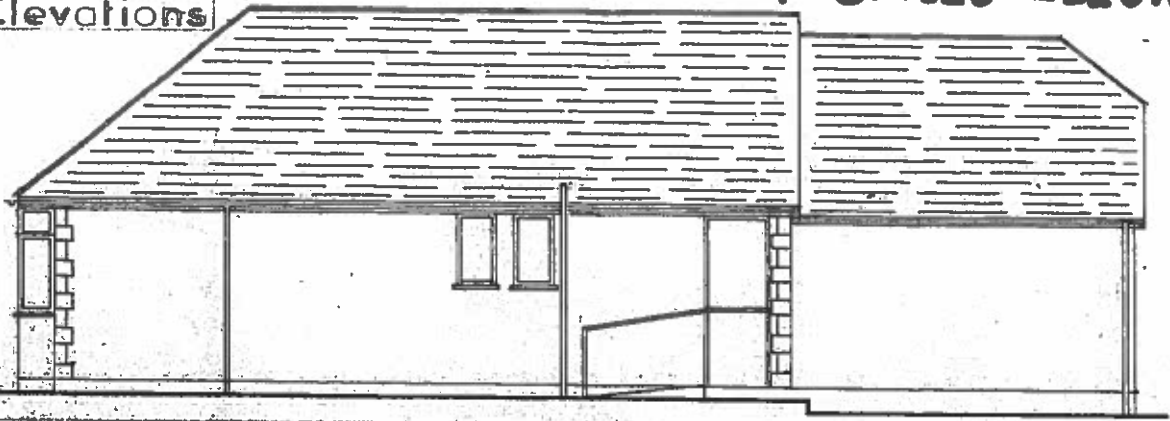
Tudalen 79

RECEIVED
14 JUL 2014
CALEDFRYN

5067 114

Proposed
Side Elevations

PROPOSED ELEVATIONS



SE

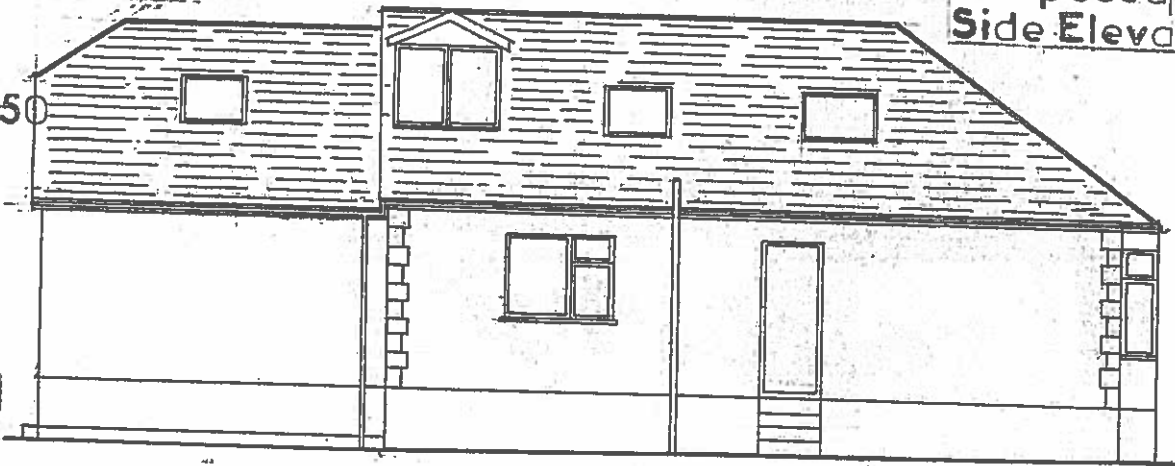
PENDRE AVENUE, PRESTATYN.

Scale:150

RECEIVED
14 JUL 2014
CALEDFRYN

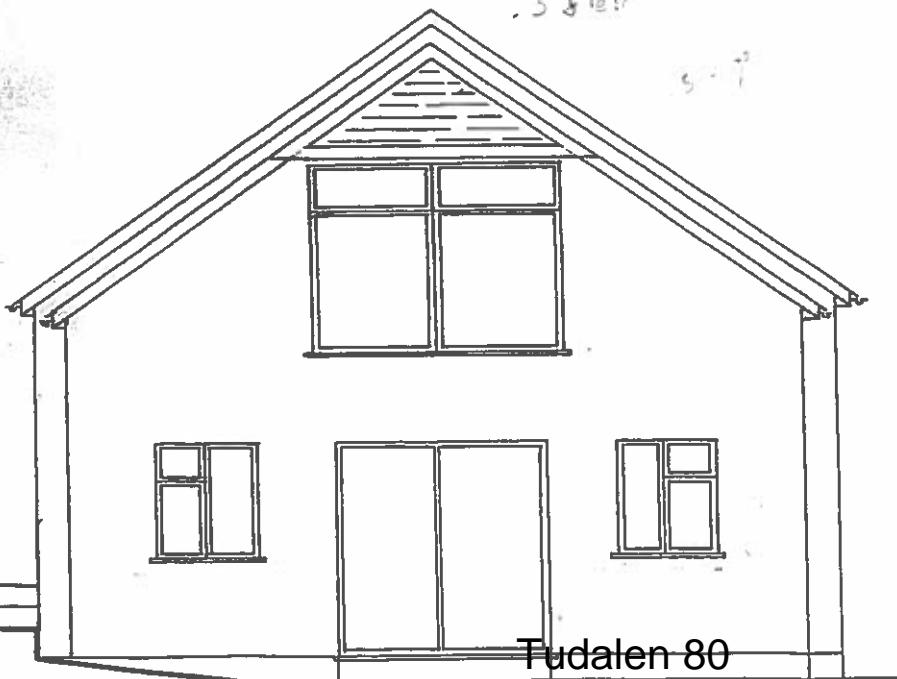
Proposed
Side Elevation

Scale:150



NW

Proposed Rear Elevation



Tudalen 80

RECEIVED

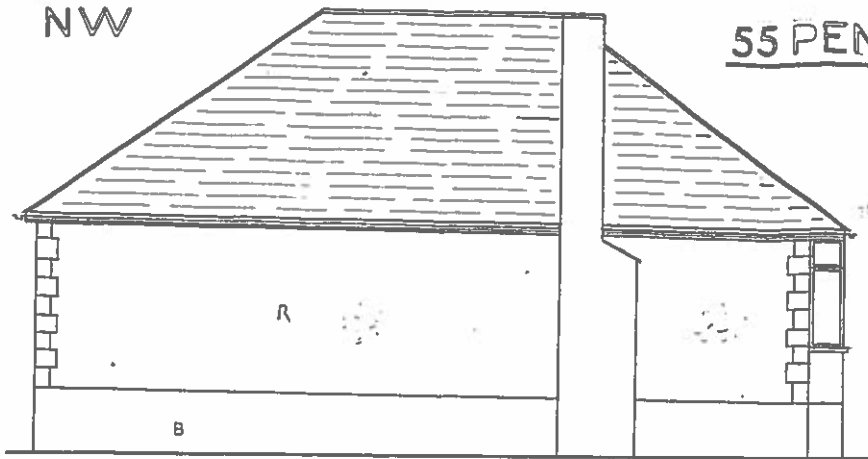
EXISTING ELEVATIONS

NW

43 / 2014 / 0250 / P F .

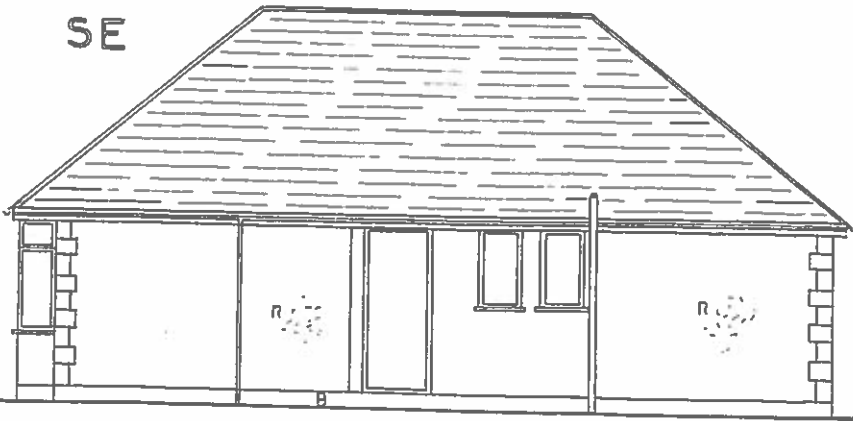
55 PENDRE AVENUE

PRESTATYN

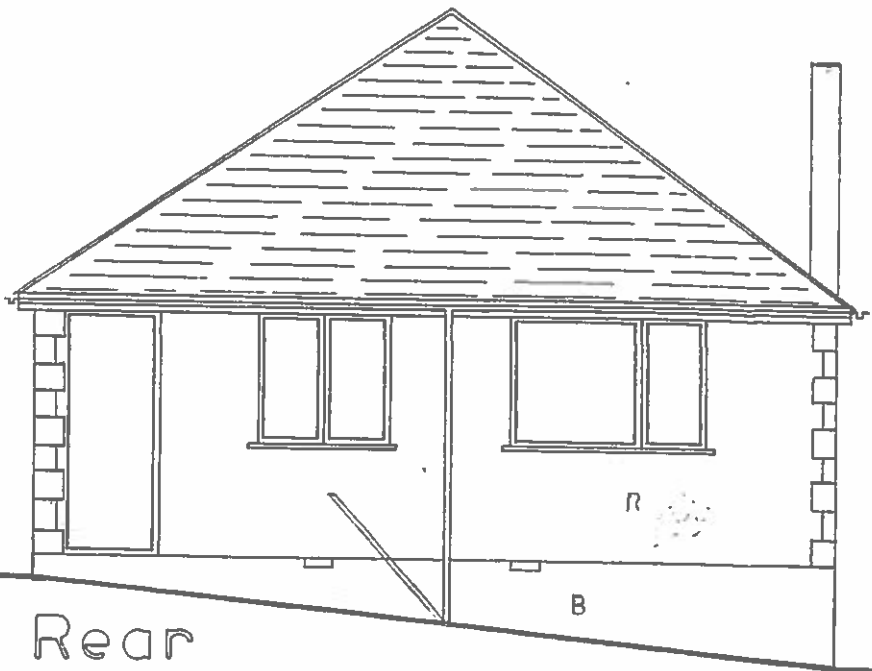


SE

Existing
Side Elevations



Scale: 1-50



Rear

ITEM NO: 4

WARD NO: Prestatyn East

WARD MEMBER(S): Cllr James Davies
Cllr Julian Thompson-Hill

APPLICATION NO: 43/2014/0250/ PF

PROPOSAL: Erection of a single-storey extension to rear of dwelling with alterations to roof and dormer window to side elevation to provide accommodation in roofspace

LOCATION: 55 Pendre Avenue Prestatyn

APPLICANT: MrGeoff Wray

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant – Town Council objection
- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“Proposed roof height exceeds existing build height. Privacy of adjoining neighbours seriously affected”.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mrs Michelle Adams, 57 Pendre Avenue, Prestatyn

Mr & Mrs P Jones, 57a Pendre Avenue, Prestatyn

Mrs L Wistow-Hughes, 48 Linden Walk, Prestatyn

Mrs B Gee, 15 Linden Drive, Prestatyn

Summary of planning based representations in objection:

Visual amenity- Overdevelopment, extension out of scale with dwelling

Residential amenity- Overlooking would result in loss of privacy for adjacent occupiers

In support:

Amanda Dallimore, 53 Pendre Avenue

Summary of planning based representations in support:

No objection. neighbours looking forward to dwelling being occupied.

EXPIRY DATE OF APPLICATION: 07/09/2014

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of extensions at 55 Pendre Avenue in Prestatyn. The application comprises of an extension to the rear, and alterations to the existing roof in the form of a gable to the rear and a roof light to the side.
- 1.1.2 The pitched roof rear extension would project 5 metres to the rear and measure 7 metres in width, it would be set off each side boundary by 0.3 metres. The overall height would be 5.9 metres. Windows are proposed on the rear of the extension on the ground and first floor. The extension would comprise of a kitchen extension on the ground floor, with a bedroom in the first floor/loft space.
- 1.1.3 The roof alterations are proposed to accommodate the loft conversion, and link to the extension. The dormer is proposed on the western roof plane with three rooflights.
- 1.1.4 The proposals are illustrated on the plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 No. 55 Pendre Avenue is a detached residential bungalow located in a residential area of Prestatyn.
- 1.2.2 The site slopes down from east to west with the neighbouring property at no. 57 being set at a higher level and the property at no. 53 being set at a lower level. There is an existing single storey extension to the rear of no. 53. The site also slopes down from front to rear.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Prestatyn as defined by the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 There is some planning history on the site, in July 2013 Planning permission was refused for a single storey extension contrary to Officers' recommendation. The reason for refusal issued was as follows;
'In the opinion of the Local Planning Authority, the proposed extension would have an unacceptable impact on the residential amenities of the occupiers of adjacent dwellings at 57 Pendre Avenue and 53 Pendre Avenue by virtue of its projection and scale, which would appear overpowering, and contrary to Policy RD1 (i) of the Denbighshire Local Development Plan and guidance in Supplementary Guidance Note No. 1 relating to the detailing of extensions.'
This decision was the subject of a planning appeal which was allowed in December 2013.
- 1.4.2 A subsequent planning application was made in October 2013 for a single storey extension. This was granted Planning permission by Committee in December 2013.

1.5 Developments/changes since the original submission

- 1.5.1 The original application has been amended slightly on the advice of Officers. The height of the ridgeline has been reduced, and the extension has been set off the boundaries.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 Planning Ref 43/2013/0203 Erection of single storey extension to rear of dwelling REFUSED at Planning Committee 24/07/2013. ALLOWED on appeal 12/2013.

2.2 Planning Ref 43/2013/1353 43/2013/0203 Erection of single storey extension to rear of dwelling. GRANTED at Planning Committee 11/12/2013.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD 1 - Sustainable Development and Good Standard of Design
Policy RD 3 – Extensions and alterations to dwellings

3.2 Supplementary Planning Guidance
SPG 1 – Extensions to Dwellings
SPG 7 – Residential Space Standards
SPG 24 – Householder Development Design Guide

3.3 Government Policy / Guidance
Planning Policy Wales Edition 7

3.4 Other material considerations
None.

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7 confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. SPG 1 and SPG 24 offer 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 sections.

4.2.2 Visual amenity

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The application proposes an extension to the rear of the dwelling which would project out 5 metres and have a footprint of approximately 35 sq metres. The existing dwelling has a footprint of over 75 sq metres. The sides of the extension would be set back from the sides of the original dwelling by 0.3 metres. The ridgeline of the extension would be set down from the main ridge height of the dwelling by 0.3 metres. There is a mix of dwelling types in the area, including brick bungalows, and dormer style and two storey dwellings. Concerns have been raised by the Town Council and in representations over the scale of the extension.

The proposed extension is located to the rear of the property and would not be visible from most public viewpoints. In Officers opinion the extension would be subordinate to the original dwelling and the scale and massing takes into account the design and form of the dwelling, reflecting its features and materials. There is a mix of development in the vicinity of the site where some dwellings have had rear extensions, including an extension at no. 53 Pendre Avenue which projects some 4.8 metres to the rear of the dwelling. Hence it is considered that the proposal would comply with tests i) and ii) of Policy RD 3 and advice within the supplementary planning guidance.

4.2.3 Residential amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. Test iii) of Policy RD 3 seeks to ensure that proposals to extend dwellings do not harm the amenity of the dwelling by way of overdevelopment of the site. Planning Policy Wales 3.1.4 refers to the impact on the neighbourhood as a material consideration, the impact of a development on residential amenity is therefore a relevant test on planning applications.

Over 250 sq metres of amenity space would remain if the extension was permitted. The sides of the extension would be set back 0.3 metres from the side elevations of the dwelling and the ridgeline is set down 0.3 metres from the existing dwelling. Windows are proposed to serve the kitchen at ground floor level and the bedroom at first floor level at the rear, and the side dormer would serve a hallway between the bedroom and wc on the first floor. Owing to the sloping nature of land, the dwelling to the west is at a lower level and the dwelling to the east is at a higher level. No. 55 has a garden depth of approximately 27 metres. Concerns have been raised in representations that there would be overlooking and loss of privacy as a result of the extensions.

It is noted that there would be over the recommended 40 sq metres amenity space remaining for the proposed occupiers of the dwelling should the extension be permitted. Considering the distances to the dwellings to the north on Linden Avenue and the design of the extension in relation to neighbouring gardens to the east and west, the extension would not result in a loss of light or privacy for adjacent occupiers. This level of 'back to back' separation more than meets the recommended back to side separation distances of 21 metres set out in supplementary planning guidance. Whilst there is a side dormer window proposed in the western side elevation, the

dormer serves a hall. The proposal is therefore considered to comply with test iii) of Policy RD 3 and separation distance advice within supplementary planning guidance.

5. SUMMARY AND CONCLUSIONS:

5.1 The dwelling has had planning permission for substantial extensions in 2013 which were considered by Planning Committee and the Planning Inspectorate. The main difference between this proposal and previously approved extensions is the roof alteration. With respect to the comments of the Town Council and the representations, Officers do not consider there are grounds to justify a refusal of permission in this instance. Hence it is the opinion of Officers that the proposal is acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity

NOTES TO APPLICANT:

WELSH WATER Note to Applicant:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Heading:

REFERENCE NO. 45/2014/0617/AC

23 MARINE DRIVE

RHYL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800

Fax: 01824 706709



Application Site

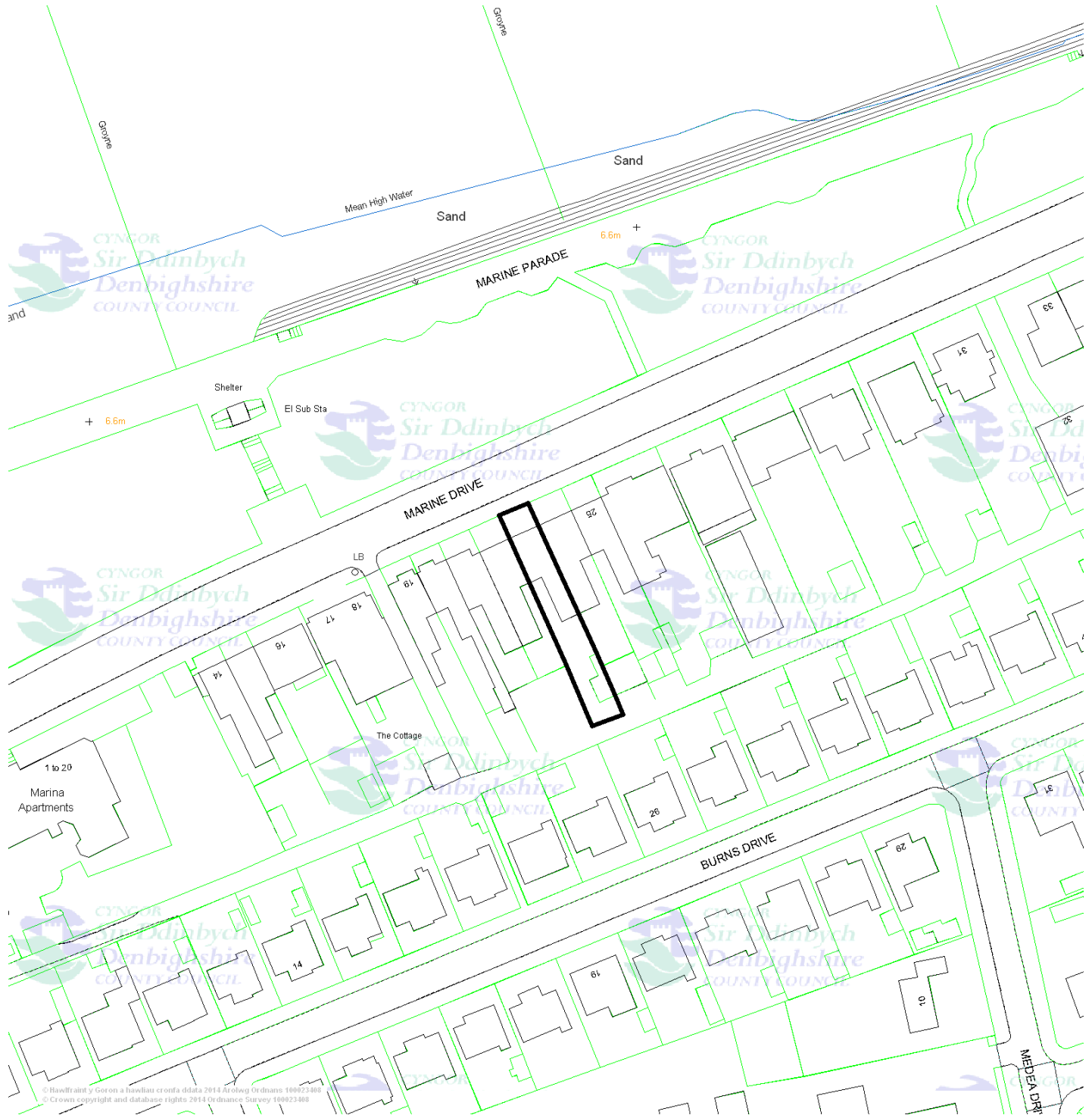


Date 27/8/2014

Scale 1/1250

Centre = 301774 E 382276 N

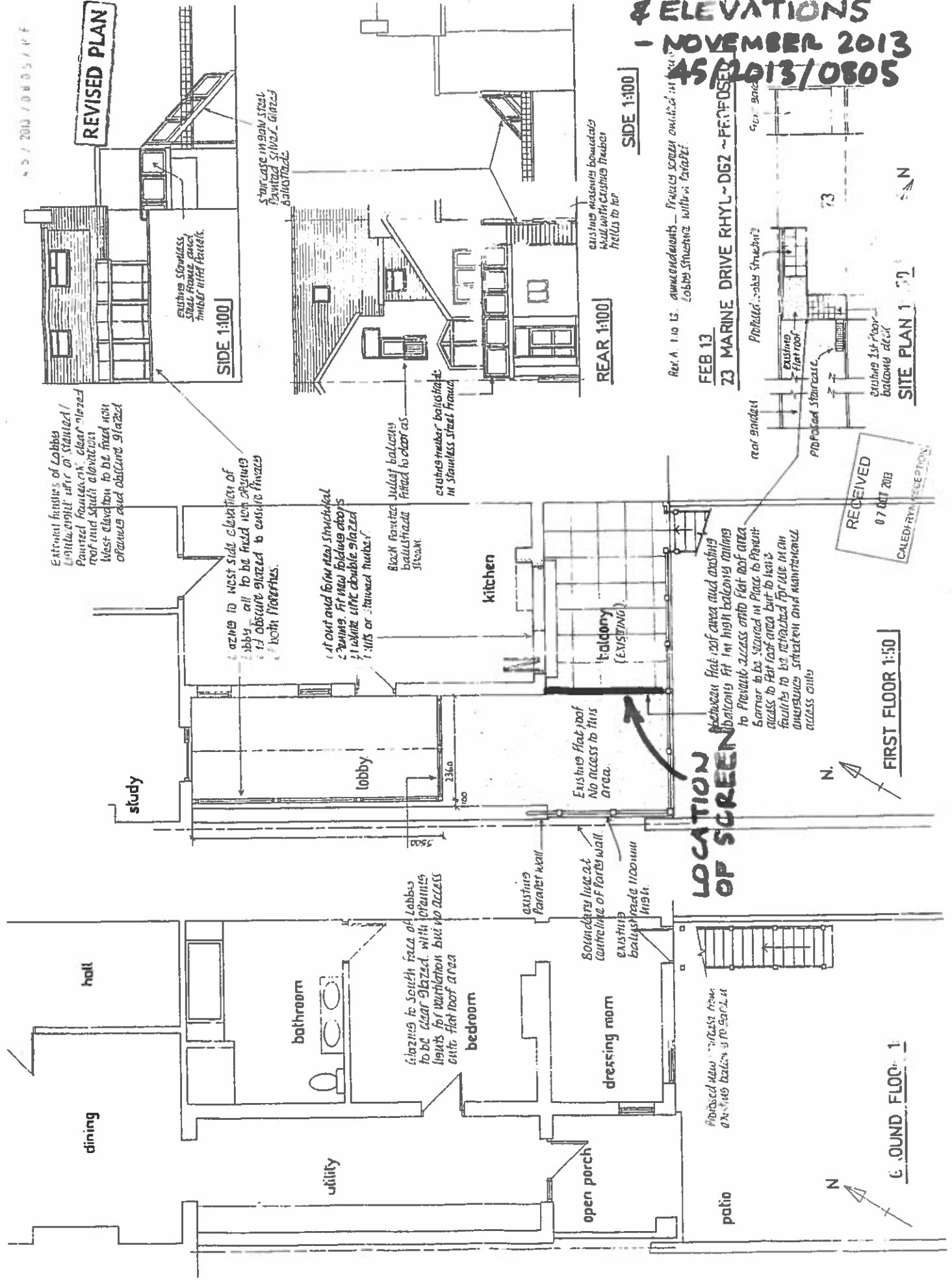
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



APPROVED PLAN & ELEVATIONS
- NOVEMBER 2013
45/2013/0805

45/2013/0805/RF

REVISED PLAN



Extant frames of Lobby
 Lobbies will be stained /
 Painted. Frames will be clear glazed
 roof and South elevation
 West elevation to be fixed with
 operable and obscure glazed

opening to West side elevation of
 lobby will be fixed with operable
 & obscure glazed to ensure privacy
 both floors.

At out and form new structural
 opening. Fit new folding doors
 & glazing like obscure glazed
 units or stained timber.

Block formate
 balustrade
 stainless steel

kitchen

Existing flat roof
 No access to this
 area.

**LOCATION
 OF SCREEN**

Between flat roof area and existing
 balcony fit in high balcony railing
 to prevent access onto flat roof area
 barrier to be stained in place to prevent
 access to flat roof area but to have
 faults to be replaced for use in an
 emergency situation and maintenance
 access only

FIRST FLOOR 1:50

GROUND FLOOR 1:50

Ref. A 1 to 13 amendments - Privacy screen omitted in plan
 Lobby structure with a canopy

FEB 13

23 MARINE DRIVE RHYL - DG2 - REFUSED

SITE PLAN 1:50

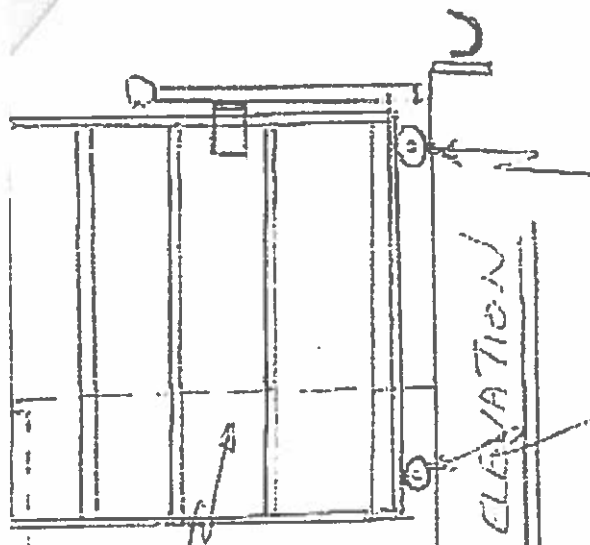
RECEIVED
 07 OCT 2013
 CALDERYNS RECEPTION

SCREEN DETAIL

DRG NO: RM2

PRIVACY PANEL DETAIL

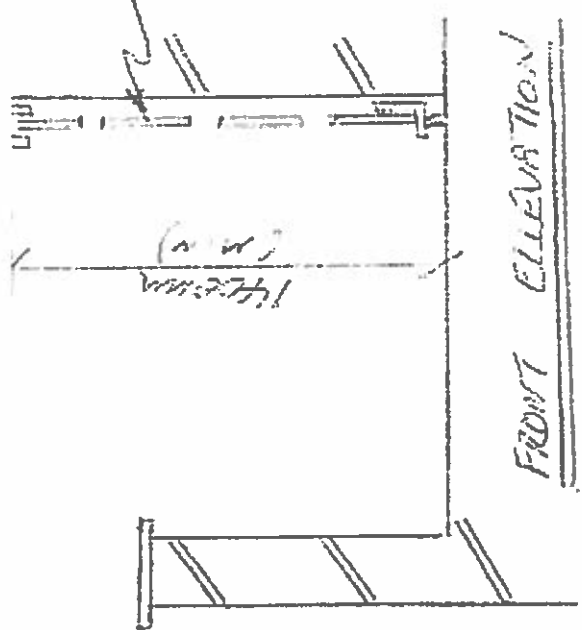
SCALE - NTS APRIL 14.



END ELEVATION

WOODEN PRIVACY PANEL WITH FIXED WHEELS TO METAL FRAME

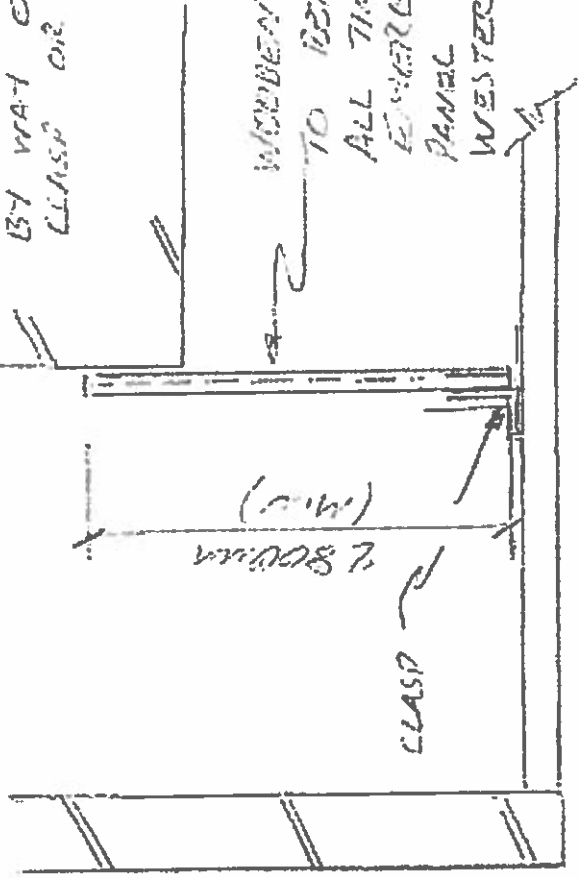
WOODEN PRIVACY PANEL SET IN METAL FRAME TO MATCH EXISTING HANDRAIL AND WOODEN PANELS



FRONT ELEVATION

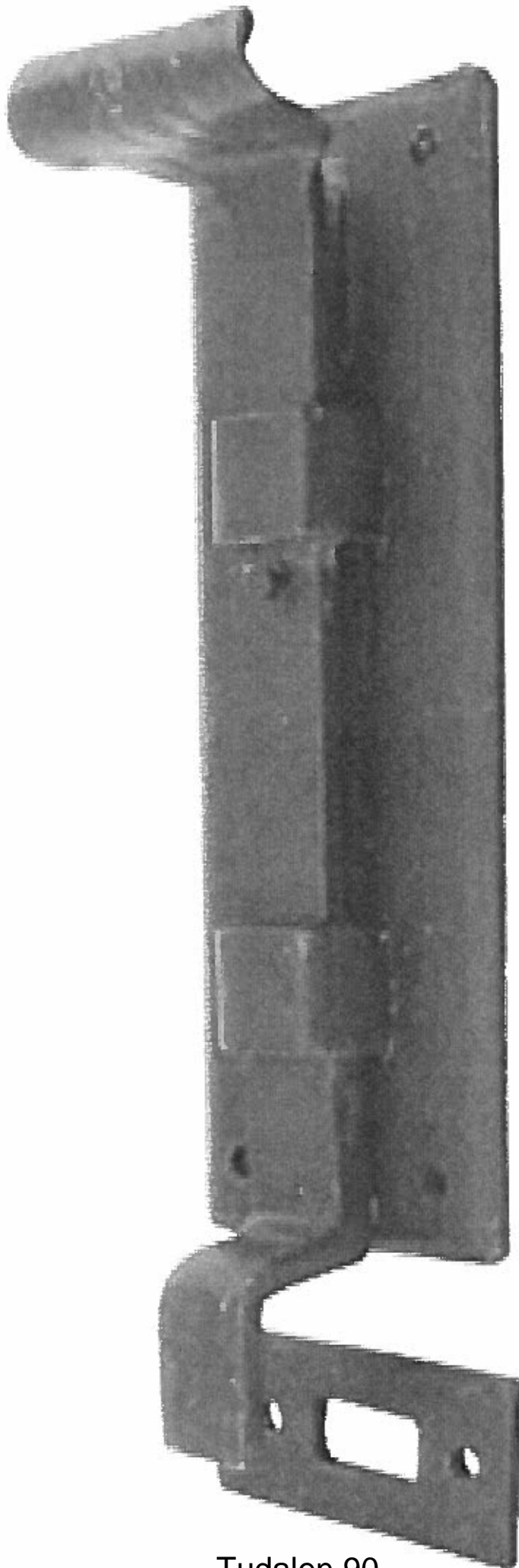
WOODEN PANEL TO BE SECURED TO THE EXISTING WOODEN FASCIA PANELS BY WAY OF A METAL CLASP OR OTHER DEVICE

WOODEN PRIVACY PANEL TO REMAIN CLOSED AT ALL TIMES EXCEPT FOR EMERGENCY PURPOSES. PANEL TO BE OPENED FROM WESTERN ELEVATION.



PLAN VIEW

**CRANK BOLT
DETAIL**



Tudalen 90

ITEM NO: 5

WARD NO: Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/0617/ AC

PROPOSAL: Details of proposed screen to prevent access from existing balcony to flat roof area submitted in accordance with condition no. 5 of planning permission code no. 45/2013/0805

LOCATION: Shirley 23 Marine Drive Rhyl

APPLICANT: Mr Russell Moffatt

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager
- Member request

RESPONSE TO PUBLICITY:

Neighbouring occupiers were consulted on the plans given the background history.

In objection

Mr. S and Mrs J. Soudagar, Ardmere, 24 Marine Drive, Rhyl.

Summary of planning based representations in objection :
Screen would not prevent access to the flat roof area as required by January 2011 permission / should be a permanent structure / Council should enforce previous conditions

EXPIRY DATE OF APPLICATION: 14/07/2014

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application is one of two on the agenda relating to developments at the rear of this three storey property on Marine Drive in Rhyl.

1.1.2 This report contains details of a screen to be erected on part of a first floor balcony / flat roof area at the rear of the dwelling. This is an approval of condition application

following the grant of planning permission and is brought to Committee at the request of local members having regard to the background history at the site.

1.1.3 The requirement for approval of the screen detailing arises from a condition imposed on a planning permission granted in November 2013 for developments at first floor level at the rear of the property. This included a lobby extension, a staircase down to ground floor level, and a balustrade to limit access to the remainder of the first floor flat roof area. The application was determined at Planning Committee.

1.1.4 The condition in question was No. 5 and is worded as follows:

5. *Notwithstanding the submitted plans, the detailing of the screen to be erected to prevent access from the existing balcony onto the adjacent area of flat roof shall not be as shown, but shall be a 1.5 metre high screen in accordance with such alternative detailing as may be submitted to, and approved by the Local Planning Authority within two months of the date of this permission, and the approved scheme shall be implemented in its entirety no later than 6 months from the commencement of the development permitted by this permission. The approved screen shall be retained at all times thereafter.*

The reason for Condition 5 was :

“In order to ensure the screen is of sufficient height to restrict access to the flat roof area, and in the interests of the privacy/amenity of the occupiers of nearby properties”.

1.1.5 The details of the screen are in the plan at the front of the report. The applicant explains in the covering letter that the screen is to be of wooden sections within a metal frame similar to the existing handrails, and will be supported on wheels to allow the panel to be opened in emergency situations from the lobby side. The plans show the screen would be 1.4 m high and secured with a clasp which can only be released from the lobby side (i.e. not the balcony). Additional clarification has been sought in relation to the clasp detailing, which is in the form of a crank bolt, illustrated in the plans at the front of the report.

1.2 Description of site and surroundings

1.2.1 The subject property is a three-storey mid-terraced house which fronts the beach and promenade in Rhyl on Marine Drive. It is abutted by a house to the east, No.24 Marine Drive, and by flats at No 22 Marine Drive. Properties within the area are used for a variety of residential accommodation including houses and flats, with the rear curtilage of the properties in the block (19 to 26) used for amenity space and also parking, which is accessed via a rear alleyway.

1.2.2 There has been a first floor balcony area at the rear of No. 23 for some years. A planning permission was granted in early 2011 for a single storey flat roof extension at the side of the property. This was conditioned to prevent use of the flat roof area in order to limit the overlooking of the rear of No 22.

1.2.3 The adjacent property at 24 Marine Drive has a swimming pool in the rear garden and has a two-storey flat-roofed rear projection along the side boundary to 23 Marine Drive, with a main window on the rear elevation facing south.

1.2.4 The adjacent property at 22 Marine Drive has a rear yard area which is divided into three areas for use by the ground floor, first floor and second floor flats, with the ground floor unit facing the side blank wall of the single-storey extension added to the rear of 23 Marine Drive. The property at 22 Marine Drive has rear facing bedroom doors and windows and the upper floors also have rear and side facing windows; and there is a rear stairway down from first floor level at the back of Nos. 21 / 22.

1.3 Relevant planning constraints/considerations

1.3.1 There are no designations or allocations in the Local Development Plan of relevance to the application.

1.4 Relevant planning history

1.4.1 The site has an extensive planning history as set out in Section 2 of this report. It includes a number of applications to alter and extend at the rear of the property.

1.4.2 The most recent applications of relevance are one granted in January 2011 for the retention of a single storey flat roofed extension with a flat roof infill, one refused in June 2013 for a conservatory at first floor level on top of the flat roof area, and one granted on November 2013 for a first floor lobby extension, stairway and barrier to prevent access onto the flat roof area.

1.4.3 The relevance of the 2013 permission for the lobby, screen, and staircase is that it effectively 'overrides' the earlier permission in 2011 for the retention of the flat roof extension. For the record, the approved plan in the November 2013 permission contained the following notation in relation to the screen to be provided -

' Between flat roof area and existing balcony fit 1m high balcony railing to prevent access onto flat roof area. Barrier to be secured in place to prevent access to flat roof area but to have facility to be retracted for use in an emergency situation and maintenance access only'.

A copy of the plan approved in November 2013 is included at the front of the report.

In addition to Condition 5 quoted in paragraph 1.1.3 of the report, the November 2013 permission contained the following conditions relating to the detailing of the lobby extension and the use of the flat roof area over the side extension:

"3. *There shall be no external door openings in the lobby structure.*

4. *The roof area annotated in red on the plan attached to this permission shall not be used at any time as a balcony, roof garden or amenity area in connection with the dwelling".*

Members may appreciate from the above that the November 2013 permission contains quite specific controls over the development to preclude the use of the remaining section of the first floor flat roof extension, in conjunction with the requirement for approval of the details of the screen.

1.5 Developments/changes since the original submission

1.5.1 The applicant has submitted an additional drawing to clarify the detailing of the proposed clasp / bolt arrangement on the screen, to demonstrate that it would only be accessible from the flat roof area in an emergency, and not from the balcony side.

1.6 Other relevant background information

1.6.1 The next application on the agenda, Code no. 01/2014/0924 proposes amendments to the scheme granted planning permission in November 2013, but has to be determined on its own merits entirely separate from this application relating to the screen detailing.

2. DETAILS OF PLANNING HISTORY:

2.1 2/RYL/518/78 - Erection of a fire escape for flatlets: Granted 07/11/1978.

2/RYL/0190/90/P - Continuation of use of building as 4 flats and extension to rear:
Withdrawn 03/12/1990.

2/RYL/0176/93/P - Construction of dormer at rear to form new bathroom/bedroom (Flat 2):
Granted 22 June 1993.

45/2007/1511 - Erection of two-storey flat-roofed extension with balconies at rear of premises and provision of new steel staircase: Refused 14/03/2008 on the grounds of the impact on the adjacent occupiers due to the scale, massing, height and siting of the extensions with balconies above which would have a detrimental impact on the amenity and privacy of the adjacent occupiers.

45/2008/0694 - Erection of two-storey extension with balcony at rear of dwelling: Refused 04/09/2008 on the same grounds as the refusal of 45/2007/1511.

45/2008/1356 - Erection of single-storey flat roof extension to rear: Withdrawn 30/04/2009.

45/2009/1003 - Application for a Certificate of Lawfulness for the proposed erection of single storey flat roof extension to side of dwelling: Certificate issued 13/07/2010.

45/2010/1360 - Retention of single-storey flat-roofed extension but with flat roof infill over open porch and handrail over to match existing balcony deck (Retrospective application): Granted 19/01/2011. The permission contained conditions precluding use of the flat roof area nearest No 22 as a balcony, roof garden, or amenity area ; and required approval of the detailing of a screen to prevent access from the balcony area onto the aforementioned flat roof area, and the details of Juliet balconies to prevent access from external doors onto that area.

45/2011/0532 - Details of screen and Juliet balconies to prevent access on to the side extension flat roof submitted in accordance with retrospective planning permission 45/2010/1360: Refused 08/08/2011 on the grounds that the proposed screening would not prevent access to the flat roof and therefore did not remove the possibility of the overlooking of the adjoining property at 22 Marine Drive.

45/2013/0520/PF - Construction of first-floor conservatory extension and privacy screen and construction of external staircase from balcony to garden area: Refused 3 June 2013 for the following reason:

"It is the opinion of the Local Planning Authority that the scale, massing, height and siting of the proposed first-floor conservatory on top of the existing single-storey rear extension, and use of the flat roof area adjacent to the proposed conservatory as a balcony would result in a detrimental impact on the amenity of the adjacent occupiers, by virtue of overlooking, loss of privacy and overbearing impact. As such, the proposal is contrary to Criterion v) of Policy GEN 6 and Criterion iii) of Policy HSG 12 of the adopted Denbighshire Unitary Development Plan, along with the guidance set out in the Council's adopted Supplementary Planning Guidance 'Extensions to Dwellings'."

45/2013/0805 - Erection of lobby extension at first floor level, staircase from first floor balcony to rear garden, and balustrade to limit access to first floor flat roof area ; and widening of existing doorway from kitchen onto existing balcony: Granted 13 November 2013. Conditions attached precluding the provision of external door openings out onto the flat roof area and the use of the flat roof area as a balcony, roof garden, or amenity area in connection with the dwelling; and requiring approval of the detailing of the balustrade /screen.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN (adopted 4th June 2013)

Policy RD 1 Sustainable development and good standard design

Policy RD 3 Extensions and alterations to existing dwellings

3.2 Supplementary Planning Guidance

SPG 1 Extensions to dwellings

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 7 July 2014
Technical Advice Notes

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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

4.1.1 The acceptability of the detailing of the privacy screen

4.2 In relation to the main planning considerations:

4.2.1 The acceptability of the detailing of the privacy screen

The sole issue to be determined in relation to this approval of condition submission is whether the details of the screen are acceptable having regard to the reason for the imposition of condition 5, i.e. "In order to ensure the screen is of sufficient height to restrict access to the flat roof area, and in the interests of the privacy/amenity of the occupiers of nearby properties". The application is not an opportunity to reopen discussion on the merits of the extension and stairway granted in November 2013, or the backhistory of issues at the site.

Having regard to the above –

- 'In order to ensure the screen is of sufficient height to restrict access to the flat roof area'
The height of the screen to be locked in place across the balcony area is indicated at 1.4 metres on the submitted plan. Officers suggest this should be 1.6 metres in order to provide an effective visual screen. This would be of adequate height to prevent users of the balcony simply climbing over it to access the flat roof area in front of the proposed lobby extension. The inclusion of a clasp arrangement accessible on the flat roof side would help to make the removal of the screen difficult from the balcony side.
- 'in the interests of the privacy / amenity of the occupiers of nearby properties'
The placement of a 1.6m screen across the balcony, with a securing clasp to lock it in place would provide a clear physical barrier limiting the overlooking potential from the existing balcony area of No 23 towards the side / rear of No. 22 Marine Drive, and in preventing access onto the first floor flat roof area immediately adjacent to the rear of No 22, would restrict opportunity for overlooking from that area.

In respecting the comments of the neighbours at No 24, the matter now before the Council is solely the acceptability of the detailing of the screen in terms of Condition 5 of the November 2013 permission. The implementation of the November 2013 permission would effectively override the January 2011 consent, and it would then not be appropriate for the Council to pursue enforcement against non compliance with the terms of that earlier consent. Should the November 2013 permission not be implemented, then the Council would be obliged to investigate the position with regards to compliance with the January 2011 consent, and the case or otherwise for taking

enforcement action. This should not however influence consideration of the acceptability of the details currently in front of the Council in relation to the screen.

It is also relevant to note that Conditions 2 and 3 imposed on the November 2013 permission, quoted in 1.4.3 of the report provide additional controls over the development, preventing the installation of external doors in the lobby extension and use of the flat roof area as a balcony, roof garden, or amenity area in connection with the dwelling. These give the Council clear grounds for enforcing against any breaches.

In relation to the 'mobility' of the screen, it was clear from the plan submitted (and approved) as part of the 2013 application that this was to have a facility for being retracted for use in an emergency situation and for maintenance access.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the background, it is considered that the detailing of the screen is acceptable in terms of restricting access to the flat roof area adjacent to No 22, and limiting the opportunity for overlooking of that property. There are separate conditions on the November 2013 permission restricting the use of the flat roof area which can be enforced in the event of any breaches.

5.2 The recommendation is therefore to approve the detailing submitted.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. The screen shall be 1.6 metres high when measured from the floor of the balcony, and shall be constructed no later than 6 months from the commencement of the development to which it relates, as granted permission under Code No. 45/2013/ 0805/PF.

The reason for the condition is:-

1. To ensure consistency with the main permission for the lobby extension and stairway, and to ensure the screen is in place in connection with the development.

Heading:

REFERENCE NO. 45/2014/0924/PF

23 MARINE DRIVE

RHYL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
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Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800

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Application Site

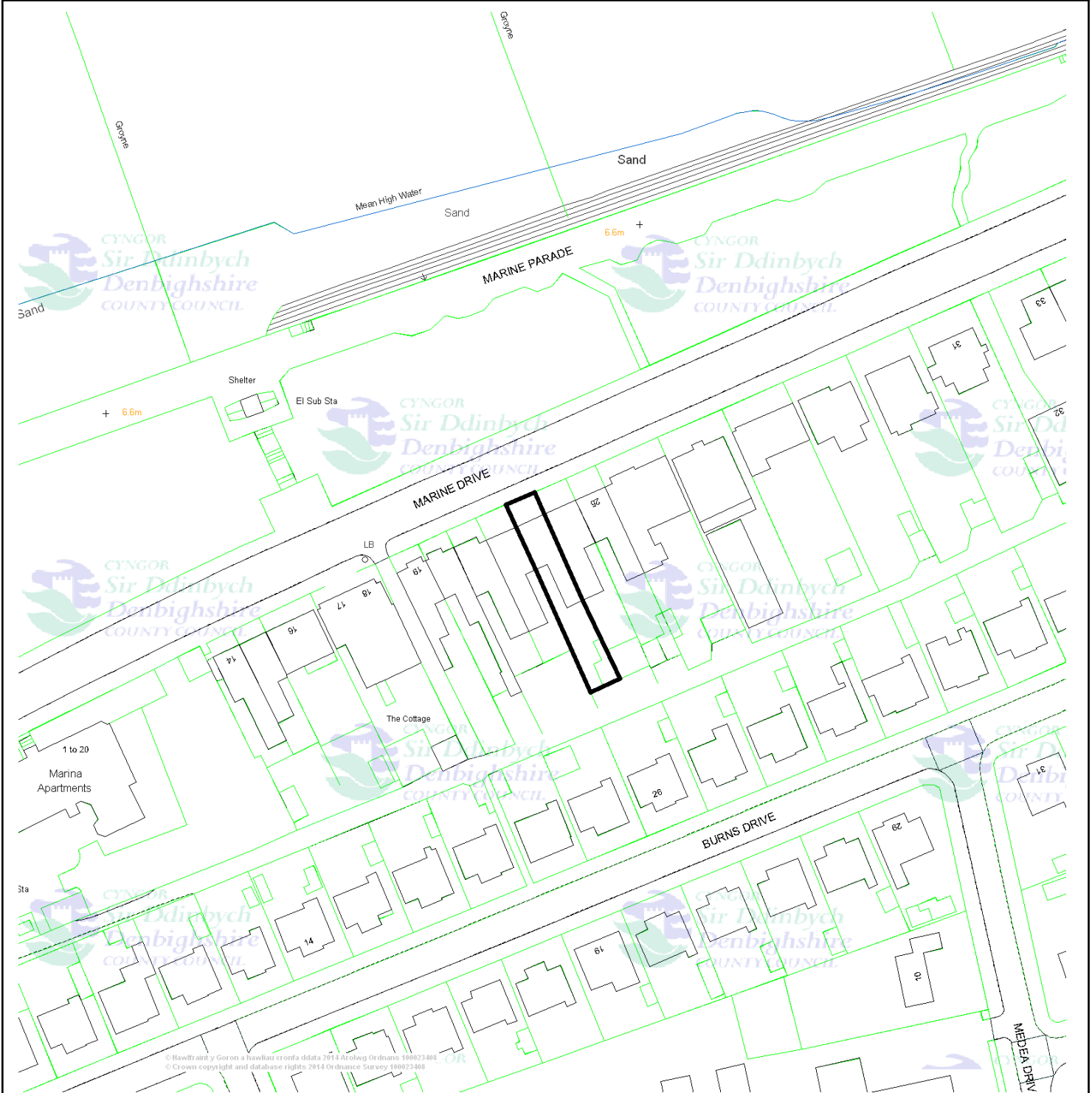


Date 28/8/2014

Scale 1/1250

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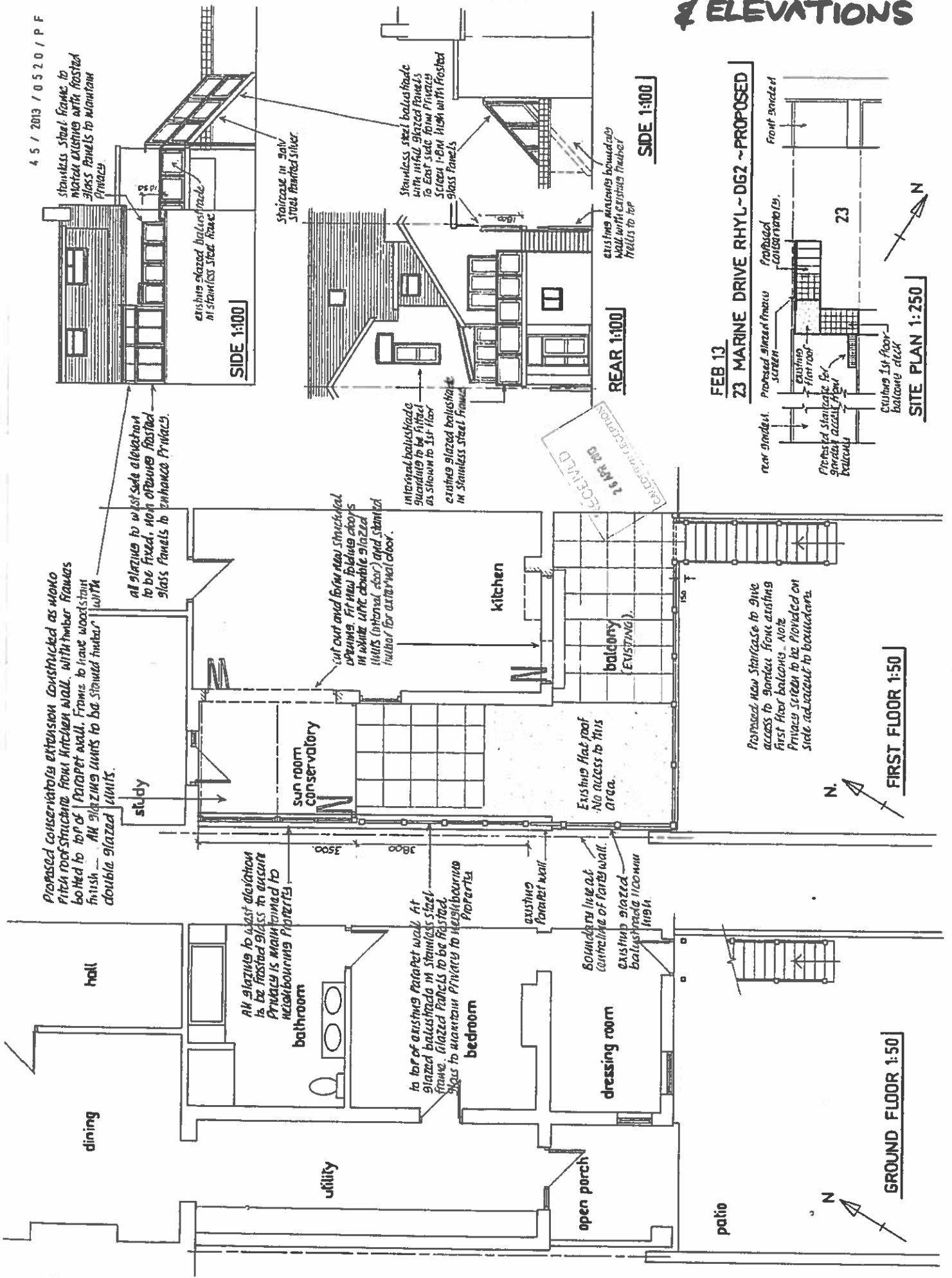
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



PLAN A

PROPOSED PLAN & ELEVATIONS

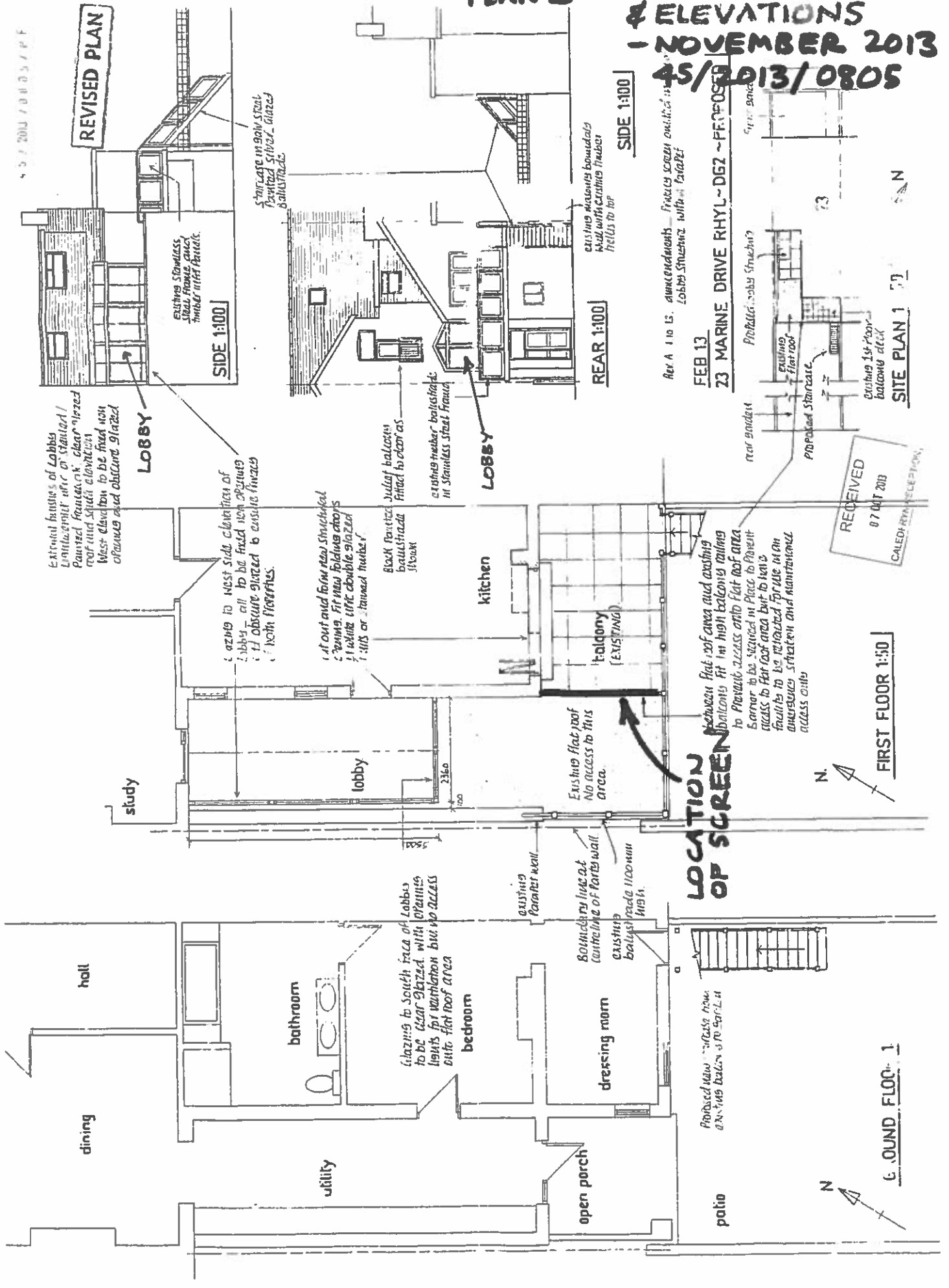
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PLAN B

APPROVED PLAN & ELEVATIONS - NOVEMBER 2013 45/2013/0805



External finishes of Lobby
 Lightweight slip or stainless /
 Painted stainless or clear glazed
 rear and side elevation
 West elevation to be fixed with
 openings and obscured glazed

Opening to west side elevation of
 lobby will be fixed non opening
 if obscured glazed to existing finishes
 both floors.

Fit out and finish new structural
 openings. Fit new double doors
 in existing fire double glazed
 units or stained timber

Glazing to South face of Lobby
 to be clear glazed with openings
 lights for ventilation but no access
 onto flat roof area

Produced using AutoCAD
 08-10-13 08:05

ITEM NO: 6

WARD NO: Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/0924/ PF

PROPOSAL: Amended details of alterations and extensions to dwelling (previously granted under code no. 45/2013/0805), eliminating external staircase, involving alternative design of first floor lobby to incorporate internal staircase to ground floor level and the erection of a 1.8m high side boundary screen to permit use of additional section of flat roof area as extension to existing balcony

LOCATION: Shirley 23 Marine Drive Rhyl

APPLICANT: Mr Russell Moffatt

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager
- Member request

CONSULTEE RESPONSES

RHYL TOWN COUNCIL

Response awaited – will be reported in late representation sheets.

RESPONSE TO PUBLICITY:

None received at the time of drafting the report. Any received prior to Committee will be reported in the late sheets.

EXPIRY DATE OF APPLICATION: 05/10/14

REASONS FOR DELAY IN DECISION:

None

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is the second of two on the agenda relating to developments at the rear of this three storey dwelling on Marine Drive in Rhyl.
- 1.1.2 There has been a long and complex history of applications at this property, the most relevant of which are summarised in Section 1.4 and listed in detail in Section 2.1 of the report.

1.1.3 The proposals in the application which is the subject of this report are submitted as amendments to a planning permission granted at Planning Committee in November 2013. It involves the following :

- the redesign of a previously approved first floor 'lobby' extension, to provide a 7 metre X 2.7 metre lobby with rooflight windows, incorporating an internal staircase from first floor to ground floor level, and external doors allowing access onto a decking area proposed as an extension to the existing balcony. The extension would involve raising the existing boundary wall with No 22 Marine Drive by some 1.2 metres and running a monopitch slated roof into the existing roof of the 3 storey outrigger ;

- the elimination of an external staircase from the existing first floor balcony to ground floor level along the boundary with No. 24;

- the erection of a timber panel screen to match the style of existing panelling already at first floor level, along a 3.5 metre length of the boundary with No. 22, at a height of 1.8 metres above the existing decking area. This is intended to provide a visual and privacy screen between an extended rear balcony area and the rear yard of No 22. The area proposed as the extension to the existing balcony measures some 3.5 metres by 2.5 metres (8.75 square metres). The existing balcony has an area of approximately 9.8 square metres.

The details are best understood from perusal of plan A at the front of the report.

1.1.3 The detailing of the November 2013 permission which is linked to the current application is explained at length in the preceding report on the agenda. In brief this involved :

- the erection of a 'lobby room' on part of the existing flat roof area between No 23 and the side of No 22, with a footprint of 5.5 metres X 2.4 metres and a pitched roof up to a height of 3.0 metres, with obscure glazing to the western side facing No 22, and clear glazing to the rear (south) elevation. The lobby had no external door openings in its frame, preventing access out of the lobby onto the adjacent flat roof area;

- the widening of the existing access door from the kitchen onto the balcony area ;

- the erection of an external staircase from the existing balcony down to ground floor level ;

- the erection of a 1.0m high 'balcony railing' to limit access from the existing balcony onto the remaining flat roof area. The plan was annotated to state "Between flat roof area and existing balcony fit 1m high balcony railing to prevent access onto flat roof area. Barrier to be secured in place to prevent access to flat roof area but to have facility to be retracted for use in an emergency situation and maintenance access only."

The preceding application on the agenda deals with the detailing of the above described 'balcony railing'.

The approved 2013 plans are reproduced as Plan B at the front of the report.

1.1.4 The current submission is accompanied by a supporting Statement from the applicant. This refers to the more recent planning history at the site and reviews two previous applications involving extensions at first floor level – a June 2013 refusal for a conservatory and the November 2013 permission for the lobby extension and related developments referred to in paragraph 1.1.3 above. The Statement explains that the applicant has considered the detailing of the consented extension and external staircase, the grounds of refusal of the June 2013 conservatory, and

believes the current application addresses the concerns of neighbours over the proposed stairway, overlooking and privacy, and overbearing development, in that –

- overlooking and loss of privacy concerns would be overcome by the removal of the external staircase (which is now proposed within the extension) and the provision of the privacy screen on the side boundary with No 22.
- Overbearing development should not be an issue as the Council has already approved the lobby extension, and the proposed revisions to that scheme now show the height of the structure to be 700mm lower than the apex of the lobby on the November 2013 permission

1.1.5 In appreciating the complexities of the situation, if the Committee consented to the current application, the implementation of the permission would effectively override the two most recent permissions for developments, as granted in January 2011 and November 2013.

1.2 Description of site and surroundings

1.2.1 The subject property is a three-storey mid-terraced house which fronts the beach and promenade in Rhyl on Marine Drive. It is abutted by a house to the east, No.24 Marine Drive, and by flats at No. 22 Marine Drive. Properties within the area are used for a variety of residential accommodation including houses and flats, with the rear curtilage of the properties in the block (19 to 26) used for amenity space and also parking, which is accessed via a rear alleyway.

1.2.2 There has been a first floor balcony area at the rear of No. 23 for some years. A planning permission was granted in early 2011 for a single storey flat roof extension at the side of the property. This was conditioned to prevent use of the flat roof area in order to limit the overlooking of the rear of No 22.

1.2.3 The adjacent property at 24 Marine Drive has a swimming pool in the rear garden and has a two-storey flat-roofed rear projection along the side boundary to No. 23, with a main window on the rear elevation facing south.

1.2.4 The adjacent property at 22 Marine Drive has a rear yard area which is divided into three areas for use by the ground floor, first floor and second floor flats, with the ground floor unit facing the side blank wall of the single-storey extension added to the rear of 23 Marine Drive. The property at 22 Marine Drive has rear facing bedroom doors and windows and the upper floors also have rear and side facing windows; and there is a rear stairway down from first floor level at the back of Nos. 21 / 22.

1.3 Relevant planning constraints/considerations

1.3.1 There are no designations or allocations in the Local Development Plan of relevance to the application.

1.4 Relevant planning history

1.4.1 The site has an extensive planning history as set out in Section 2 of this report. It includes a number of applications to alter and extend at the rear of the property.

1.4.2 The most recent applications of relevance are one granted in January 2011 for the retention of a single storey flat roofed extension with a flat roof infill, one refused in June 2013 for a conservatory at first floor level on top of the flat roof area, and one

granted in November 2013 for a first floor lobby extension, stairway and barrier to prevent access onto the flat roof area.

1.4.3 The relevance of the November 2013 permission for the lobby, screen, and staircase is that it effectively 'overrides' the earlier permission in 2011 involving the flat roof extension. It is capable of implementation irrespective of the determination of the current application and as a 'fallback' is a material consideration in the weighing up of the present proposals.

1.5 Developments/changes since the original submission

None.

1.6 Other relevant background information

1.6.1 The preceding application on the agenda, Code no. 01/2014/0805 relates to the detailing of the balcony screen as required by Condition 5 of the planning permission granted in November 2013.

2 DETAILS OF PLANNING HISTORY:

2.1 2/RYL/518/78 - Erection of a fire escape for flatlets: Granted 07/11/1978.

2/RYL/0190/90/P - Continuation of use of building as 4 flats and extension to rear:
Withdrawn 03/12/1990.

2/RYL/0176/93/P - Construction of dormer at rear to form new bathroom/bedroom (Flat 2):
Granted 22 June 1993.

45/2007/1511 - Erection of two-storey flat-roofed extension with balconies at rear of premises and provision of new steel staircase: Refused 14/03/2008 on the grounds of the impact on the adjacent occupiers due to the scale, massing, height and siting of the extensions with balconies above which would have a detrimental impact on the amenity and privacy of the adjacent occupiers.

45/2008/0694 - Erection of two-storey extension with balcony at rear of dwelling: Refused 04/09/2008 on the same grounds as the refusal of 45/2007/1511.

45/2008/1356 - Erection of single-storey flat roof extension to rear: Withdrawn 30/04/2009.

45/2009/1003 - Application for a Certificate of Lawfulness for the proposed erection of single storey flat roof extension to side of dwelling: Certificate issued 13/07/2010.

45/2010/1360 - Retention of single-storey flat-roofed extension but with flat roof infill over open porch and handrail over to match existing balcony deck (Retrospective application): Granted 19/01/2011. The permission contained conditions precluding use of the flat roof area nearest No 22 as a balcony, roof garden, or amenity area ; and required approval of the detailing of a screen to prevent access from the balcony area onto the aforementioned flat roof area, and the details of Juliet balconies to prevent access from external doors onto that area.

45/2011/0532 - Details of screen and Juliet balconies to prevent access on to the side extension flat roof submitted in accordance with retrospective planning permission 45/2010/1360: Refused 08/08/2011 on the grounds that the proposed screening would not prevent access to the flat roof and therefore did not remove the possibility of the overlooking of the adjoining property at 22 Marine Drive.

45/2013/0520/PF - Construction of first-floor conservatory extension and privacy screen and construction of external staircase from balcony to garden area: Refused 3 June 2013 for the following reason:

"It is the opinion of the Local Planning Authority that the scale, massing, height and siting of the proposed first-floor conservatory on top of the existing single-storey rear extension, and

use of the flat roof area adjacent to the proposed conservatory as a balcony would result in a detrimental impact on the amenity of the adjacent occupiers, by virtue of overlooking, loss of privacy and overbearing impact. As such, the proposal is contrary to Criterion v) of Policy GEN 6 and Criterion iii) of Policy HSG 12 of the adopted Denbighshire Unitary Development Plan, along with the guidance set out in the Council's adopted Supplementary Planning Guidance 1'Extensions to Dwellings'."

45/2013/0805 - Erection of lobby extension at first floor level, staircase from first floor balcony to rear garden, and balustrade to limit access to first floor flat roof area ; and widening of existing doorway from kitchen onto existing balcony: Granted 13 November 2013. Conditions attached precluding the provision of external door openings out onto the flat roof area and the use of the flat roof area as a balcony, roof garden, or amenity area in connection with the dwelling; and requiring approval of the detailing of the balustrade /screen.

3 RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN (adopted 4th June 2013)

Policy RD 1 Sustainable development and good standard design

Policy RD 3 Extensions and alterations to existing dwellings

3.2 Supplementary Planning Guidance

SPG 1 Extensions to dwellings

SPG 24 Householder development design guide

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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

4.1.1 Principle

4.1.2 Planning history

4.1.3 Visual impact

4.1.4 Residential amenity impact

4.2 In relation to the main planning considerations:

4.1.1 Principle

The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to the acceptability of scale and form; design and materials; the impact upon character,

appearance, and amenity standards of the dwelling and its immediate locality; and whether a proposal represents overdevelopment of the site. SPG 1 and SPG 24 offer basic advice on the principles to be adopted when designing domestic extensions and related developments.

The proposed alterations and additions to an existing residential property set within a defined development boundary would therefore be acceptable in principle, subject to meeting the relevant site specific impact tests outlined in Policies RD 1 and RD 3.

4.1.2 Planning History

The subject site has a complex planning history as outlined earlier in this report, which is an important context for assessment of the current application.

There have been various proposals to extend at the rear of No. 23 since 2007. Two applications were refused in 2008 for two-storey projections adjacent to the side boundary. A single storey extension was constructed as 'permitted development' and accepted as 'lawful' through a Certificate of Lawfulness in 2010. Retrospective permission was granted for an addition to this flat roof extension in 2011, with restrictions on the use of the first floor area and a requirement for the erection of screens and Juliet balconies to limit access to that area. Permission was refused in June 2013 for a first floor conservatory structure and external stairway down to ground floor level. An alternative scheme for a first floor lobby extension and external stairway was granted at Planning Committee in November 2013, subject to conditions.

Whilst the planning history in itself should have limited relevance to the consideration of the merits of the current application, it is material to consider the 'fallback' position of the applicant in that the November 2013 permission permits the erection of a lobby extension and external stairway, developments which can clearly be carried out subject to compliance with conditions. Officers respectfully suggest this establishes the Council's acceptance of a suitably designed first floor extension, subject to due consideration of the visual and residential amenity impacts, which are addressed in the following sections of the report.

4.1.3 Visual Appearance

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. SPG 1 and SPG 24 provide further advice on the suitability of householder development.

As mentioned previously, the situation at No. 23 has been a complex one, given the background history, the detailing of the proposals and the relationships between properties. Members are referred to the plans at the front of the report and will see photographs of the site at Committee, which may help to simplify understanding of what is involved. A Site panel will be visiting the site prior to Committee and will see first hand the detailing of existing features and the relationship with adjoining properties. There have been concerns expressed over time by one neighbour over the acceptability of proposals at the rear of No. 23.

It is to be noted initially in respect of the visual amenity considerations, that the context of the local area includes a number of other properties which have rear extensions. As an example, No. 24 has a 2 storey flat roofed extension which projects some 2.8 metres out beyond the rear wall of No.23. Extensions at the rear of Marine Drive properties are not an unusual feature in the area, and given the scale of the

development proposed, the visual appearance is considered to be acceptable. The lobby extension would be set within a recessed area flanked by the three-storey outrigger of the application property and that of its neighbour at No 22, and it is not considered that a refusal of permission based on visual harm could be justified.

The main other change proposed, involving the erection of a visual screen along the boundary with No. 22 is considered to be appropriate in respect of visual appearance, the detailing of the screen matching existing screens along the rear balcony.

In Officers' opinion, the scheme is acceptable in respect of its visual appearance, which is a basic test of Policies RD 1 and RD 3 and advice set out in SPG 1 and SPG 24.

4.1.4 Residential Amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc. SPG 1 and SPG 24 both stress the need for good design in order to ensure that the character and amenity of the neighbourhood is maintained.

In terms of detailing, the proposed first floor lobby involves a 1.2 metre increase in height of a section of boundary wall, to support a lean to roof incorporating rooflight windows. The wall would be rendered and painted to match the existing wall. The lobby would be 1.5 metres longer and 0.3 metres wider than the one approved in November 2013. The detailing would obviate any potential for overlooking to and from No 22, which realistically is the only affected property in terms of residential amenity. Having regard also to the height and proximity of the previously approved lobby extension, Officers do not consider this element of the scheme would be unacceptable in terms of additional impact on the residential amenities of the occupiers of the flats at No 22.

The proposed privacy screen along a 3.5 metre length of the side boundary with No. 22 would provide an effective visual barrier limiting the potential for overlooking from the proposed extended balcony area at the rear of No. 23. On this basis, the scheme is considered to reasonably address any concerns regarding the impact on residential amenity from use of the balcony area of No. 23.

The elimination of the external stairway from the existing balcony to ground floor level on the side nearest No. 24, as approved in November 2013, would address previously expressed concerns over the potential impact of that feature on the privacy of the rear garden area.

In Officers opinion, given the basis of the 2013 permission, the lobby extension and privacy screen are not considered overbearing, out of scale, or to represent overdevelopment in the context of the locality.

Other matters

Handling of proposals at the property

Members will appreciate that there has been a significant history leading up to the consideration of the current application, and neighbour issues have arisen which have made for a difficult situation for all parties. In acknowledging the basis of concerns expressed over developments, Officers would comment with respect that the Council has no say over the number of applications an individual may choose to submit, and has a duty to deal with each application in the same manner, with regard to policy and impacts, and any representations lodged. Applications have been dealt without favour and in relation to land use planning

considerations relevant to their determination.

Compliance with conditions on previous permission

Objectors have previously questioned whether further applications should be properly considered whilst there still remain questions over compliance with the 2011 permission.

Officers have advised previously that in respecting these concerns, the Council has a duty to determine the proposals in front of it on their own merits, and any decision here should not be influenced by matters pertaining to breaches of a previous permission.

5 SUMMARY AND CONCLUSIONS:

5.1 Officers acknowledge there has been a difficult background in relation to this property. In respecting the ongoing concerns of the neighbours, it is considered there is a basis for support for the current proposals, given the detailing and the developments which could take place if the scheme granted in November 2013 were to be implemented.

5.2 The proposals are considered acceptable in terms of visual appearance and impact on residential amenity, subject to suitable conditions. With respect to the representations on the application, the development is not considered likely to result in unacceptable harm to neighbouring residential amenity sufficient to justify a refusal of permission.

5.3 The recommendation is therefore to grant permission.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The use of the additional area of the flat roof as an extension to the first floor balcony shall not be brought into use until the approved boundary screen has been erected. The screen shall be retained as approved at all times.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the privacy/amenity of the occupiers of adjoining property.

Mae tudalen hwn yn fwriadol wag

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 45/2014/0746/PF
FRONFRAITH, 1 BOUGHTON AVE
RHYL



Application Site

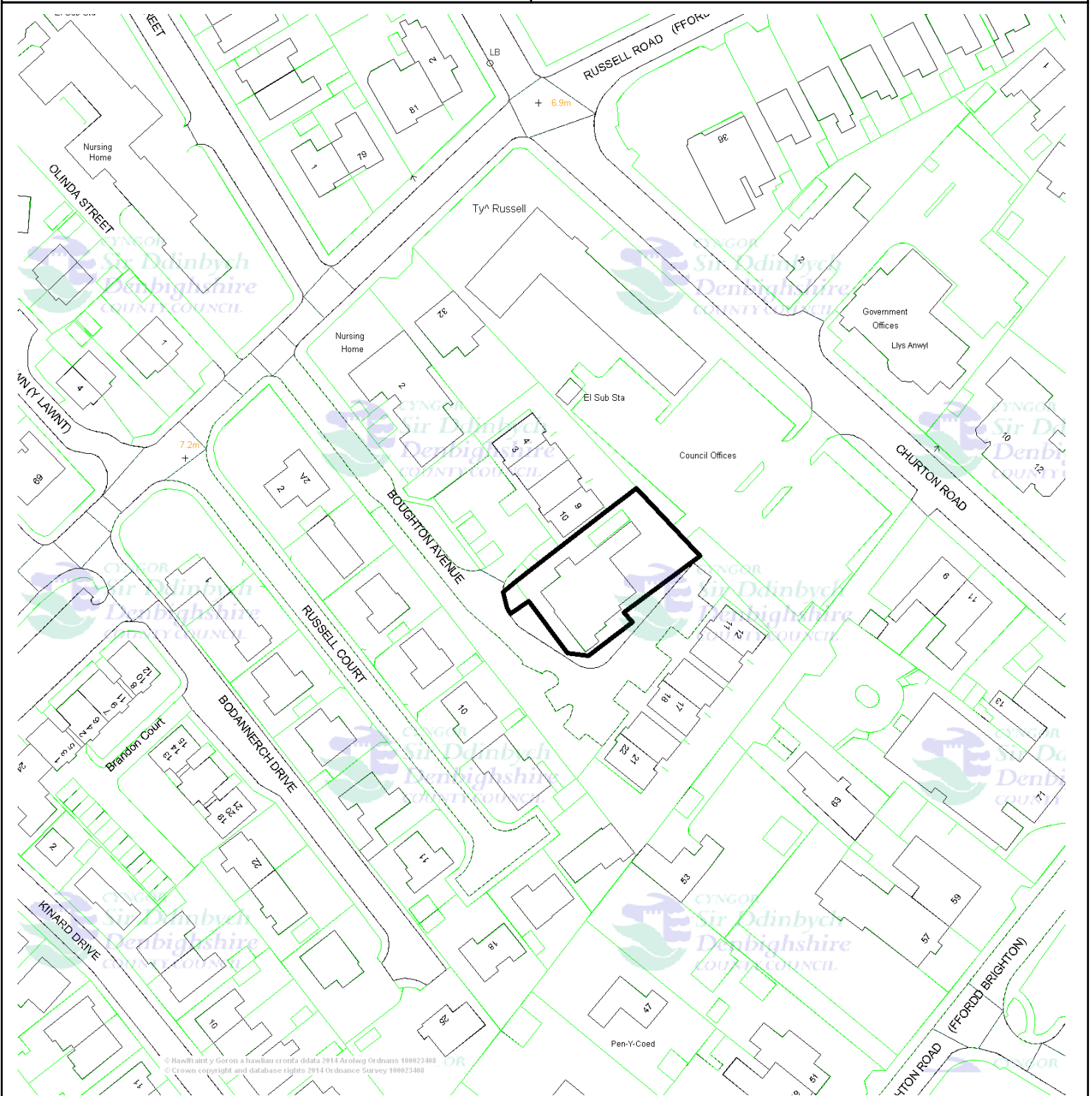


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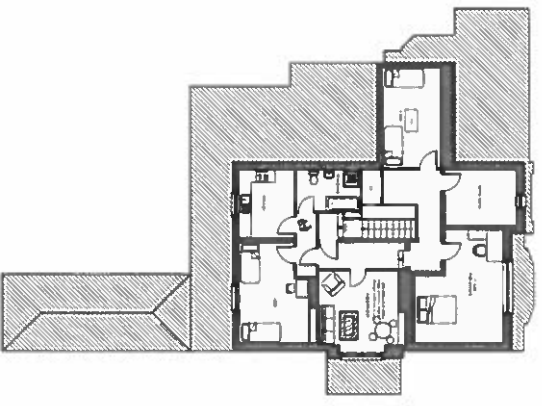
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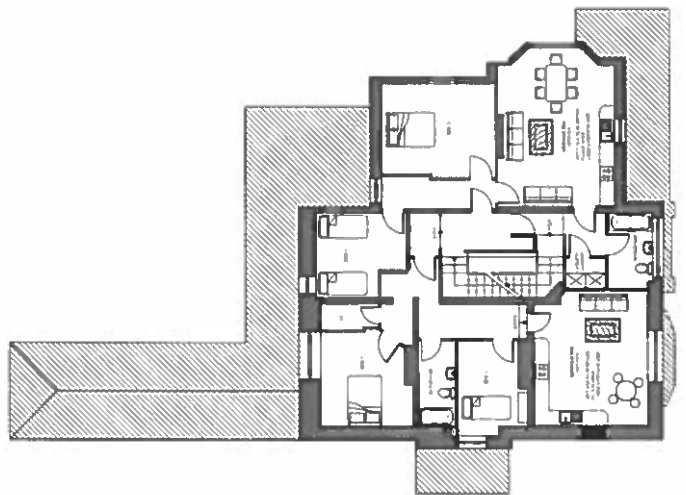


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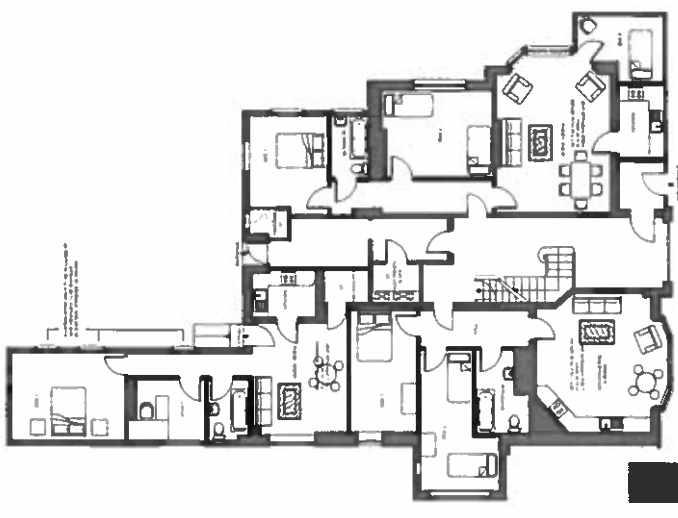
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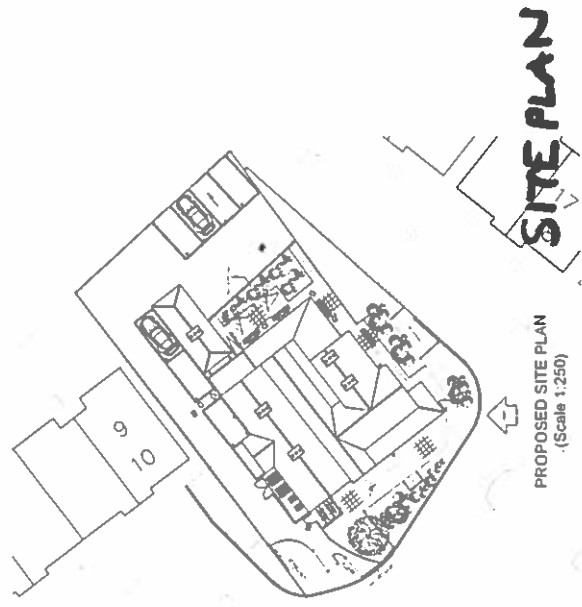
PROPOSED SECOND FLOOR PLAN (Scale 1:100)



PROPOSED FIRST FLOOR PLAN (Scale 1:100)



PROPOSED GROUND FLOOR PLAN (Scale 1:100)



SITE PLAN

PROPOSED SITE PLAN (Scale 1:250)

AS PROPOSED FLOOR PLANS

FOR PLANNING PURPOSES ONLY

DATE	11/11/2024
BY	J.P. ARCHITECTS
PROJECT	Frederick Apartments
DESCRIPTION	Architectural
SCALE	AS SHOWN
PROJECT NO.	2024-001
DATE	11/11/2024

P01 REV B

J P ARCHITECTS

1111 11th Street, Suite 100, San Francisco, CA 94103
Tel: 415.774.3000
www.jparchitects.com

ITEM NO: 7

WARD NO: Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/0746/ PF

PROPOSAL: Change of use of offices to form 6 no. residential apartments

LOCATION: Fronfraith 1 Boughton Avenue Rhyl

APPLICANT: Mr Abdul Ahmed Habitat Creations

CONSTRAINTS: Tree Preservation Order

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant – 4 or more objections received

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer

Notes a shortfall in relation to current parking standards, but has no objection due to proximity of public car parks and the availability of public transport. Recommend cycle storage is required.

Housing Officer
High demand for housing in the locality

RESPONSE TO PUBLICITY:

In objection

Representations received from:

K F Cooper, 15 Boughton Avenue, Rhyl

D. Casement, 6 Russell Court, Rhyl

S. Jones, 2 Russell Court, Rhyl

Mr & Mrs Myers, 12 Russell Court, Rhyl

Vanessa W. Byrne, Trem y Ser, 19 Bryn Colwyn, Colwyn Bay

R & J Williams, 8 Russell Court, Rhyl

W. Jones, 11 Boughton Avenue, Rhyl

Mrs R W Benson, 10 Russell Court, Rhyl

Mr & Mrs H Clarke, 16 Boughton Avenue Rhyl

K F Cooper, 15 Boughton Avenue, Rhyl

Summary of planning based representations in objection:

Highways impact - lack of parking provision leading to indiscriminate on road parking

Residential amenity - increased activity leading to increased disturbance from noise and passing traffic

EXPIRY DATE OF APPLICATION: 14/08/2014

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 This application, and the one following on the agenda involve separate proposals to change the use of the former council offices at Fronfraith.
- 1.1.2 This application is for the conversion of the existing B2 office building to form 6no. self contained flats. The following report deals with the proposal to use the property as a C2 residential institution.
- 1.1.3 It is proposed to create 2no. 3 bedroom units, 3no. 2 bedroom units and 1no. 1 bedroom unit. The 3 bed units would provide 118 m² and 84 m² of internal floorspace. The 2no. bed units would provide 72 m² and 69 m² of internal floorspace. The 1 bed unit would provide 58 m² of internal floorspace.
- 1.1.4 Minor external alterations are proposed to the property which include the addition of 3no. ground floor windows to the rear elevation.

1.2 Description of site and surroundings

- 1.2.1 The existing property is located on a residential cul-de-sac. The site adjoins the car park of Denbighshire County Council offices at Russell House.
- 1.2.2 The site would be accessed from Broughton Avenue via an existing access which is a cul-de-sac.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl.
- 1.3.2 There are a number of trees in the locality that are subject to Tree Preservation Orders.

1.4 Relevant planning history

- 1.4.1 The property was formerly in use as a residential care home. Permission was granted for the change of use of the property from a C2 residential institution to B1 offices in 2001.

1.5 Developments/changes since the original submission

- 1.5.1 Internal arrangements have been changed to ensure all units meet adopted space standards.

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 Change of use from C2 residential institution to B1 offices GRANTED 29/03/2001.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC7 – Houses in multiple occupation and self contained flats

Policy BSC11 – Recreation and open space

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance SPG7 – Residential Space Standards

3.2 Government Policy / Guidance Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Open Space
- 4.1.5 Highways (including access and parking)
- 4.1.6 Affordable Housing

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

The site is located within the development boundary of Rhyl where new residential development will, in principle, be supported provided that it meets the criteria of other policies in the Local Development Plan and material planning considerations. Policy PSE 1 relates specifically to the North Wales Coast Strategic Regeneration Area. The policy seeks to compliment the various regeneration initiatives in the area, and in relation to housing development advises that in this area the Council will support proposals which provide new family accommodation. Policy BSC 7 is the detailed policy relating to Houses in Multiple Occupation & Self Contained Flats. The policy states that the sub-division of existing premises to self contained flats will be permitted subject to compliance with detailed criteria.

The proposals are for the creation of self contained flats and are therefore considered acceptable in principle. The specific impacts are addressed in the following sections.

- 4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

It is considered that the proposed alterations would have a minimal visual impact in relation to the building itself and the locality. It is therefore considered that the proposals would comply with the requirements of the policies listed above, and would have an acceptable impact on visual amenity.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc. SPG 7 states that the minimum floor space required for 3 bed units should be 80 m², 2 bed units it should be 65m² and for 1 bed units it should be 50m². SPG 7 also states that a minimum of 50 m² of external amenity space should be provided for flats with an additional 10 m² for each additional unit.

Policy BSC 7 states that proposals for conversion to self contained flats will be acceptable provided that the property is suitable for conversion to the number and type of flats proposed without unacceptably affecting the character, appearance and amenity standards of the locality (including cumulative effects of such proposals and the proposal conforms to the Council's approved space and amenity standards. The reasoned justification in relation to this policy states that self-contained flats can help to address the needs of those wanting to purchase or rent small units of accommodation, as well as providing a relatively affordable housing option for those wishing to purchase their first property. Whilst the creation of such flats helps to meet housing need, in some instances their provision can be detrimental to the amenity of existing residential areas. In addition, areas with high levels of flats are often associated with low levels of owner occupation, which in some instances can lead to lower standards of maintenance and associated environmental degradation issues. It is therefore important that the development of such dwellings is strictly controlled.

The proposed development would comply with the space standards as set out in SPG 7. The 3 bed units would provide 118 m² and 84 m² of internal floorspace. The 2no. bed units would provide 72 m² and 69 m² of internal floorspace. The 1 bed unit would provide 58 m² of internal floorspace.

As the development meets the required standards set out in SPG 7 it is considered that the proposed development would provide an acceptable level of amenity for proposed occupiers. Having regard to the policy considerations outlined above and to the character of uses in the locality and the nature of the existing use, it is not considered that the proposed development would have an unacceptable impact on the amenity standards of local residents, by way of unreasonable noise and disturbance. In respecting the concerns expressed, the property has been used previously as a residential home and offices, with associated levels of activity.

4.2.4 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The proposal includes the creation of 6no. new residential units.

Realistically, provision on site of open space would not be possible and it is therefore considered that a commuted sum payment in lieu would be an acceptable option. It is considered that the proposals would be acceptable in relation to open space subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development. SPG 21 sets a maximum requirement for parking to be 3 car spaces for 3 bed units, 2 car spaces per 2 bed units and 1.5 spaces per 1 bed unit. This is a maximum requirement and mitigating circumstances such as access to off site parking and provision of public transport will be taken into account.

The Highways Officer advises that the proposals do not meet the maximum standards but raises no objection due to the proximity to car parks where annual passes can be purchased, and the accessibility of public transport. The Highways Officers also advise that cycle storage should be provided.

Having regard to the location of the proposed development it is not considered that there is justification for maximum parking standards to be imposed. It is therefore considered that the proposals would not have an unacceptable impact in relation to parking provision. It is also considered that the proposed development would not have an unacceptable impact on the local highway network having regard to the access arrangements and the capacity of the local highway network. It is considered that cycle storage can be secured by condition.

4.2.6 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4. Policy BSC4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either onsite on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

The proposal is for the creation of 6no. residential units, which would generate the need for an affordable housing contribution in accordance with Policy BSC 4.

Having regard to the above it is considered that the proposals would be acceptable in relation to affordable housing contribution subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

Other Matters

Various consultation responses have made reference to restricting the occupancy of flats to residents over the age of 55. Officers advice is that there is no justifiable/material planning reason to impose such a restriction in relation to the use of this property.

5. SUMMARY AND CONCLUSIONS:

The proposed units of accommodation meet adopted space standards and although maximum parking standards are not met it is considered that this is acceptable having regard to the location. The proposals are therefore recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
The development shall not begin until arrangements for the provision of Open Space as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved arrangements
3. The development shall not begin until arrangements for the provision of Affordable Housing as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved arrangements
4. Prior to the commencement of the use hereby permitted, details of proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The storage details approved shall be completed prior to the commencement of the use and retained at all times

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of compliance with adopted open space policies.
3. In the interest of compliance with adopted affordable housing policies
4. In the interest of the provision of adequate cycle storage in accordance with adopted standards.

Heading:

REFERENCE NO. 45/2014/0787/PF
FRONFRAITH, 1 BOUGHTON AVE
RHYL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

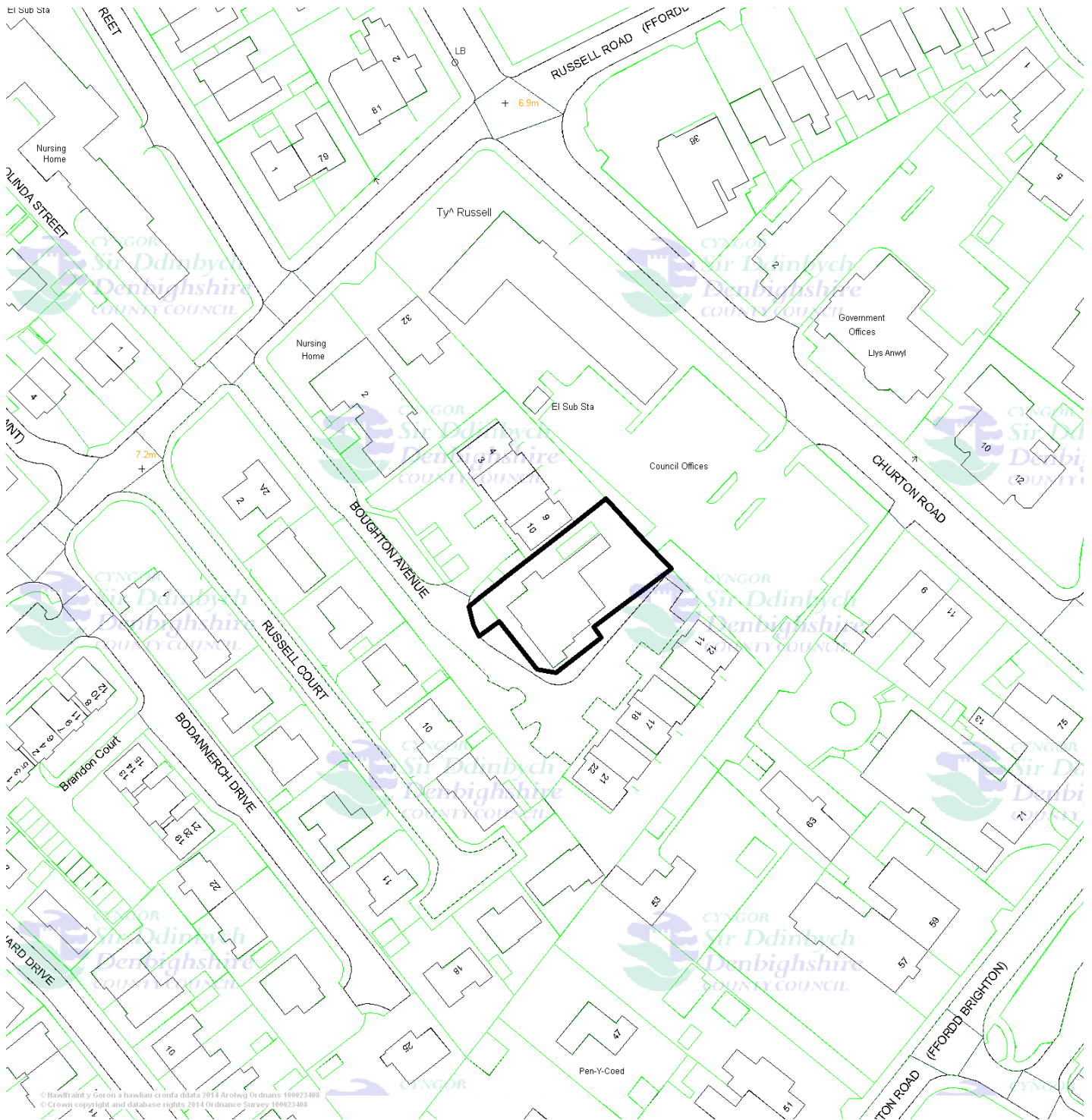
 Application Site



Date 27/8/2014
Centre = 301253 E 381731 N

Scale 1/1250

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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ITEM NO: 8

WARD NO: Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/0787/ PF

PROPOSAL: Conversion, alterations and extensions of existing office to form a residential institution

LOCATION: Fronfraith 1 Boughton Avenue Rhyl

APPLICANT: Habitat Creations

CONSTRAINTS: Tree Preservation Order

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant – 4 or more objections received

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer

No objection. Recommend cycle storage is proposed and parking and access arrangements are secured by condition.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

D. Casement, 6, Russell Court, Rhyl

W. Jones, 11, Boughton Avenue, Rhyl

Mr & Mrs K F & B Cooper, 15 Boughton Avenue, Rhyl

Mr & Mrs H Clarke, 16 Boughton Avenue Rhyl

R & J Williams, 8 Russell Court, Rhyl

Summary of planning based representations in objection:

Highways impact - lack of parking provision/potential overspill into cul-de-sac at Russell Court/use by residents, staff and commercial vehicles

Residential amenity - increased activity leading to increased disturbance/concerns over vagueness of proposed use

EXPIRY DATE OF APPLICATION: 01/09/2014

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the change of use of a B1 Use Class office building to a C2 Use Class residential institution.
- 1.1.2 The C2 use class can include hospitals, nursing homes, residential schools, colleges and training centres. Plans indicate that 14 bed spaces would be provided. 6 parking spaces are proposed within the site, accessed off Broughton Avenue.
- 1.1.3 An extension is proposed to provide a lift shaft. Materials of the extension would match the existing building. An infill conservatory is proposed to the north east elevation.
- 1.1.4 Local residents have questioned what specific use is proposed for the building. The agent has confirmed that an unrestricted use within the C2 use class is sought and no specific use has been confirmed.

1.2 Description of site and surroundings

- 1.2.1 The existing property is located on a residential cul-de-sac. The site adjoins the car park of Denbighshire County Council offices at Russell House.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl.
- 1.3.2 There are a number of trees in the locality that are subject to Tree Preservation Orders.

1.4 Relevant planning history

- 1.4.1 The property was formerly in use as a residential care home.
- 1.4.2 Permission was granted for the change of use of the property from a C2 residential institution to B1 offices in 2001.

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 Change of use from C2 residential institution to B1 offices GRANTED 29/03/2001

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy ASA3 – Parking standards

- 3.1 Supplementary Planning Guidance
SPG 21 - Parking Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes
TAN 18 - Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 1 states that development within development boundaries will be supported subject to compliance with detailed tests.

The site lies within the development boundary and is not subject to any specific land use designation.

Having regard to the above it is considered that the proposals are acceptable in principle. The specific impacts are addressed in the following sections.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

Having regard to the design and scale of the proposed external alterations it is considered that the proposals would have a minimal visual impact on the host building and to the wider locality. It is therefore considered that the proposals are acceptable in relation to visual amenity.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The property is located on a residential cul -de-sac. The existing use is as an office building. There are existing offices immediately adjoining the site. Previously the

property has been in use as a residential care home until the changes of use to offices in 2001.

Having regard to the history, existing use and other uses within the locality, it is not considered that the proposal would have an unacceptable impact on the residential amenity of neighbouring properties.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development. SPG 21 states that 1 parking space should be provided per 3 bed spaces and 1 cycle storage space per 10 employees.

Concerns have been expressed in relation to parking issues. The Highways Officer has raised no objection. It is recommended that cycle storage be provided. 5 car parking spaces and 1 cycle storage space would be required to meet the standards set out in SPG 21. 6 car parking spaces are proposed. No cycle storage is currently proposed.

The concerns raised in relation to parking are duly noted, however having regard to the above it is considered that the proposals would not have an unacceptable impact on the local highways network subject to condition requiring provision of cycle storage. The proposals are therefore considered to comply with the requirements of the policies listed above.

Other Matters

Concerns are expressed by objectors over the vagueness of the proposed use. The applicants agents have been approached on this matter and have advised that the application seeks an unrestricted C2 use. The Council is considering the application on this basis. Respectfully the property has historically been a residential home (a C2 use) and could have operated up to the 2001 change of use as any use within Class C2 of the Use Classes Order.

5. SUMMARY AND CONCLUSIONS:

In Officers' opinion, the principle of the proposal is considered acceptable, and it is not considered there would be adverse local impacts subject to compliance with planning conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. Prior to the commencement of the use hereby permitted, details of proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The storage details approved shall be completed prior to the commencement of the use and retained at all times.
3. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of the provision of adequate cycle storage in accordance with adopted standards
3. In the interest of highway safety.

Mae tudalen hwn yn fwriadol wag

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 45/2014/0927/PO
FORMER HONEY CLUB SITE
21-26 WEST PARADE, RHYL



Application Site

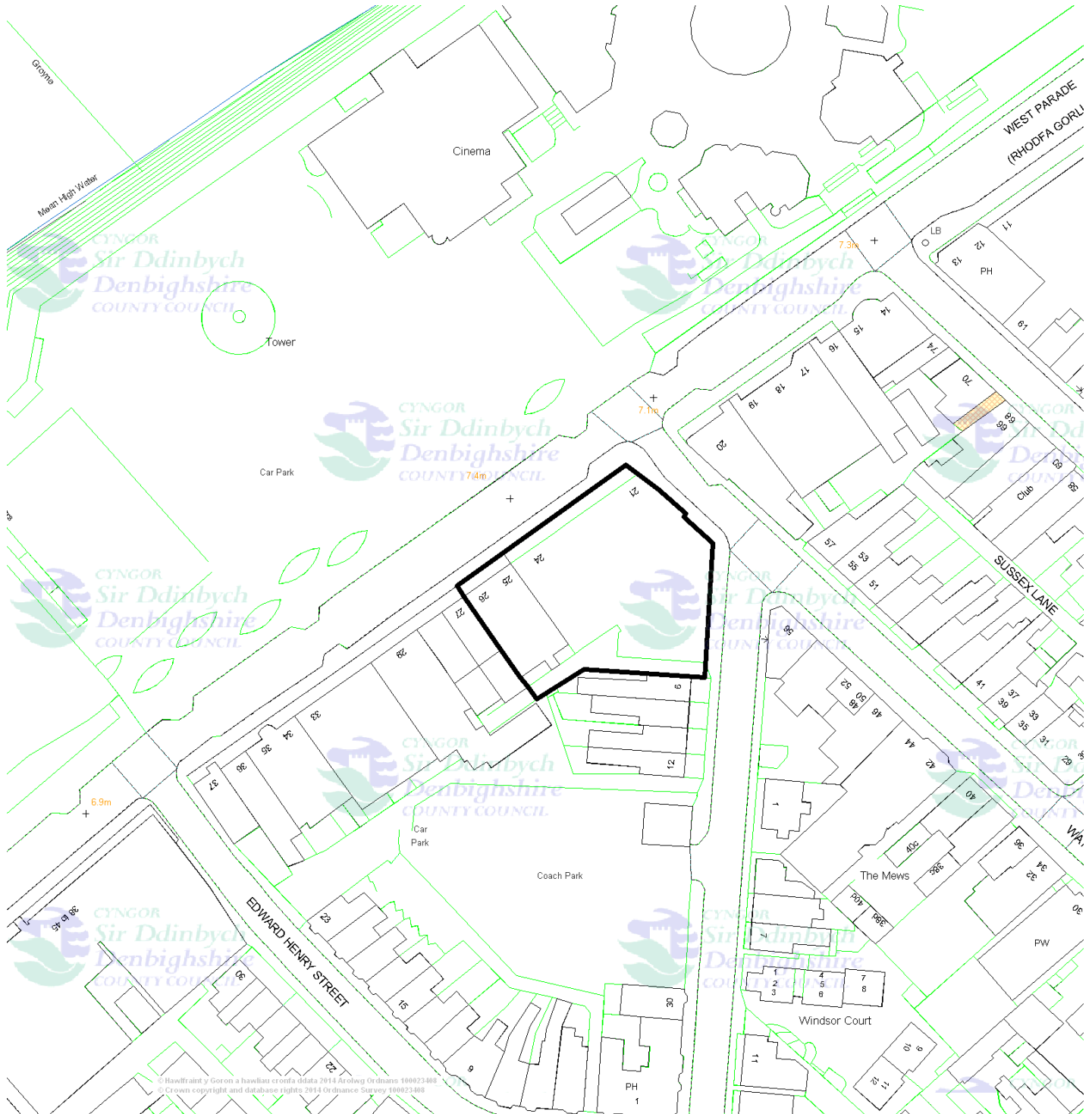


Date 28/8/2014

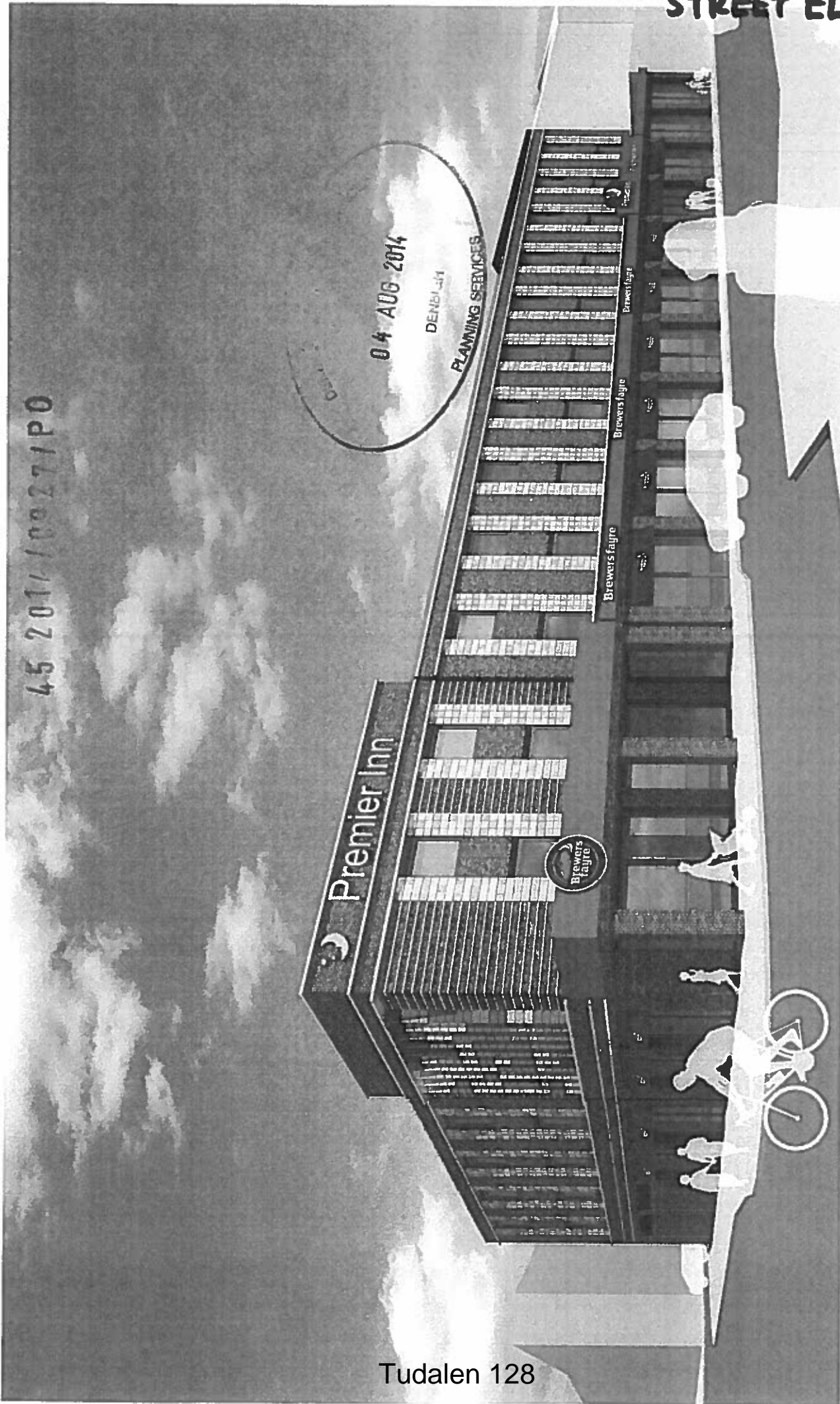
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Centre = 300523 E 381472 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



STREET ELEVATION



45 2011/100271P0

04 AUG 2014
DENBI-31
PLANNING SERVICES

Tudalen 128

Proposed Premier Inn Hotel on the former Honey Club Site, West Parade, Rhyl
Design and Access Statement
Application Drawings

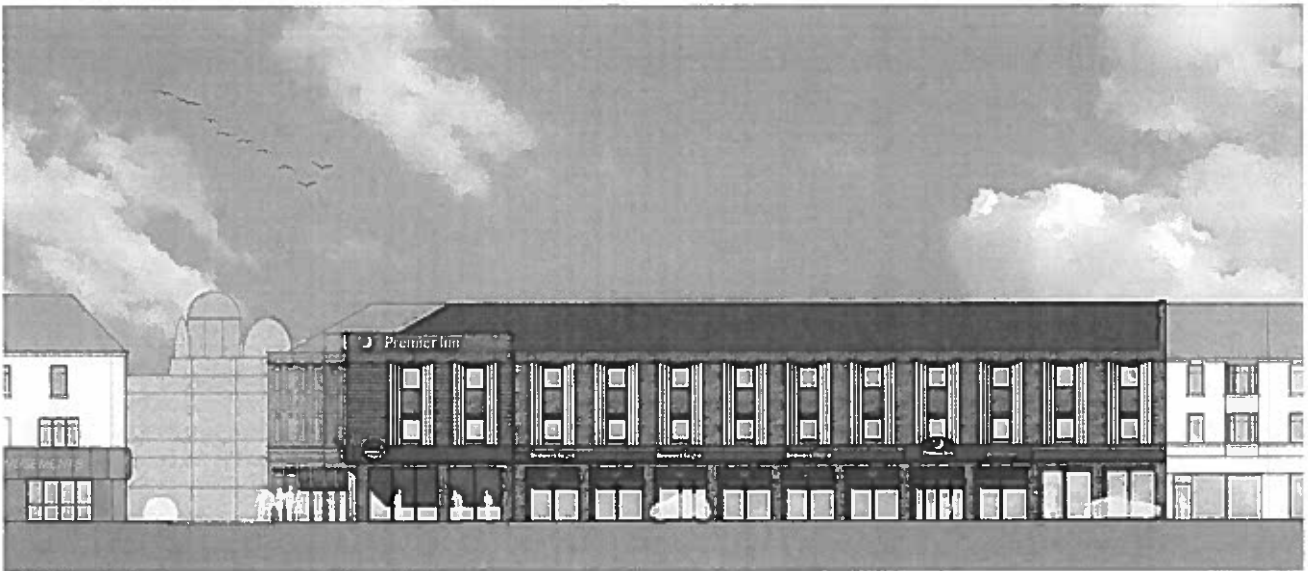
Formation Architects

CHESHAM ESTATES

31 July 2014

ELEVATIONS

7.1 West Parade elevation



*40 signage maximum

West Parade elevation

7.2 Water Street elevation



*40 signage maximum

Water Street elevation

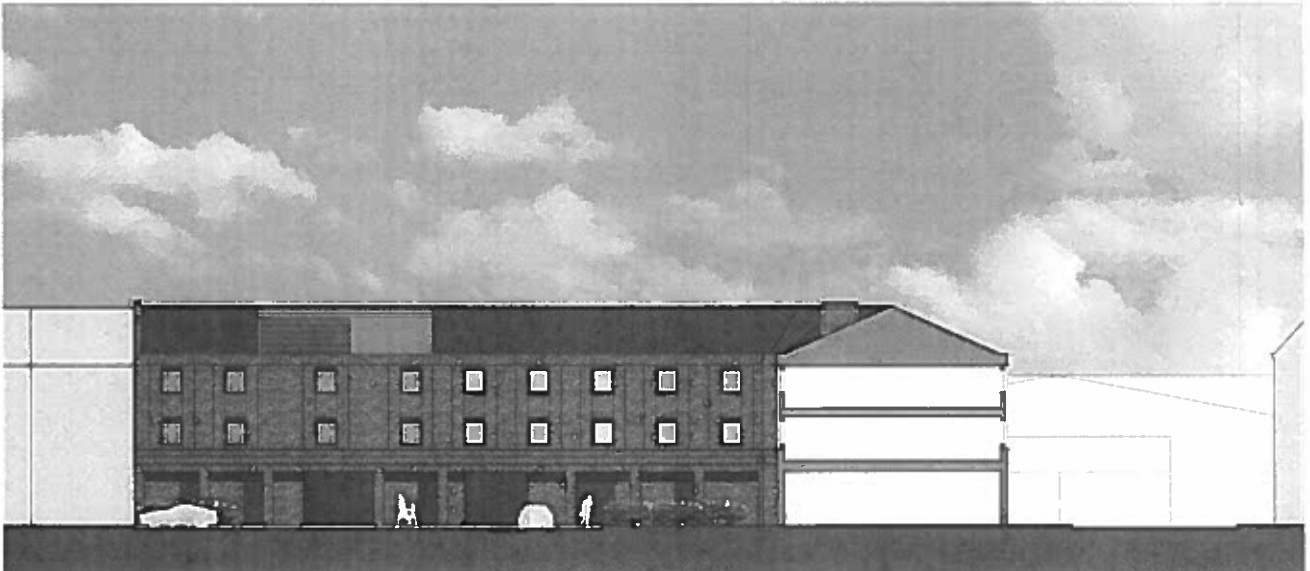
7.3 Crescent Road elevation



*All heights indicated

Crescent Road and Water Street elevation

7.4 Rear elevation



Rear elevation

4.0 Proposed floor plans

4.1 Ground floor



4.2 First and second floor



ITEM NO: 9

WARD NO: Rhyl West

WARD MEMBER(S): Cllr Ian Armstrong
Cllr Joan Butterfield

APPLICATION NO: 45/2014/0927/ PO

PROPOSAL: Development of 0.18 hectares of land by the erection of a 70 bedroom hotel, restaurant and a retail unit (outline application including access, appearance, layout and scale)

LOCATION: Former Honey Club Site 21-26 West Parade Rhyl

APPLICANT: Chesham Estates

CONSTRAINTS: Town Heritage Area Conservation Area

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Application on Council land
- Key Regeneration Scheme in West Rhyl

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

Awaiting response at time of writing report

DWR CYMRU / WELSH WATER

Awaiting response at time of writing report

WALES AND WEST UTILITIES

Awaiting response at time of writing report

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of a condition to ensure retention of space for loading/unloading, parking and turning of vehicles.

Conservation Architect

Awaiting response at time of writing report

Economic and Business Development Manager

Proposal is supported, this development is considered to be a turnkey project in Rhyl's regeneration and will undoubtedly assist with Denbighshire's Economic Ambition targets by directly providing new jobs.

RESPONSE TO PUBLICITY:

None received at time of writing report

EXPIRY DATE OF APPLICATION: 1/10/2014

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission for the development of 0.18ha of land by the erection of a 70 bedroom hotel, restaurant and a retail unit. Details of the access, appearance, layout and scale have been included for consideration with only landscaping reserved for future approval.
- 1.1.2 The application documents include a detailed Design and Access Statement, this sets out how the scheme has developed and explains the details of the proposal, which includes the following elements:

- Demolition of 25 and 26 West Parade

- Redevelopment of the whole site by the erection of a new 3 storey building which includes: -

* A 70 bedroom hotel for the Premier Inn (Class C1) – 2,460sqm

The Premier Inn would be accessed from an entrance on the western end of the building fronting West Parade, leading in to a large lobby area with reception, small seating area, luggage area, linen store and office area. The hotel lobby would have stair and lift access to the hotel rooms on the upper floors and direct access to the Brewers Fayre restaurant.

On the first and second floors, there are a total of 70 hotel bedrooms, 35 rooms on each floor with lobby area, linen and general storage areas. The bedrooms are all double rooms with 4 of the bedrooms on each floor having the ability to link to the room next door to provide family rooms.

* A Brewers Fayre Restaurant (Class A3) – 663sqm

The Brewers Fayre would be accessed from an entrance located on the corner of the building with Water Street, but fronting West Parade. The entrance leads in to a small lobby area, which then leads into a large eating area with bar, stores and toilet facilities.

The southern section of the building, accessed internally from the restaurant area is the service and staff area of the hotel and restaurant, and comprises a kitchen, team room, laundry area, plant rooms, stores/fridges/freezers, office space with staff toilet and changing facilities and also accessed externally off Water Street, a large refuse storage area.

* A separate ground floor Class A1/A3 unit -110sqm.

This unit would be accessed from an entrance on the western end of West Parade. Permission is sought for a retail use (Class A1) and food and drink use (Class A3).

- The formation of a vehicular access off Crescent Road with a rear access entrance and lobby available to the hotel and entrance for staff of the Brewers Fayre. This is also the delivery access and entrance.

-Provision of 6 car parking spaces and 3 disabled car parking spaces. The rear area of the building will be landscaped with some soft planting.

- 1.1.3 In relation to the design and external appearance of the proposed building, the Design and Access Statement explains the following:-

- The final elevations of the building comprise of:

- * A clear articulation of a prominent corner building and subservient wings
- * Additional height at the corner with illuminated 'Premier Inn' sign
- * A corner building with horizontal white reconstituted stone bands evoking seaside

architecture

- * A recess either side of the corner building to emphasise the corner building
- * Windows placed in double height recess
- * Recesses framed with faience tiles to emphasise a vertical rhythm and reduce the visual extent of solid to void
- * Faience tiles in a range of buff colours
- * Small canopies within the ground floor arches
- * A 'Rhyl Sands' art work panel comprising of projecting faience tiles on the flank wall on Water Street. This idea has been inspired by an oil painting 'Rhyl Sands' of 1854-1855 by David Cox.

Members are referred to the plans at front of the report which show the basic details.

1.2 Description of site and surroundings

- 1.2.1 The application site comprises 0.18ha of land located on the corner of West Parade with Water Street and Crescent Road in Rhyl, formerly the site of a nightclub known as 'The Honey Club'. The site has been cleared of all previous development in connection with the nightclub.
- 1.2.2 Included within the development are the derelict buildings at 25 and 26 West Parade, which it is proposed to demolish as part of the proposal.
- 1.2.3 To the immediate north of the site is West Parade with the Sky Tower, car park and cinema directly opposite the site. To the south is Crescent Road with predominantly residential properties in close proximity to the site, No's 6 to 12 Crescent Road immediately adjoining the site. To the east are further blocks fronting West Parade, with a large amusement arcade/centre on the opposite corner from the site. To the west are further blocks fronting West Parade with retail units and amusement arcades at ground floor level, some having upper floors in residential use.
- 1.2.4 The site is currently bounded by high metal fencing.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site is located within the development boundary of Rhyl.
- 1.3.2 The site is located within the Rhyl Central Conservation Area.
- 1.3.3 At the rear of the site, the neighbouring building at 45-56 Water Street is a Grade II Listed Building.

1.4 Relevant planning history

- 1.4.1 Conservation Area Consent for demolition of the former Honey Club buildings was approved by Welsh Government in 2012 with the demolition works undertaken immediately.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 Denbighshire County Council own the application site and will continue to own the land. A leasehold has been entered into for 125 years subject to conditions in the Development Agreement.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 45/2012/0666/CA Complete demolition of the buildings formerly known as 'The Honey Club' (Conservation Area Consent) APPROVED by Welsh Government 20th September 2012.

45/2012/1538/DA Demolition of (i) buildings formerly known as 'The Honey Club'; (ii) garage block rear of 27/28 West Parade; (iii) 2/4 Crescent Road; and (iv) partial demolition of 25/26 West Parade PRIOR APPROVAL NOT REQUIRED, 8th January 2013.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE1 – North Wales Coast Strategic Regeneration Area

Policy PSE6 – Retail economy

Policy PSE9 – Out of centre retail development

Policy PSE11 – Major new tourism developments

Policy VOE1 - Key areas of importance

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance:

SPG Conservation Areas

SPG Landscaping New Developments

SPG Parking

SPG West Rhyl Regeneration Area

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes:

TAN 4: Retailing and Town Centres

TAN 12: Design

TAN 13: Tourism

TAN 18 Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Highways (including access and parking)

4.1.5 Impact on Conservation Area (including setting) and nearby Listed Building

4.2 In relation to the main planning considerations:

4.2.1 Principle

Within development boundaries, new development will, in principle be supported provided that it meets with the criteria of other policies in the Local Development Plan and material planning considerations. This assists in working towards a sustainable pattern of development by directing most development to existing settlements thereby making the most effective use of existing infrastructure, facilities and services by reducing the need to travel.

Policy PSE 1 in the Local Development Plan relates to the North Wales Coast

Strategic Regeneration Area and supports proposals which retain and develop a mix of employment generating uses in town centres; or provide new family residential accommodation; or enable the retention, enhancement and development of tourism related facilities; or address existing problems of deprivation in a manner which is consistent with the principles of sustainable development.

Policy PSE 9 in the Local Development Plan relates to out of centre retail development and supports proposals for small scale retail uses within development boundaries provided they are less than 500m² gross area, they serve the local area, do not form part of an industrial estate and do not jeopardise the viability and vitality of town and district centres.

Policy PSE 11 relates to major new tourism developments and supports new forms of tourism development subject to the proposal being appropriate to its setting and within the capacity of the local environment; within the capacity of the local infrastructure; accessible to all potential users; supporting and extending the range of facilities on offer within the County; assisting in the regeneration and biodiversity objectives of Denbighshire and will utilise local labour where possible.

Further guidance is available within the West Rhyl Regeneration SPG. In terms of the regeneration context, Denbighshire and its delivery partners are focused on a comprehensive plan for West Rhyl based on the area's strategic needs. Key seafront development sites offer an opportunity for private sector investment and a funded programme of public sector investment has been put in to place to tackle the key housing and green space needs. The area has the potential to create a step change in its economic performance and long term sustainability and the SPG provides key land use and design principles to guide this investment. The SPG identifies the site within the illustrative development framework as a site for a proposed hotel, retail, leisure or commercial development with general development principles to be followed.

In relation to the above policies and guidance, the redevelopment proposals submitted are considered acceptable in principle. The proposal would bring a derelict site, located in a prominent position in West Rhyl back into use, and would support and strengthen adjacent retail and tourism priority investment areas. The proposal would help regenerate the surrounding areas through increased economic activity and would set a benchmark for future development in the area.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

At the time of writing this report there are no objections received to the proposal on visual amenity grounds.

The site lies in a prominent location on the corner of West Parade with Water Street and Crescent Road, within a Conservation Area. The proposal is to redevelop the site by providing a modern building, the details of which has been carefully considered having regard to the streetscape, height, design and detailing of adjoining buildings along with the overall context of the site, being in a prominent position within a designated regeneration area in a seaside town.

Overall, it is considered that the proposal by virtue of the proposed scale, appearance

and layout would make a positive contribution to this part of Rhyl. The development would provide a sensitive, high quality, contemporary building which will help regenerate the surrounding areas. The proposal would not have a negative visual impact on the area. It is therefore considered acceptable in relation to the policies and guidance listed above.

Landscaping details are reserved for further approval and will be the subject of a further reserved matters application if this outline planning application is approved.

4.2.3 Residential amenity)

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

At the time of writing this report there are no objections received to the proposal on residential amenity grounds.

There are residential properties adjacent to the application site on Crescent Road, with the properties at 6 to 12 Crescent Road (terrace of 4 properties) immediately adjoining the site to the south. This terrace is a traditional 2 storey property with large outriggers to the rear, extending approx 15m from the rear of the property. The side elevation of no 6 would be 3.5m from the 'wing' of the building to the south of the site fronting Crescent Road. This property has 1 window within the gable end at first floor level facing into the application site, with some windows at ground and first floor of the outrigger, these windows currently overlook over the derelict site.

The proposal has been designed so that the main bulk of the building is sited away from the properties on Crescent Road, and away from windows to minimise the impact of the proposal on the amenities of this property. Within the proposed elevation facing no 6 Crescent Road, only 1 window has been located at first floor level and 1 window at second floor level with both only serving the end of a corridor, not hotel bedroom windows. Whilst the scale and height of the building is clearly greater than the adjacent property, it is not considered that the proposal would have an overbearing impact, and would not adversely impact on the privacy of the occupiers of this property.

The main rear elevation of the proposal does not directly overlook the properties on Crescent Road, which are orientated at an angle away from the proposed building. At its closest point to the corner of the large outrigger to No 6 Crescent Road, the rear elevation is 14m away and at the centre point of the outrigger is located 19m away. Also giving consideration to the previous use of the site which was a nightclub, it is not considered that the proposal would adversely impact upon the residential amenities of nearby residents.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The proposal is to form a vehicular access off Crescent Road, which would lead to a rear parking and service area. It is proposed to provide 6 car parking spaces with 3

disabled parking spaces.

Applying the parking standards in the SPG a total of 20 car parking spaces would be required as the proposal comprises a hotel, restaurant and retail/food and drink unit at ground floor. On the basis of the proposed floor area of a 70 bed hotel, 1 space is required per 10 guest beds which results in the need for 7 spaces for the hotel; 11 spaces would be required for the A3 restaurant use based on the proposed floor area of 663sqm and the need for 1 space per 60sqm and 2 spaces for the retail/food and drink unit, based on a proposed floor area of 110sqm and the need for 1 space per 60sqm for food and drink (there would be no requirement to provide parking for a non-food retail use as it is less than 200sqm in floor area).

At the time of writing this report there are no objections received to the proposal on highway grounds.

Highway Officers have assessed the proposed development as acceptable. The access to the site is considered acceptable and the proposal provides limited on-site parking which is considered acceptable in a town centre location.

The proposal clearly does not meet the SPG parking requirement, however justification for providing a reduced amount of parking is acceptable in Officer's opinion on the basis of the site's location within a town, close to the town centre. The site is located within an area where on street parking is available and public car parks are nearby, and it is also within close proximity to the town centre where there are both bus and train stations. The site is easily accessible by non-car users, with parking facilities available for car users elsewhere within close proximity of the site.

- 4.2.5 Impact on Conservation Area (including setting) and nearby Listed Building
Policy VOE 1 looks to protect sites of built heritage and historic landscapes, parks and gardens from development that would adversely affect them. Development proposals should maintain and wherever possible, enhance these areas for their characteristics, local distinctiveness and value to local communities.

At the time of writing this report there are no objections received to the proposal on visual amenity grounds.

The proposal has been developed in close liaison with Denbighshire Officers, and advice was sought from a Conservation Specialist early on in the development of the scheme.

A scheme was presented to the Design Commission in November 2013, and the proposal has been amended to reflect the comments provided. The strong reference to the historic appearance of the Parade was revised to achieve a contemporary elevation sensitive to its seaside location. A series of design solutions were investigated and discussed, which has resulted in the proposal as currently submitted.

The proposed building is seeking to provide an architectural response which is sensitive to the historic character of the area (predominantly Victorian buildings) but creates a contemporary high quality design appropriate to the site and proposed use. Overall it is considered that the proposal is well designed, the details of the building have been carefully considered having regard to the streetscape, height, design and detailing of adjoining buildings along with the overall context of the site within the Conservation Area.

It is considered that the proposal would make a positive contribution to this part of Rhyl and would maintain and enhance the character of the Conservation Area and setting of the nearby Listed Building.

5. SUMMARY AND CONCLUSIONS:

5.1 The principle of development is considered acceptable with limited adverse impact on visual and residential amenity. It is not considered that there are any highway safety or parking concerns. In design terms, it is considered that the proposal would maintain and enhance the character of the Conservation Area.

RECOMMENDATION: GRANT- subject receipt of no further representations raising matters not already covered within the report or late sheet and subject to the following conditions:-

1. Approval of the details of 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. 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.
3. 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.
4. No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of all external wall and roof materials for the development.
5. Facilities shall be provided and retained within the site for the parking, turning, loading and unloading of vehicles and shall be provided and completed in accordance with the approved plan prior to the commencement of the use of the building.
6. The use of the ground floor retail/food and drink unit hereby permitted shall be limited to ClassA1/A3 of the Town & Country Planning (Use Classes order) 1987 only.

The reasons for the conditions are :-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
2. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
3. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
4. In the interests of visual amenity and character and appearance of the Conservation Area.
5. In the interests of highway safety.
6. In the interest of the amenity of the area.

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 46/2013/1222/PF
LAND AT BRONWYLFA NURSERIES,
BRYN GOBAITH, ST ASAPH

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

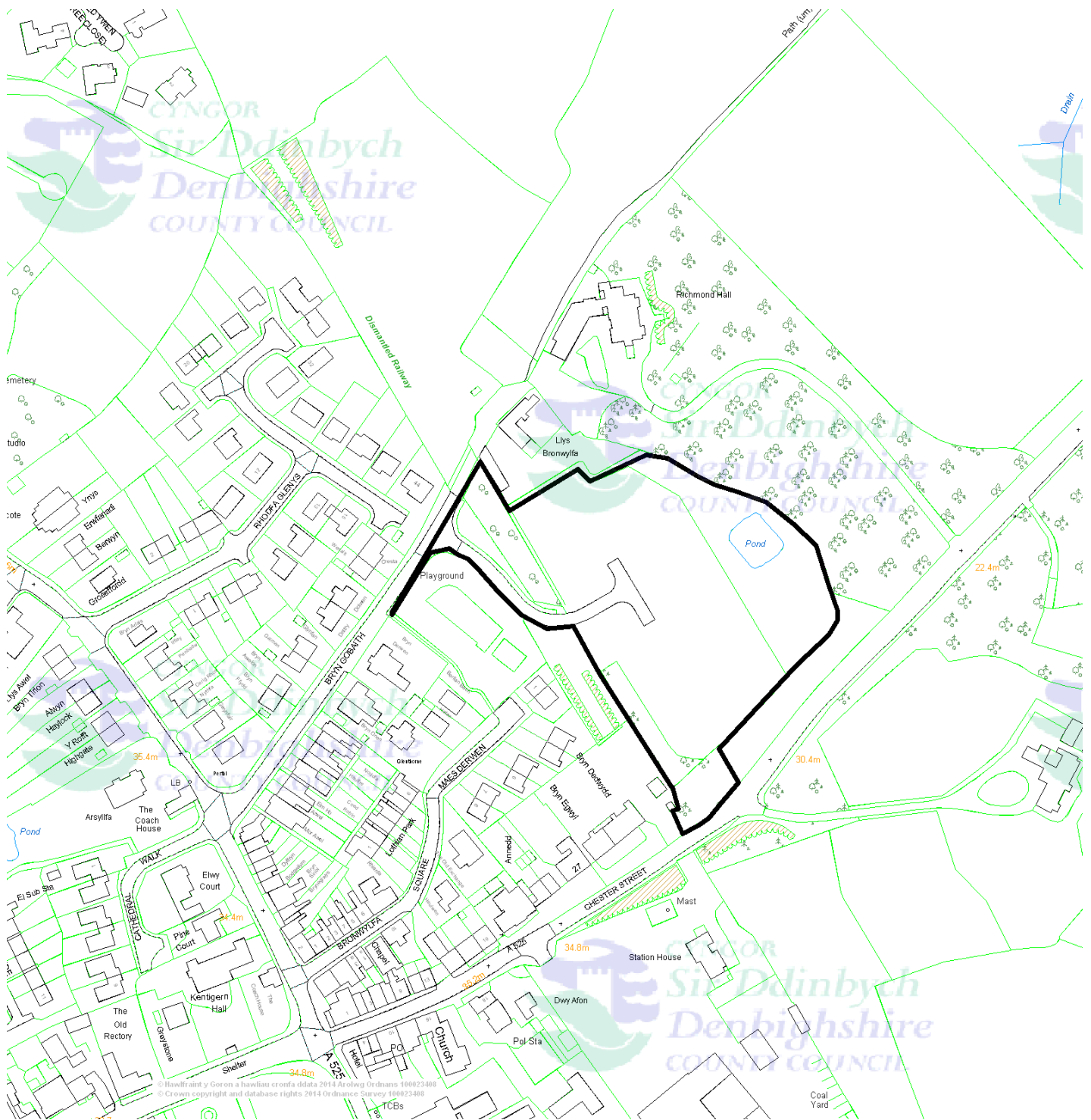
 Application Site



Date 10/7/2014
Centre = 304019 E 374588 N

Scale 1/2500

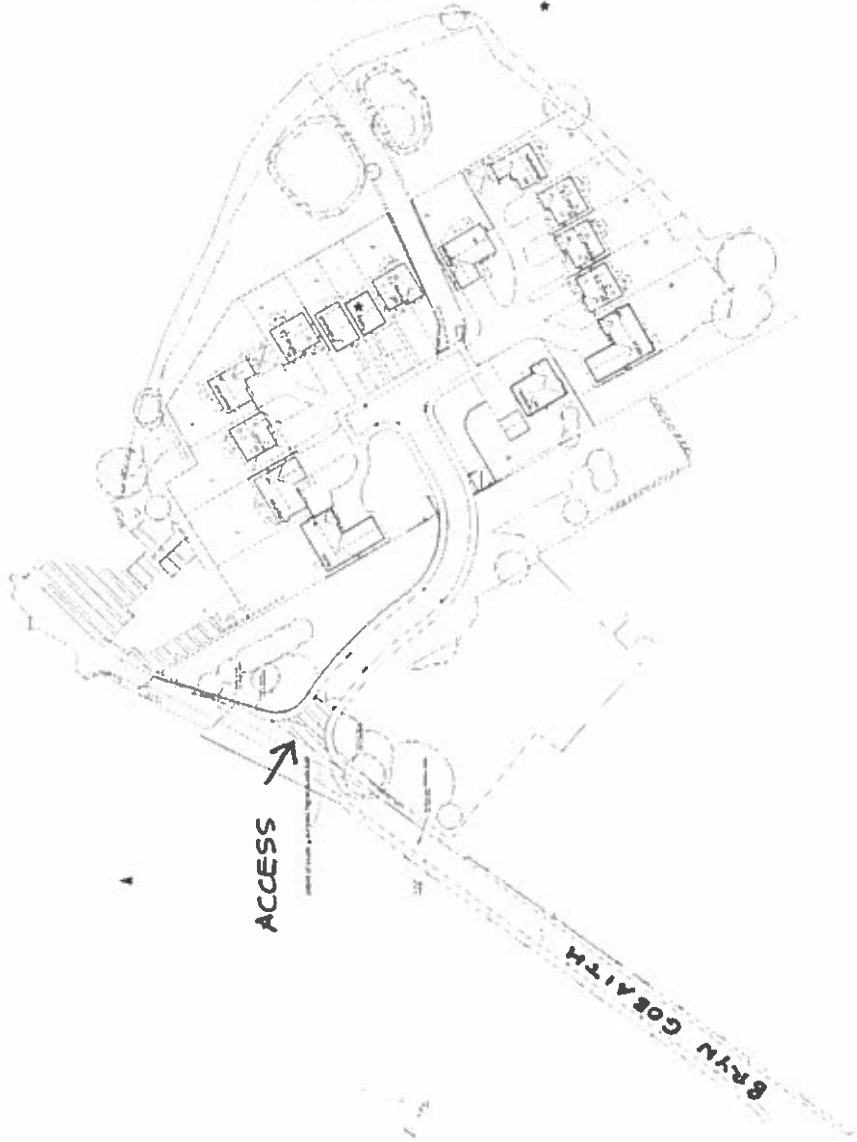
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

REVISED PLAN



1. All building footprints shall be shown with 1/4" thick lines.
 2. All walls shall be shown with 1/4" thick lines.
 3. All doors shall be shown with 1/4" thick lines.
 4. All windows shall be shown with 1/4" thick lines.
 5. All landscaping shall be shown with 1/4" thick lines.
 6. All parking spaces shall be shown with 1/4" thick lines.
 7. All access points shall be shown with 1/4" thick lines.
 8. All utility lines shall be shown with 1/4" thick lines.
 9. All site boundaries shall be shown with 1/4" thick lines.
 10. All site features shall be shown with 1/4" thick lines.

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 2 PM 2/25
 COLLEGE PARK, MARYLAND

1	1/4" = 1'-0"	Scale
2	1/4" = 1'-0"	Scale
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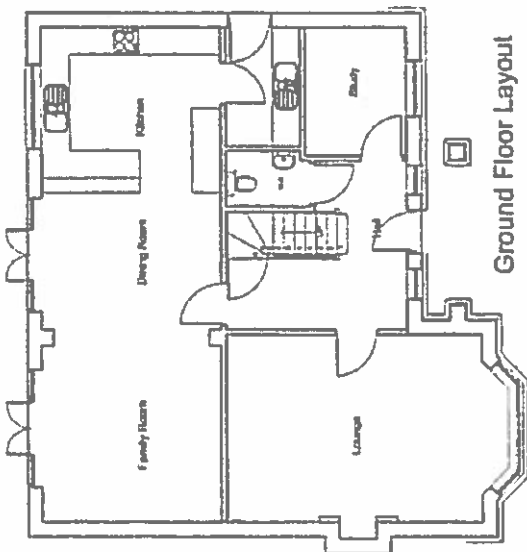
46 2013/1222/PF

REVISED PLAN

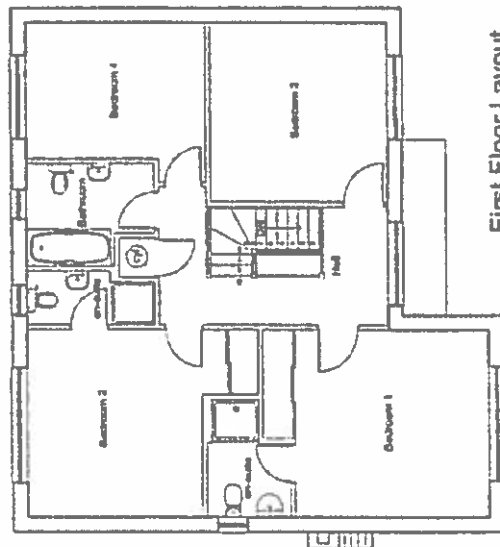
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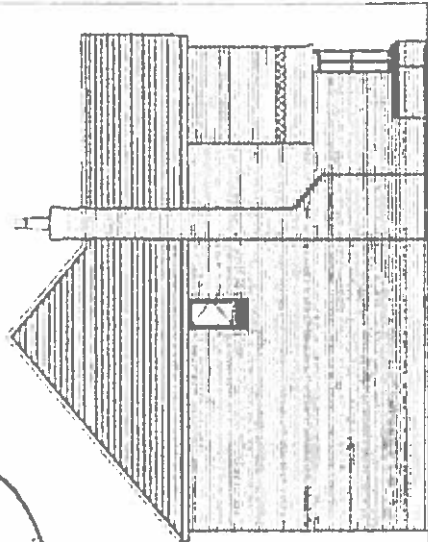
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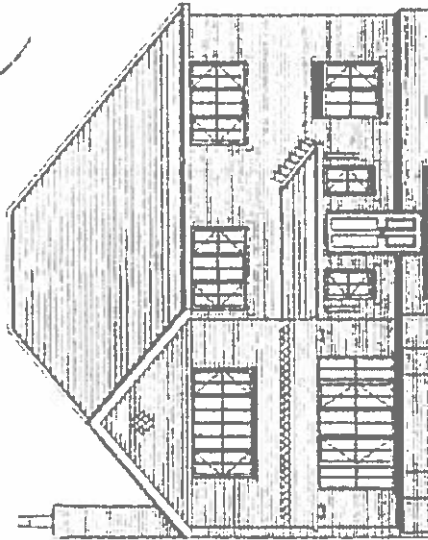
Ground Floor Layout



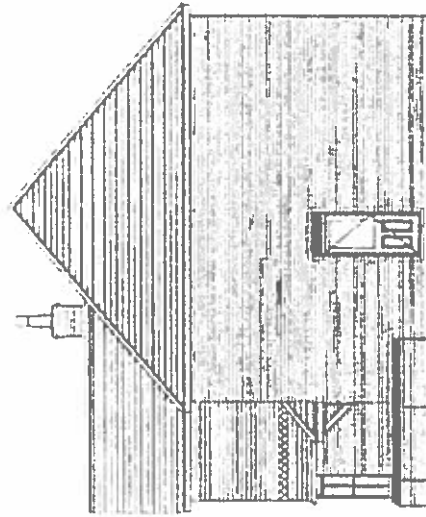
First Floor Layout



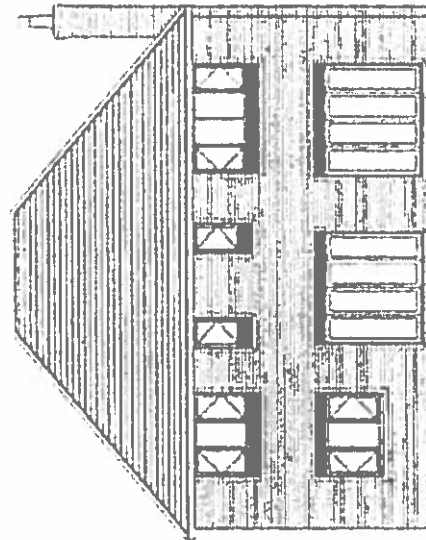
FRONT



SIDE



REAR



SIDE

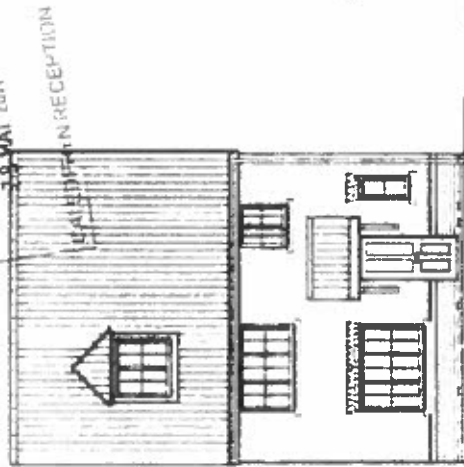
ANWYL

Anwyl Construction Company Ltd
100, The Quadrant,
Dunstable, Bedfordshire, UK
LU6 1JH
Tel: 01455 511111 Fax: 01455 511112
www.anwyl.co.uk

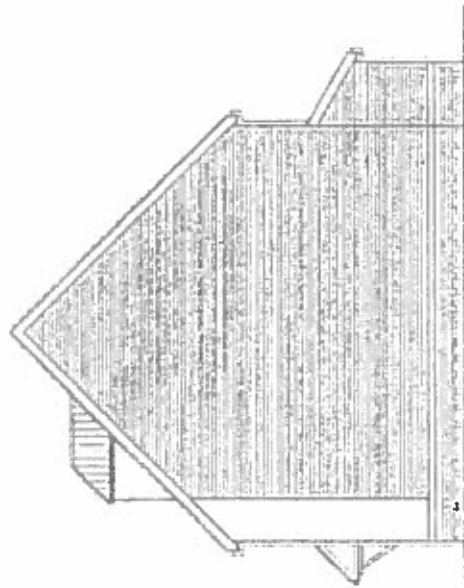
1-100 A3, 14.05.14 Pch 15

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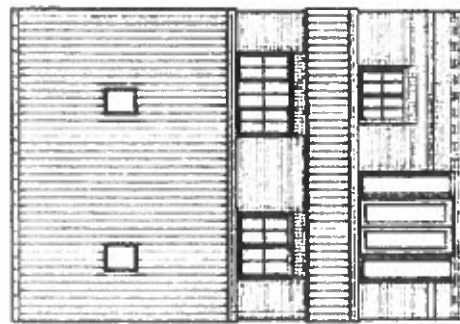
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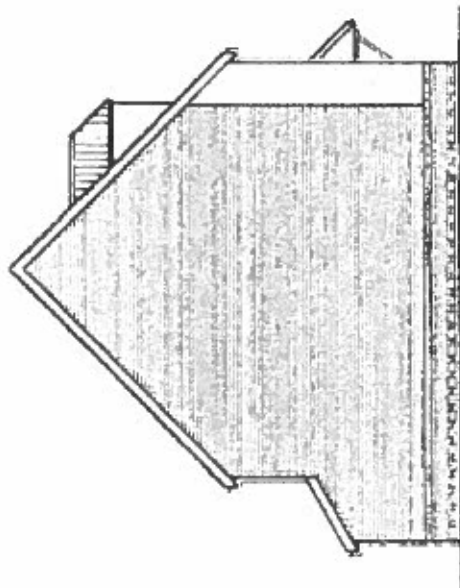
Proposed Front Elevation



Proposed Side Elevation



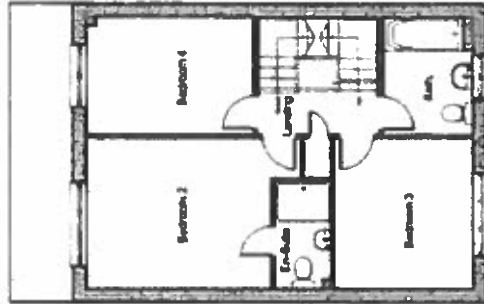
Proposed Rear Elevation



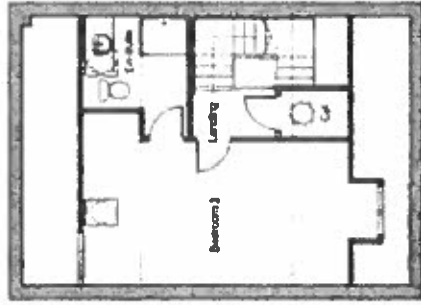
Proposed Side Elevation



Ground Floor layout



First Floor layout



Second Floor layout

ADDITIONAL PLAN

HOUSE TYPES

Plot 6

ANWYL

Anwyl Construction Company Ltd
Anwyl House, Main Street
Dorchester, Dorset DT1 1JH
Tel: 01184 20000 Fax: 01184 30700
www.anwyl.co.uk

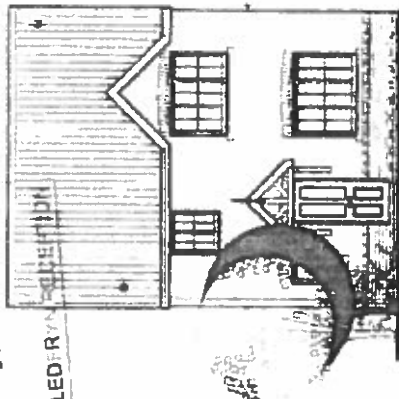
1-100 A3, 27.05.2014

THE TENBY

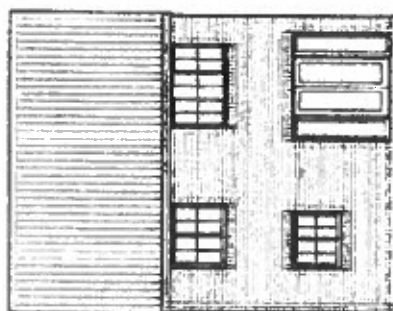
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29 MAY 2014

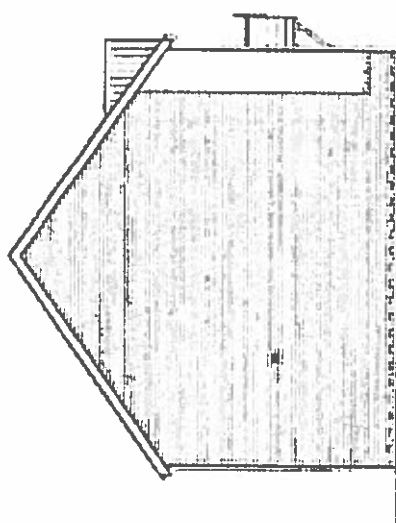
CALEDONIAN ARCHITECTURE



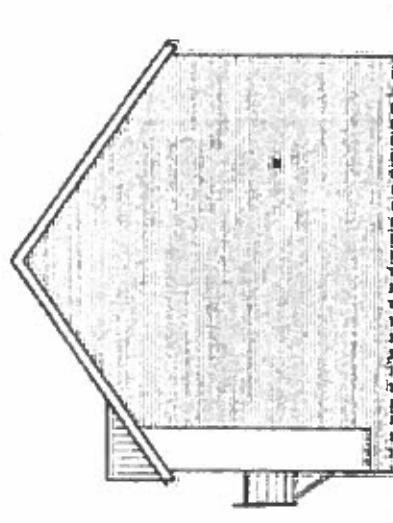
Proposed Front Elevation



Proposed Rear Elevation



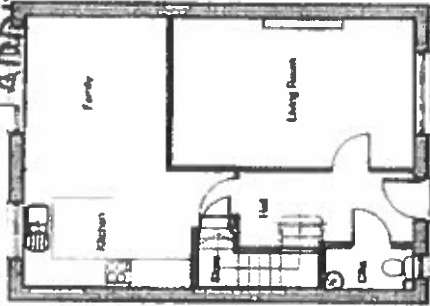
Proposed Side Elevation



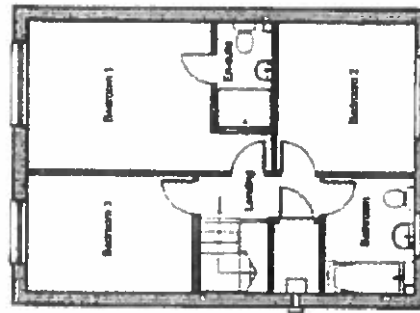
Proposed Side Elevation

46 2013/1222/PF

ADDITIONAL PLAN



Ground Floor layout
1035sq/ft



First Floor layout

Plot 7

ANWYL

Anwyl Construction Company Ltd
Anwyl House, Main Street, Pwll
Llanwrthwl, Llanwrthwl, LL19 8PN
Tel: 01546 321111
www.anwyl.co.uk

1-100 A3, 05.11.2013

rev A 17.06.09 chimney removed

ITEM NO: 10

WARD NO: St Asaph East

WARD MEMBER(S): Cllr Dewi Owens

APPLICATION NO: 46/2013/1222/ PF

PROPOSAL: Erection of 15 No. detached dwellings and construction of new vehicular accesses on 1.44 hectares of land

LOCATION: Land at Bronwylfa Nurseries Bryn Gobaith St Asaph

APPLICANT: Anwyl Construction Co Limited

CONSTRAINTS: Conservation Area

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council comments

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

“No objection as long as the proposed traffic calming measures remain in place”.

NATURAL RESOURCES WALES

No objection on flood risk grounds. The site supports Great Crested Newts and species of reptile; the surveys submitted are satisfactory, however a derogation licence will be required and a planning condition or obligation is suggested to consider the implementation of amphibian reasonable avoidance measures during construction, the implementation and completion of long term site security, management and surveillance proposals and details in respect of the safeguarding and protection of reptiles.

DWR CYMRU / WELSH WATER

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions requiring parking details for each plot, details of layout, design, means of traffic calming, street lighting, signing, drainage and construction of internal estate road and details of site compound location, traffic management scheme, vehicle washing, hours and days of operation and the management and operation of construction vehicles.

Conservation Architect

No objection provided the boundary treatment to Chester Street is retained as indicated.

Ecologist

No objection, monitoring and management of the mitigation site should continue as currently.

Housing and Community Development Service
Response awaited at time of writing report

RESPONSE TO PUBLICITY:

In objection representations received from:
A. Savage, Perthi, Mount Road, St. Asaph
P. Capper. Llys Bronwylfa, Bryn Gobaith, St. Asaph

Summary of planning based representations in objection:
Highway concerns: Bryn Gobaith and Mount Road is unsuitable for yet another increase in the flow of traffic; problems exist at the junction of Mount Road and Bryn Gobaith along with parking and traffic flow along both these streets.

Residential Amenity

Unclear how the development will affect the amenity/privacy of Llys Bronwylfa.

EXPIRY DATE OF APPLICATION: 5/12/2013

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 This application was deferred at the July 2014 Committee at the request of Councillor Dewi Owens, to allow the highway issues relevant to the application to be considered by a Site Inspection Panel. The notes of the Site Inspection Panel will be reported on the Late Representation Sheets for the Planning Committee Meeting.
- 1.1.2 The proposal seeks full planning permission for the erection of 15 detached dwellings and construction of a new vehicular access on land at the former Bronwylfa Nurseries, St Asaph.
- 1.1.3 The application proposes the erection of 15 detached two storey dwellings with integral double garages. Each property would be provided with substantial private amenity areas and off street parking facilities.
- 1.1.4 The site is accessed off Bryn Gobaith from a single access point which has in the main already been constructed and the junction adopted, following the grant of planning permission for 9 dwellings in 2006.
- 1.1.5 The site contains 2 ponds on the eastern boundary and it is proposed to retain the ponds within a wildlife area measuring 0.45ha in total, which would be transferred to a wildlife trust to be managed.
- 1.1.6 In between plots 8 and 9 leading to the wildlife area, an 8m wide surface water sewer easement is proposed.

1.2 Description of site and surroundings

- 1.2.1 The site is located at the end of Bryn Gobaith in St Asaph. The site comprises a former commercial nursery where all buildings/structures were removed several years ago.

1.2.2 The enclosed area of land is surrounded by mature trees/woodlands to the east, south and west, and located to the north is 'Llys Bronwylfa' which comprises 2 separate dwellings.

1.2.3 Located within the site along the eastern boundary are 2 ponds.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of St Asaph and is an allocated housing site within the Local Development Plan. This allocation reflects the extant planning permission for 9 dwellings.

1.4 Relevant planning history

1.4.1 Full planning permission for 9 dwellings was granted in 2006, with the relevant conditions complied with and a material start made on site before the permission expired in March 2011. There is therefore an extant planning permission in place for 9 dwellings which is a significant material consideration.

1.5 Developments/changes since the original submission

1.5.1 The original submission was for 14 dwellings with a commuted sum for affordable housing offered.

1.6 Other relevant background information

1.6.1 Members are referred to a separate report on the agenda, application Code no 46/2014/0436/PS, which seeks the removal of a condition imposed on a 2013 permission for the development of land adjacent to the north of Bryn Gobaith; this condition being of direct relevance to the current application as it relates to a scheme of improvements at the Mount Road/Bryn Gobaith junction and traffic calming on Mount Road and Bryn Gobaith.

2. DETAILS OF PLANNING HISTORY:

2.1 43/2003/1445/PF Erection of 9 no. detached houses, road junction alterations and traffic calming along Mount Road and Bryn Gobaith, construction of new vehicular access and formation of wildlife habitat areas GRANTED 10th March 2006 following the completion of the Section 106 agreement. Resolution to 'Grant' made at Planning Committee

The Section 106 requires the developer to contribute towards the provision of affordable housing, detailed mitigation and future management proposals for the great crested newts habitat to secure long-term conservation status of the habitat site and also highway junction improvements/traffic calming at the Mount Road/Bryn Gobaith junction and along Bryn Gobaith Road.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC4 – Affordable Housing
Policy BSC11 – Recreation and open space
Policy BSC12 – Community facilities
Policy VOE5 – Conservation of natural resources
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance – Affordable Housing
Supplementary Planning Guidance 4 - Open Space Requirements in New Developments
Supplementary Planning Guidance 7 – Residential Space Standards
Supplementary Planning Guidance 21 – Parking

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes

TAN5: Nature Conservation

TAN 18: Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Density of development
- 4.1.10 Sustainability codes and water management

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development in towns is BSC1, which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries. Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. The proposals would therefore be acceptable in terms of the general principles of these policies.

The site is located within the development boundary of St Asaph in the adopted Local Development Plan where the principle of residential development is considered acceptable. Residential development has been previously accepted by the grant of full planning permission for 9 dwellings, which is an extant planning permission.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or

other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

There are no objections from local residents or the City Council in relation to the visual impact of the proposal.

The external materials on the dwellings are indicated as facing bricks with some render, with tiled roofs, to the Council's approval. Overall, it is considered that the proposal by virtue of the scale, design and existing screening provided by mature vegetation would not have a negative visual impact on the area. It is therefore considered acceptable in relation to the policies and guidance listed above.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

There is a comment from a local resident over potential for loss of privacy from the new development on the site and that it is unclear how the development will impact upon them.

Having regard to the revised layout for 15 units and the detailing of dwellings relative to nearby development, Officers opinion is that there would be no adverse impacts on the amenities of occupiers of existing or proposed dwellings.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The site supports Great Crested Newts and species of reptile. No objections have been expressed over the potential impact on these species as a result of development. The Council's Biodiversity Officer and Natural Resources Wales (NRW) have raised no objection subject to the implementation of the measures detailed in the ecological survey and imposition of planning conditions or a suitable obligation.

The Great Crested Newt is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulation 2010 (as amended). NRW have stated that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any population of European or British protected species that may be present at the application site.

Officers' conclusion is that it would be in order to protect ecological interests through a Section 106 agreement ensuring the development is undertaken in accordance with

the recommendations within the ecological report.

4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

There are no representations relating to the drainage implications of the development. The applicant has indicated an intention to connect to the existing main foul sewer in Bryn Gobaith and has provided a drainage layout plan. Dwr Cymru / Welsh Water have raised no objection to the proposal subject to standard advisory notes being included and NRW have raised no flood risk objections.

In Officers opinion, the consultation responses suggest there are no drainage grounds to oppose the development of the application site.

4.2.6 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

An objection has been received from a local resident in relation to highway safety and the impact an increased number of dwellings (9 to 15) would have on the local highway network. The City Council have stated they have no objections to the revised number of dwellings as long as traffic calming measures remain in place.

The means of access to the site is off an existing access off Bryn Gobaith, which was constructed in accordance with approved details following the grant of planning permission in 2006. That planning permission included details of highway works/traffic calming to Mount Road and Bryn Gobaith, which formed part of a Section 106 agreement and which also required further agreement with the Highway Authority.

This application no longer proposes any highway works/traffic calming measures to Mount Road and/or Bryn Gobaith as part of the proposal. In this respect, Members are referred to the report on application ref 46/2014/0436/PS for the removal of condition on the 2013 permission for development of land north of Bryn Gobaith requiring highway improvements/traffic calming. This explains that the Highway Officer has carefully considered the highway related concerns and having discussed at length with the Traffic Section who have looked at the traffic situations in this area very carefully, the conclusion is that it is difficult to see how junction improvements can be incorporated without adversely affecting the existing operation of the junction of Bryn Gobaith/Mount Road.

Traffic surveys were carried out on Bryn Gobaith between 20th May 2011 and 27th May 2011 and this result showed that the average flow, including both directions was 197 vehicles over 24 hours. In the peak hours there were 18 vehicles south bound and 17 vehicles north bound.

Traffic surveys were also carried out on Mount Road between 20th May 2011 and 27th May 2011 and the results showed that the average flow including both directions was 1331 vehicles over 24 hours. This would mean that in the peak hours there were 130 vehicles north bound and 105 vehicles south bound.

Having regard to the traffic survey data along with the Highways Technical Note submitted in the consideration of the outline planning permission at land north of Bryn Gobaith it is not considered that it would be reasonable to insist on junction improvements on an application for just 15 dwellings on land at the former Bronwylfa Nurseries.

In relation to traffic calming on Bryn Gobaith it is unlikely that any scheme would reduce the speed of traffic below the already low existing speeds, and these would therefore have no significant effect. In conclusion, Highways Officers raise no objection to the proposal for 15 units, with no highway improvements at Bryn Gobaith/Mount Road or traffic calming measures along Bryn Gobaith.

It is not considered, with respect to objections raised, that there are any reasonable highway grounds to refuse permission here.

4.2.7 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4. Policy BSC4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either onsite on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

The proposal is to provide 1 affordable housing unit on site with Plot 7 identified as an intermediate affordable housing unit. A Section 106 agreement would be required to secure this unit for affordable purposes.

4.2.8 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with policy BSC 11. Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. It states that open space should always be provided on site, and that commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement be provided onsite, or where it is impractical to provide the full requirement onsite. Where there is no identified shortfall of open space in an area, the option of a commuted sum payment may be appropriate to mitigate impact on existing open space and equipment.

The development of 15 dwellings generates a requirement for open space in line with Policy BSC 11. The applicant is offering a commuted sum in relation to the provision and maintenance of off-site Children's Play Space and the provision of off-site Community Recreational Open Space (CROS) of £29,440.80. This is considered acceptable to meet the open space requirement in this instance via a commuted sum as it would be impractical to provide all the required open space on site due to the requirement for wildlife area within the site. The 2000 Open Space Survey indicated a deficit in Childrens' play space in St Asaph but no deficit in relation to CROS. Test iii) of Policy BSC 11 states that where there is no shortfall a commuted sum will be sought to mitigate the impact of increased usage of existing facilities locally. It is considered acceptable to require a commuted sum for provision of CROS in this instance but to waive the maintenance element as the capital sum is likely to be invested in an existing facility which already has maintenance arrangements in place.

In Officers' opinion the proposal to provide a commuted sum is consistent with the requirements of Policy BSC11 of the Local Development Plan, and this would be secured by a Section 106 agreement.

4.2.9 Density of development

Local Development Plan Policy RD 1 test (ii) requires due consideration of the efficiency of use of land through achieving a suitable density of residential development, referring to a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density.

Although the site area measures approx 1.4ha, taking into account the junction, access road into the site, hedgerows/wooded areas, ponds and wildlife area proposed, the developable area is only 0.9ha. The density of development would therefore be around 16 dwellings per hectare which is below the 35 dwellings per hectare figure referred to in Policy RD 1. However, having regard to the constraints of this particular site and characteristics of the area, and the extant permission for 9 dwellings, this density is considered acceptable in this instance.

4.2.10 Sustainability codes and water management

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales (Section 4.12) sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that building(s) can meet specific standards of construction and carbon emission levels.

In the case of this submission, the application is accompanied by a Code for Sustainable Homes Pre-Assessment report in accordance with the requirements of TAN 12, TAN 22 and Planning Policy Wales at the time of submission. However, the Minister for Housing and Regeneration has recently announced amendments to the National Planning for Sustainable Buildings policy contained in Planning Policy Wales (PPW) and the cancellation of Technical Advice Note (TAN) 22 when the changes to Part L (relating to energy efficiency) of the Building Regulations come into force at the end of July 2014.

Any applications determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes. Given the timing of the determination of this application and that the development could not be implemented before the end of July 2014 it is considered to be unreasonable to impose the standard conditions requiring compliance with the Code for Sustainable Homes.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The site has a valid full planning consent for 9 dwellings, is an allocated housing site and is located within the development boundary of St Asaph within the adopted Denbighshire Local Development Plan. This establishes the acceptability of the principle of the development.
- 5.2 The detailing of the 15 dwellings is considered acceptable, along with arrangements for affordable housing and open space.
- 5.3 With due respect to the concerns of the City Council and objector with regards to the impact of the increase in the number of dwellings on the local highway network, the proposals have been scrutinised by the Highways Officer and there are no objections raised.
- 5.4 The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure:

(a) The provision of 1 no affordable housing unit and the retention of this unit for affordable purposes.

(b) The payment of a commuted sum for provision and maintenance of open space of £29,440.80 apportioned as follows:

CROS Provision Costs	£9,993.60
CPA Provision Costs	£14,212.80
CPA Maintenance Costs	£5,234.40

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

RECOMMENDATION: GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
PRE-COMMENCEMENT
2. 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.
PRE COMMENCEMENT
3. Prior to the commencement of development, the detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road shall be submitted to and approved by the Local Planning Authority and the road shall be constructed in accordance with such approved details before any dwelling is occupied.
4. No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, vehicle wheel washing facilities, hours and days of operation and the management and operation of construction vehicles, the works shall be carried out strictly in accordance with the approved details.
5. Facilities shall be provided and retained within each plot for the parking of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.
6. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
7. Foul water and surface water discharges shall be drained separately from the site.
8. No surface water shall be allowed to connect directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority
9. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

The reasons for the conditions are:

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

2. In the interests of visual amenity.
3. In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.
4. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
5. To 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.
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To protect the integrity of the public sewerage system.
8. To protect the integrity of the public sewerage system.
9. To prevent hydraulic overload of the public sewerage system and pollution of the environment.

NOTES TO APPLICANT:

Please be aware that a new Derogation Licence will be required from the Welsh Government.

- (i) Highway Supplementary Notes Nos. 1,3,4,5,6,7,8,9 & 10.
- (ii) New Roads and Street Works Act 1991-Part N Form.
- (iii) Denbighshire County Council Specification for Road Construction.
- (iv) Denbighshire County Council General Notes for Highway Lighting Installations.

WELSH WATER Note to Applicant:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 46/2014/0436/PS
LAND AT NORTH SIDE OF
BRYN GOBAITH, ST ASAPH

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

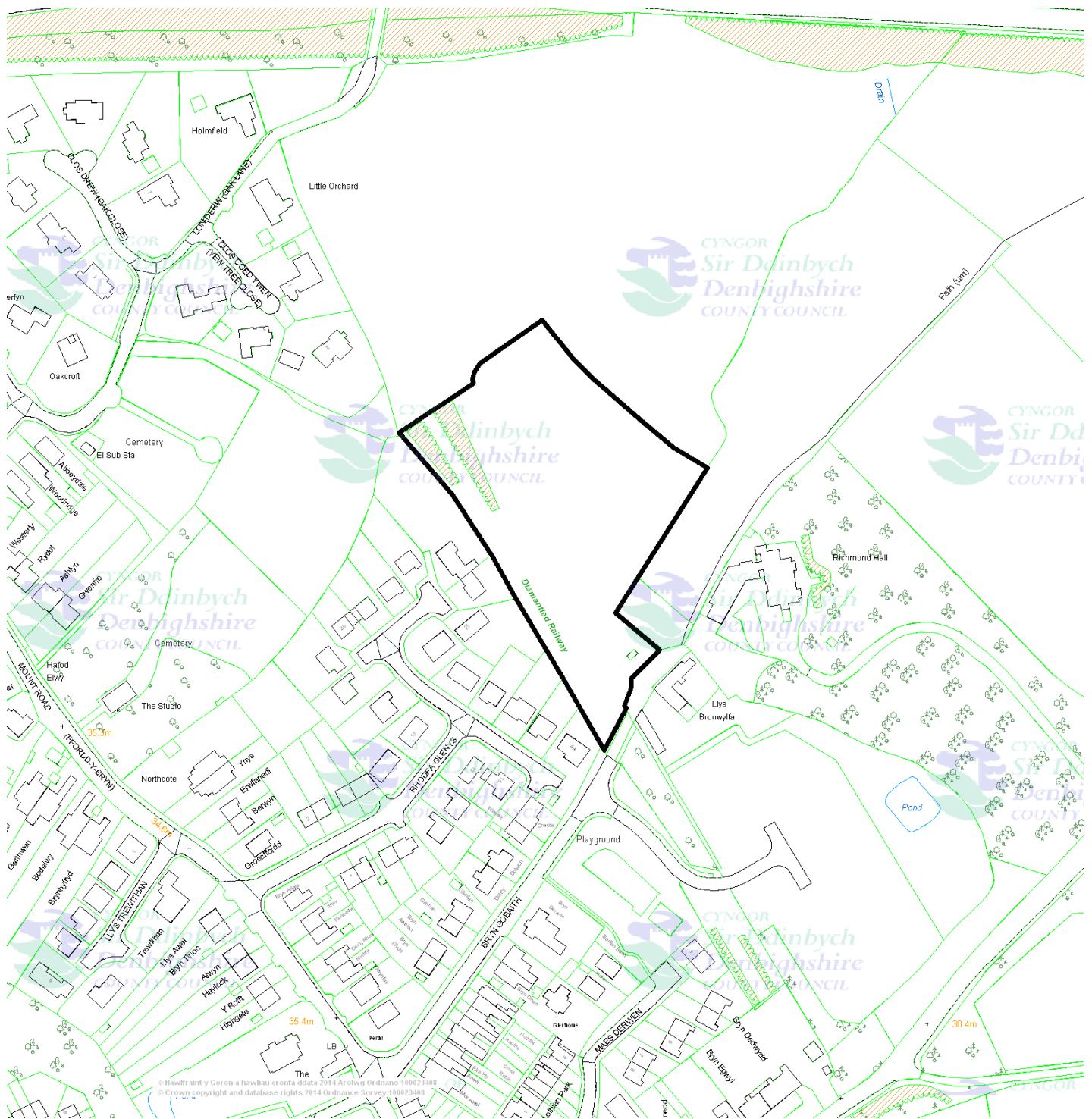
 Application Site



Date 9/7/2014
Centre = 303951 E 374704 N

Scale 1/2500

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



ITEM NO: 11

WARD NO: St Asaph East

WARD MEMBER(S): Cllr Dewi Owens

APPLICATION NO: 46/2014/0436/ PS

PROPOSAL: Removal of condition no. 15 of outline planning permission code no. 46/2013/0802 requiring a scheme of improvements at the Mount Road/Bryn Gobaith Junction and traffic calming on Mount Road and Bryn Gobaith

LOCATION: Land at north side of Bryn Gobaith Bryn Gobaith St Asaph

APPLICANT: Mr & MrsC White

CONSTRAINTS: PROW

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

“St. Asaph City Council object to the removal of Condition 15 for the following reasons.

1. The condition was correctly applied on the original application, the need for removal has not been proven.
2. Volume of traffic, this is already a very busy road as there is Fairholme School on Mount Road now has in excess of 120 pupils and has increased traffic considerably, there is a care home on Bryn Gobaith which also bring substantial additional traffic from non residents.
3. Over intensification of use.
4. There needs to be clear access for emergency services at all times.
5. The City Council would like to suggest a mini roundabout at junction of Mount Road and Bryn Gobaith, which would also assist traffic to and from Cathedral Walks.”

DWR CYMRU WELSH WATER

Repeat the need for inclusion of relevant conditions and advisory notes.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection, following consultation with the Traffic Section it is difficult to see how junction improvements can be incorporated without affecting the existing operation of the junction of Bryn Gobaith/Mount Road. In relation to traffic calming on Bryn Gobaith it is unlikely that any scheme would reduce the speed of traffic below the already low speeds and would therefore have no significant effect.

RESPONSE TO PUBLICITY:

In objection:

Representations received from:

R. & A. Williams, 42, Rhodfa Glenys, St. Asaph
Eugene Grube, 28 Rhodfa Glenys, St. Asaph
Mr & Mrs Graham Hardy, 38 Rhodfa Glenys, St. Asaph
Glyn H Davies, 32 Rhodfa Glenys, St. Asaph

Summary of planning based representations in objection:

Highway Issues:

Condition 15 is essential even without more housing in the area there already exists a danger to pedestrians as they have to cross from the west to the east side of Mount Road which is only served by a single pavement.

Calming measures would slow many of the cars and other vehicles which travel at speed and which show no consideration for other road users.

Removal of condition will seriously jeopardise the safety of all who use Bryn Gobaith and Mount Road.

Removal of condition would exacerbate an already chronic.

EXPIRY DATE OF APPLICATION: 11/6/2014

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 This application was deferred at the of July 2014 Committee at the request of Councillor Dewi Owens, to allow the highway issues relevant to the application to be considered by a Site Inspection Panel. The notes of the Site Inspection Panel will be reported on the Late Representation Sheets for the Planning Committee Meeting.

1.1.2 The application seeks to remove a planning condition which was imposed on a 2013 outline planning permission for the development of 1.1ha of land for residential development on the north side of Bryn Gobaith. The condition imposed states:-

“No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained in relation to a scheme of improvements at the Mount Road/Bryn Gobaith Junction and traffic calming on Mount Road and Bryn Gobaith. The approved works shall be completed strictly in accordance with the approved drawings before any dwelling is occupied.”

The reason for the condition was in the interests of the free and safe movement of traffic of all road users.

1.1.3 The application is presented with a number of points in support of the removal of condition:

- *“The test of any planning conditions is that it is necessary to impose the condition in order to enable planning permission to be granted, it, similarly, follows that if on reconsideration it is demonstrated that the condition is unnecessary, then it should be removed;*

- *When the planning application was originally submitted it was supported by a Highways Technical Note. This note observed that Bryn Gobaith was a relatively standard sized cul de sac in terms of its highway width and provision of footpaths and*

that such a road was normally considered capable of accommodating traffic for up to 300 dwellings;

- To place the proposal in context, it was observed that a development of approximately 30 dwellings would add no more than one additional traffic movement every 3 mins in the peak hour, and significantly less at other times;

- Nevertheless, 2 options were considered for improving the junction of Bryn Gobaith with Mount Road: the first option was to install a mini roundabout but this would be very difficult to achieve within the highway land available, the second option was the possibility of reducing the size of the junction of Bryn Gobaith and Mount Road by realigning kerbs. It was difficult to see what benefit this would bring and as the mouth of the junction was clearly used by vehicles wishing to turn around, it would actually obstruct a useful facility on the highway. However it was generally noted that there is no problem at the junction, visibility is good and traffic levels are very low and no works that might improve on a situation were identified.

- With regards traffic calming on Bryn Gobaith, it is recognised that traffic speeds are already low and that cars park on the highway were themselves a 'natural' form of calming. The possibility of installing speed humps in the road would be unlikely to reduce the speed of traffic below already low speeds and therefore would have no significant effect.

- In conclusion, there is no appropriate way forward without seeking removal of the condition. It is considered that Condition 15 does not meet the tests for conditions set out in paragraph 14 of Circular 35/95 and therefore should be removed."

1.2 Description of site and surroundings

- 1.2.1 The application site comprises 1.1ha of grazing land on the eastern side of St. Asaph. The site is on the north eastern boundary of development at Rhodfa Glenys. It is roughly rectangular in shape and is relatively level, but slopes downwards slightly from west to east.
- 1.2.2 To the north and east of the site are open fields, and to the south and west is primarily residential development, with the dwellings on Rhodfa Glenys to the west and Bryn Gobaith to the south.
- 1.2.3 The highway serving Bryn Gobaith leads to the site, where there is currently an entrance from a gated field access. Bryn Gobaith is located off Mount Road approximately .95m north of the mini roundabout linked to the A525 near St Asaph Cathedral. The carriageway width of Bryn Gobaith is approx. 5.5m with footways on both sides. Mount Road has a carriageway width in excess of 6m.
- 1.2.4 The site is bounded by mature hedgerow and trees.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site is located within the development boundary of St Asaph and is allocated as a housing site within the Local Development Plan.
- 1.3.2 The Local Development Plan Inspector in his conclusions on the Local Development Plan found that in order to meet the housing needs of the County, additional housing sites needed to be put into the Plan and this included the application site. The site is therefore an allocated housing site in the Local Development Plan, which was formally adopted by the Council on 4th June 2013.

1.4 Relevant planning history.

- 1.4.1 Outline planning permission for residential development was granted in September 2013 subject to the inclusion of conditions. Detailed reserved matters approval has

not been submitted to date.

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 46/2012/0712/PO Development of 1.1ha of land for residential purposes (outline application including access – all other matters reserved) REFUSED at Planning Committee 23rd January, 2013.

46/2013/0802/PO Development of 1.1ha of land for residential purposes (outline application including access – all other matters reserved) GRANTED at Planning Committee 11th September, 2013.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD 1 Sustainable Development and good standard design
Policy RD 5 The Welsh language and the Social and cultural fabric of communities
Policy BSC 1 Growth Strategy for Denbighshire
Policy BSC 4 Affordable Housing
Policy BSC 11 Recreation and Open Space
Policy VOE 5 Conservation of natural resources
Policy ASA 3 Parking Standards

3.2 Supplementary Planning Guidance

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

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

TAN 1 Joint Housing Land Availability Studies (2006)

TAN 5 Nature Conservation and Planning (2009)

TAN 12: Design (2009)

TAN 20: The Welsh language – Unitary Development Plans and Planning Control (2000)

TAN 22: Planning for Sustainable Buildings (2010)

Welsh Office Circular 35/95: The Use of Planning Conditions

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Highway Safety

4.2 In relation to the main planning considerations:

4.2.1 Highway Safety

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The means of access to the site off Bryn Gobaith was approved as part of the outline planning permission granted in September 2013. A Highways Assessment Technical Note was submitted with the outline application, and its conclusions were that the site can be accessed satisfactorily and will accord with all relevant design standards, and the level of additional traffic likely to be generated by the development would have a negligible impact on the highway network. It was also stated that the site is located within close walking distance to the whole of St Asaph, to local facilities, bus routes and cycle network.

Having regard to the conclusions of the Highway Assessment, and the concerns of local residents, the Highways Officer raised no objection to the proposal in 2013 and had no concerns over the adequacy of the local highway network, provided a scheme of road improvements was submitted, including improvements at the Mount Road/Bryn Gobaith junction and traffic calming on Mount Road and Bryn Gobaith.

On giving the matter further consideration and following discussions with the applicant, the Highways Officer has carefully assessed the highway related concerns in conjunction with the Traffic Section, who have looked at the traffic situations in this area in detail. The conclusion is that it is difficult to see how junction improvements can be incorporated without adversely affecting the existing operation of the junction of Bryn Gobaith/Mount Road.

Traffic surveys were carried out on Bryn Gobaith between 20th May 2011 and 27th May 2011 and this result showed that the average flow, including both directions was 197 vehicles over 24 hours. In the peak hours there were 18 vehicles south bound and 17 vehicles north bound.

Traffic surveys were also carried out on Mount Road between 20th May 2011 and 27th May 2011 and the results showed that the average flow including both directions was 1331 vehicles over 24 hours. This would mean that in the peak hours there were 130 vehicles north bound and 105 vehicles south bound.

Having regard to the traffic survey data along with the Highways Technical Note submitted in the consideration of the outline planning permission at land north of Bryn Gobaith it is not considered that it would be reasonable to insist on junction improvements on a development of the scale proposed i.e. an indicative figure of 30 dwellings suggested by the applicant.

In relation to traffic calming on Bryn Gobaith it is considered unlikely that any scheme would reduce the speed of traffic below the already low speeds and additional

measures would therefore have no significant effect. In conclusion, the Highways Officer raises no objection to the proposal to remove the condition requiring highway improvements and traffic calming measures on Bryn Gobaith, and its junction with Mount Road.

It is not considered, with respect to objections raised, that there are any strong highway grounds to refuse to remove Condition 15 on outline planning permission ref 46/2013/0802/PO.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal to remove the condition has been carefully scrutinised by the Highways Officer and there are no objections raised.

RECOMMENDATION: APPROVE deletion of Condition 15 of planning permission 46/2013/0802/PO.

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 46/2014/0126/PF
HM STANLEY HOSPITAL,
UPPER DENBIGH RD, ST ASAPH

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

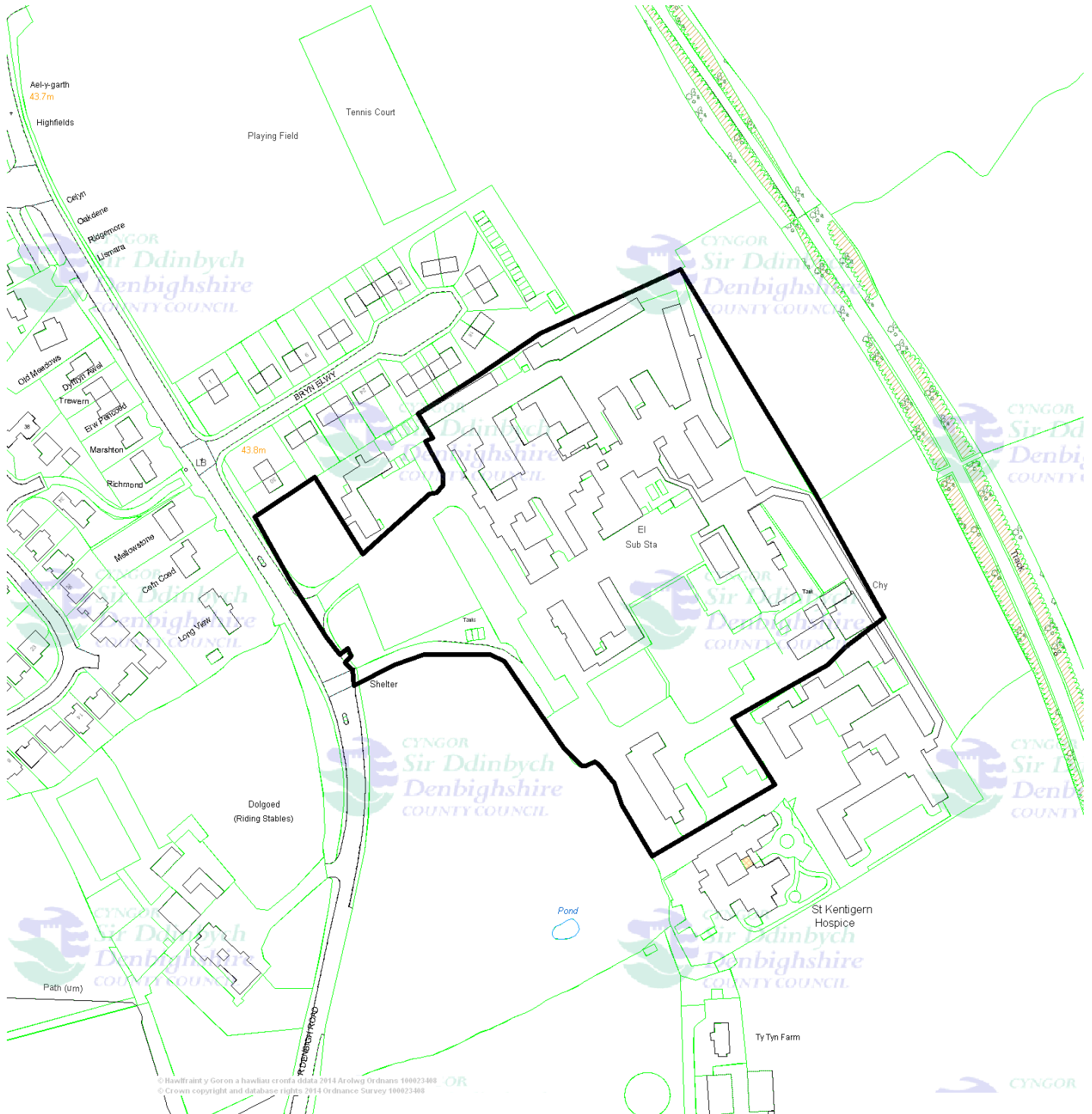


Date 28/8/2014

Scale 1/2500

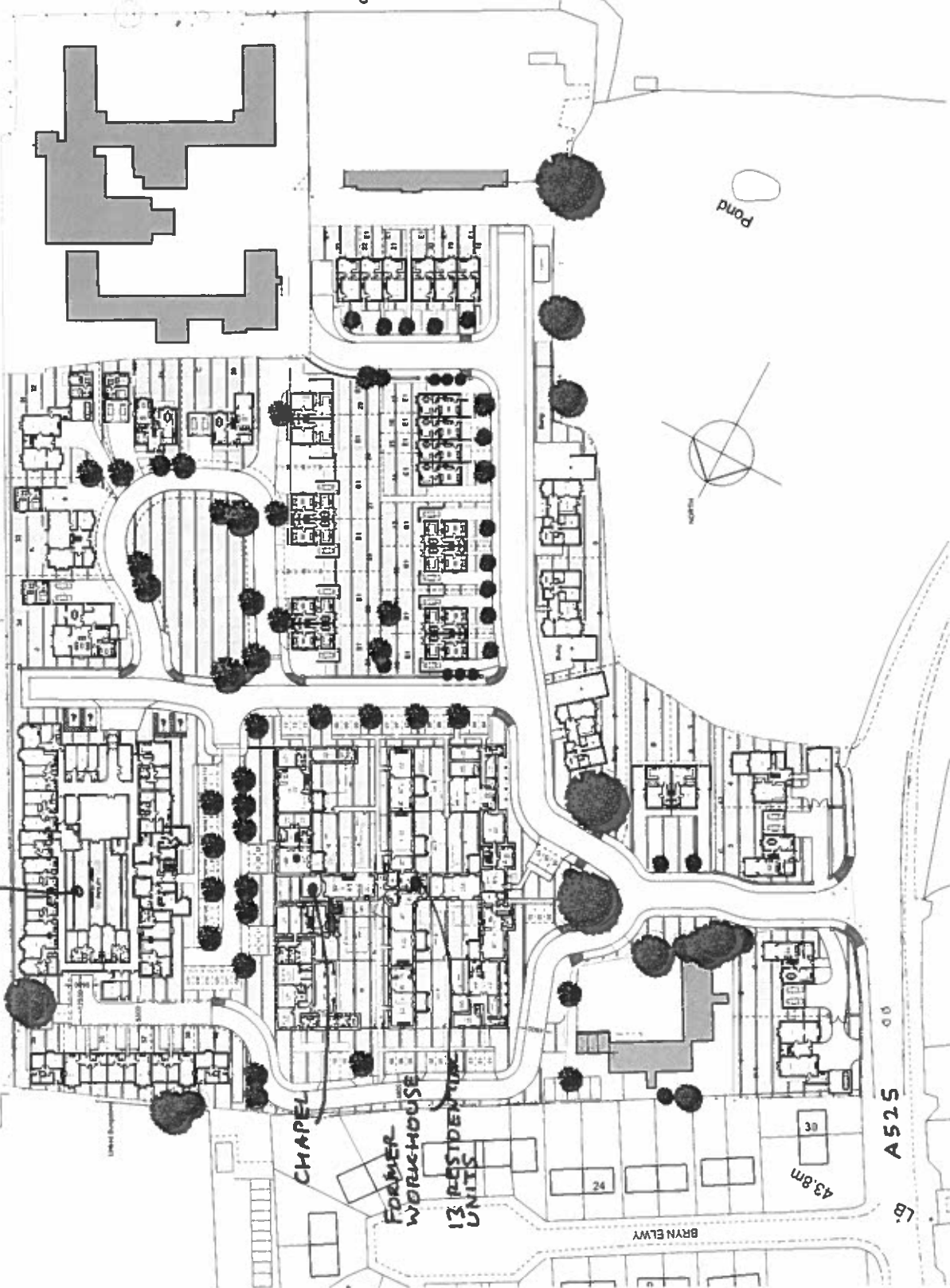
Centre = 304339 E 373771 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



PROPOSED LAYOUT

FORMER INFIRMARY
- ASSISTED LIVING
FACILITY



ST 1

000/7761 AREA FOR PROPOSED CROSSING

- REV A TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV B TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV C TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV D TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV E TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV F TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV G TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV H TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV I TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV J TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
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- REV L TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV M TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV N TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
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- REV P TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV Q TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV R TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
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- REV W TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV X TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV Y TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT
- REV Z TO A15 TO PLOT ADJUSTED TO REPRESENT THE PROPOSED LAYOUT

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PURE RESIDENTIAL AND COMMERCIAL LTD

PROPOSED DEVELOPMENT OF 148 STABLEY HOSPITAL BUILDINGS AND NEW BUILD DEVELOPMENT

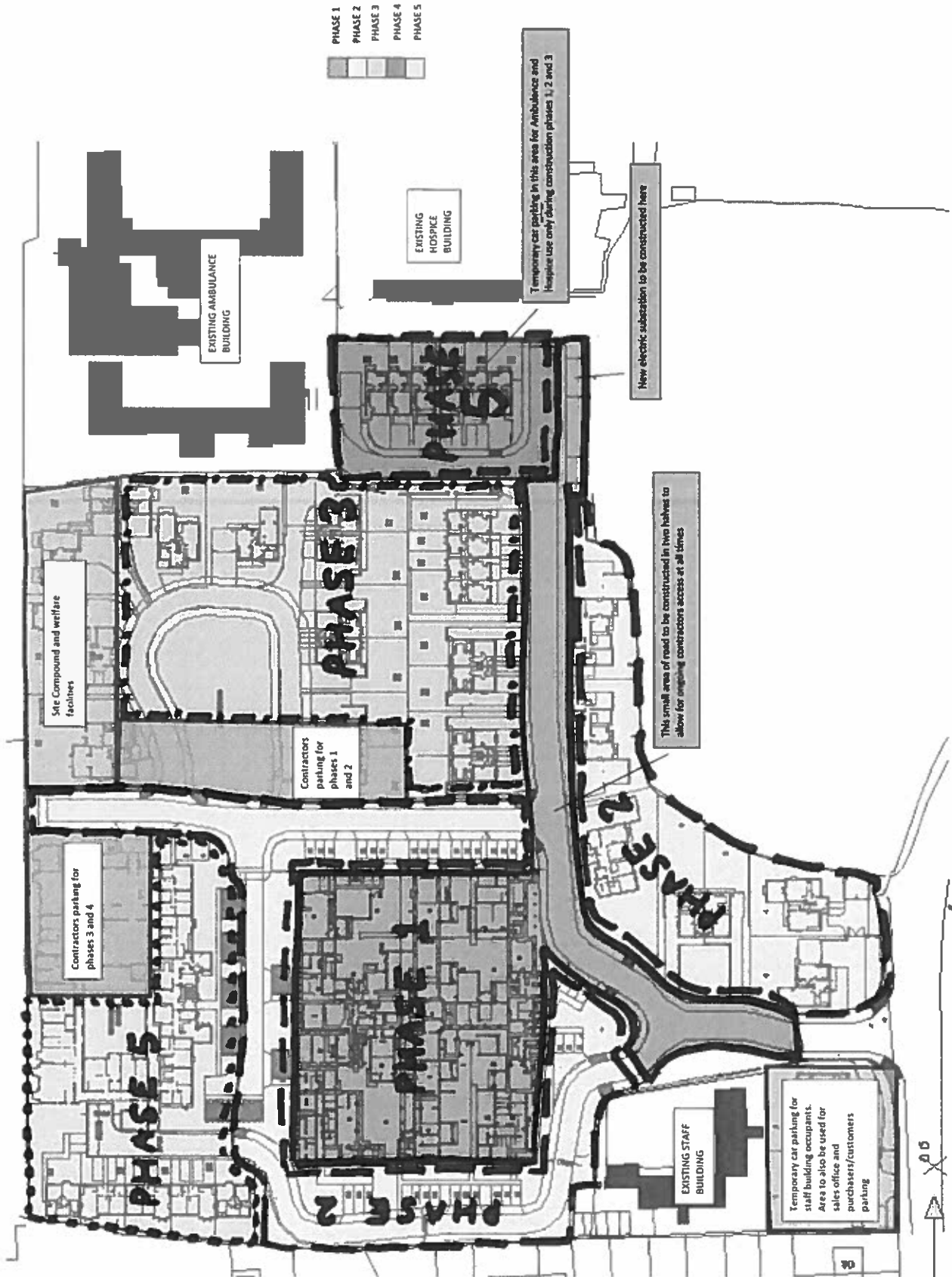
PROPOSED SITE PLAN

DATE	NO.	DESCRIPTION
1:500	JUN13	WH180
		5101
		AA

willacy horsewood
148 STABLEY HOSPITAL BUILDINGS AND NEW BUILD DEVELOPMENT
www.willacyhorsewood.co.uk
Tel: 0144 833317 Fax: 0144 833392 E: sales@willacyhorsewood.co.uk

PHASING

PROPOSED CONSTRUCTION PHASING



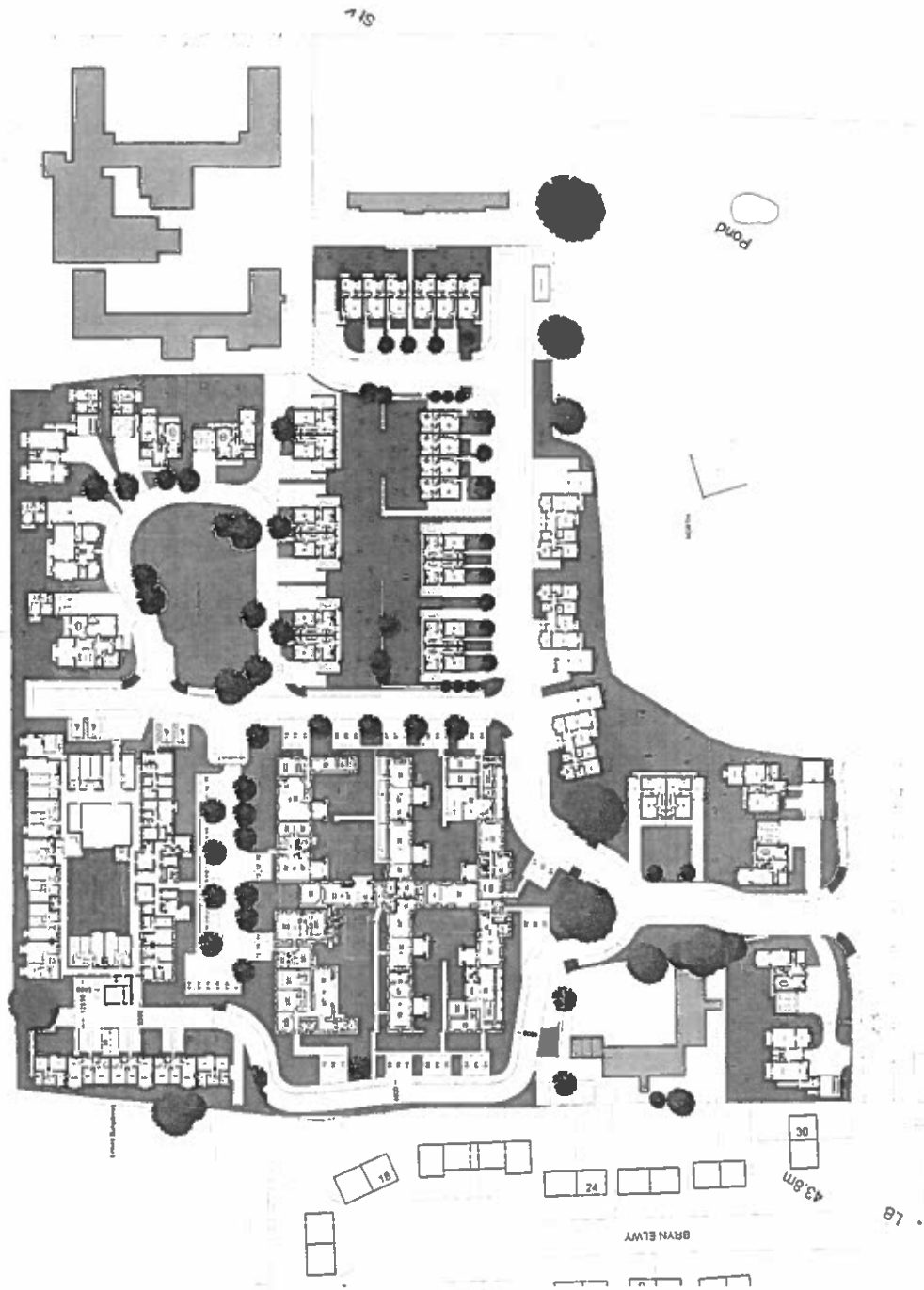
H M Stanley Hospital - Layout

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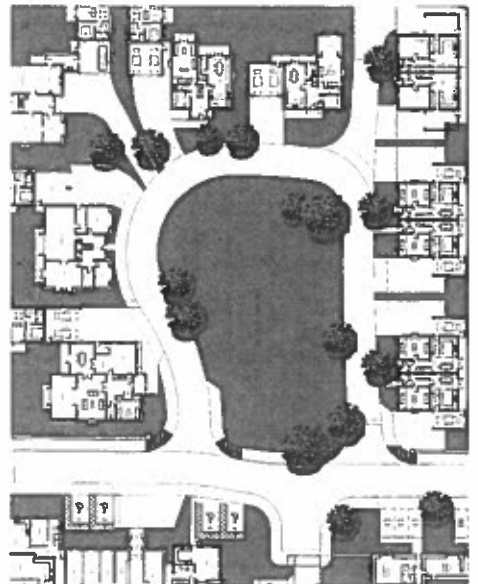
The proposed development allows for residents to enjoy the benefits of both private and public space. The spaces have been carefully considered to both respect the essential setting of the Listed Building whilst providing for privacy within an integrated landscape setting. The layout allows for residents to easily access the public open space on the site, creating a community centre point.

Tudalen 168



The development provides a safe secure environment for living similar to that of a gated community.

The public open space has been designed with the dual function of allowing safe secure space for children to play with a strong element of passive supervision from the houses it also serves to provide a spacious open village green type feel giving views to all of the larger houses and allowing freedom of space adjacent to the Listed Building



H M Stanley Hospital -

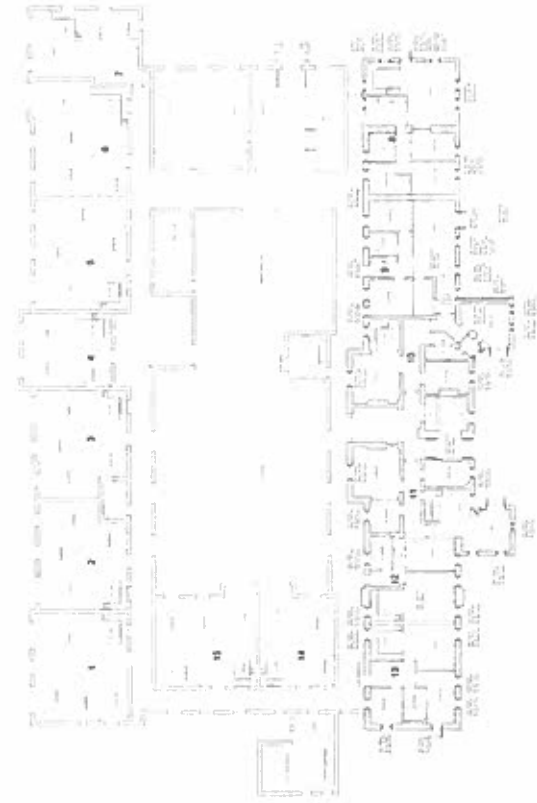
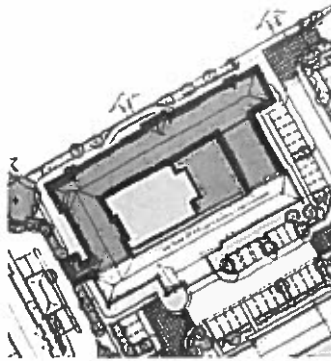
assisted living facility

willacyhorsewoodarchitects

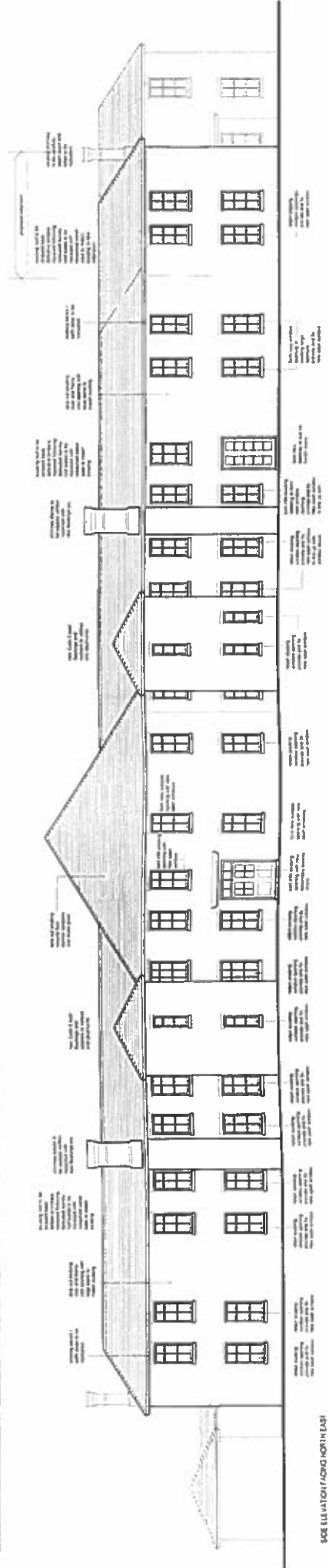
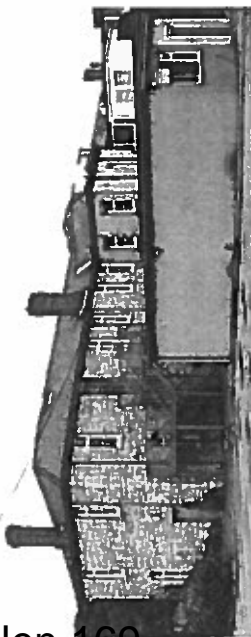
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The former infirmary will be retained and extended and will provide 33 Assisted Living Units. Within the site, partly on space created by the demolition of unsympathetic buildings. The Building will consist of individual 1/2/3 bedroomed apartments with communal café, shop, lounge and laundry areas which can be used by the residents. There will also be managers and staff available, within the facility, to provide the residents with assistance should they require.

The proposed extension will consist of two storeys and will not exceed the height and scale of the original infirmary building.



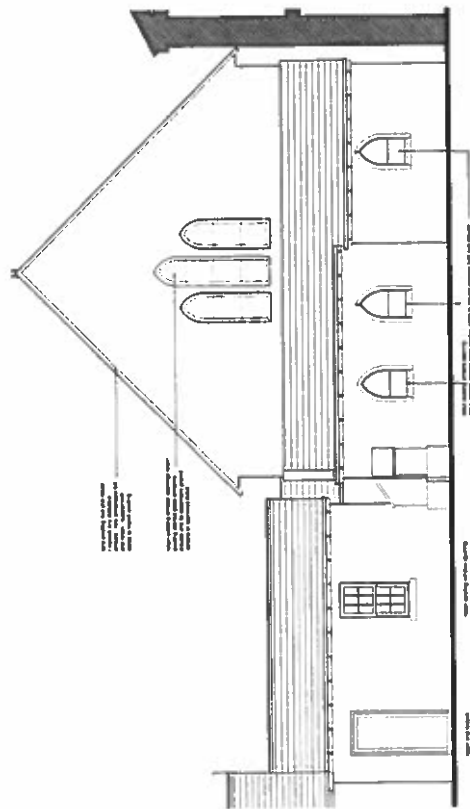
The later additions to the infirmary are unsightly will be removed. The building will be restored and used as part of the proposed assisted living facility. The image (left) was created early in the design process. The extension of the infirmary building is highlighted in red. The idea was to create a courtyard space within its form that residents are able to use as a sociable outdoor area.



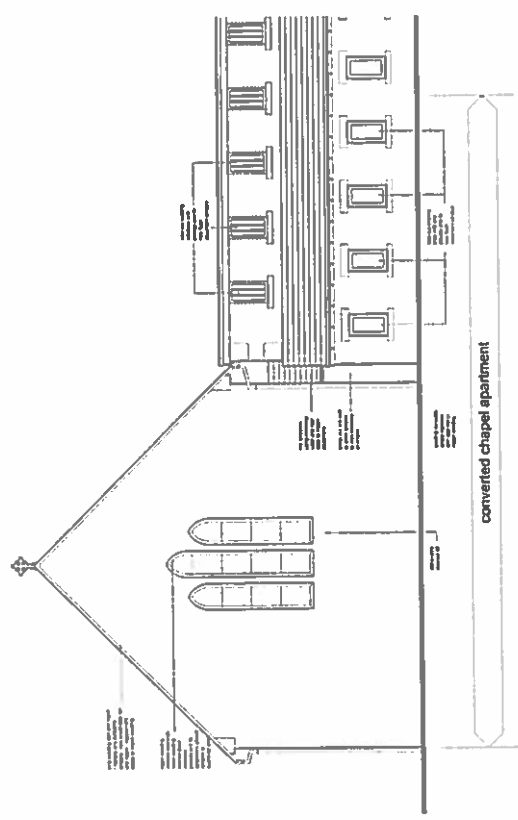
SCALE MATCH FACING NORTH EAST

H M Stanley Hospital - Chapel

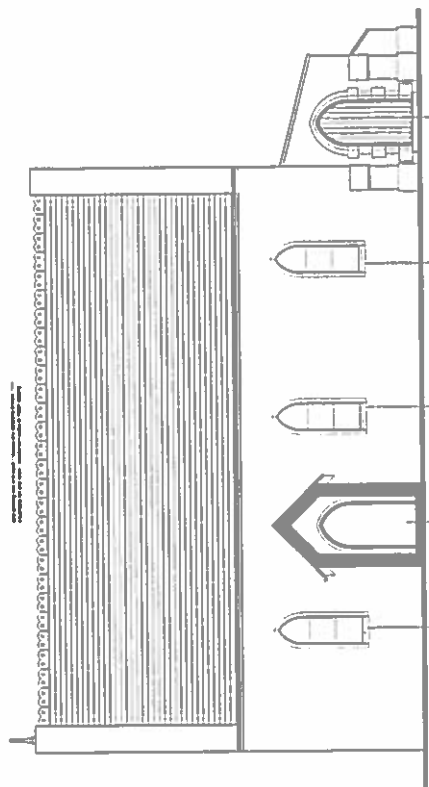
It is proposed that this space is restored as a three bedroom residential unit. It is proposed to insert a mezzanine floor at the western end to accommodate the third bedroom but the three arch braced trusses will be retained and restored, the three light stained glass east window will be retained and restored and the full height will be retained in two of the bays.



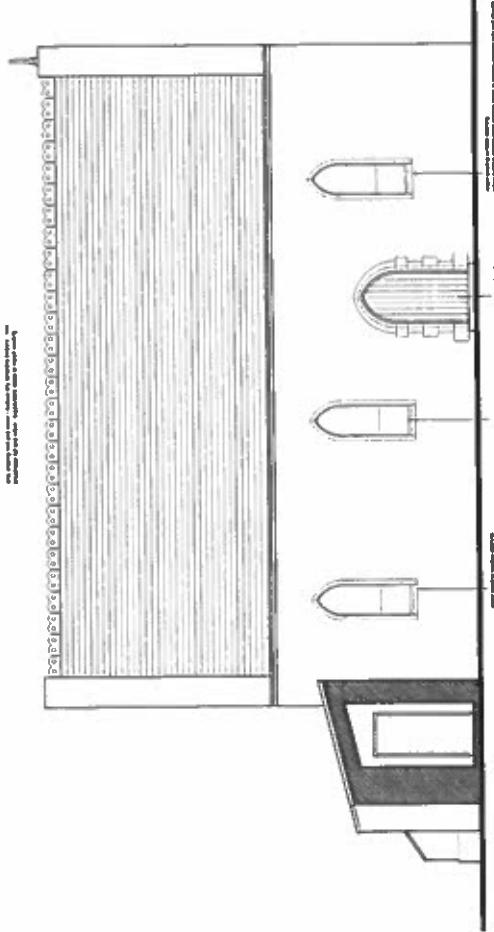
ELEVATION FACING NORTH EAST



converted chapel apartment



ELEVATION FACING SOUTH EAST

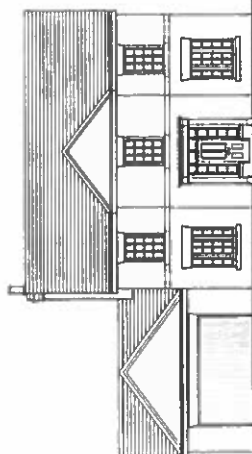


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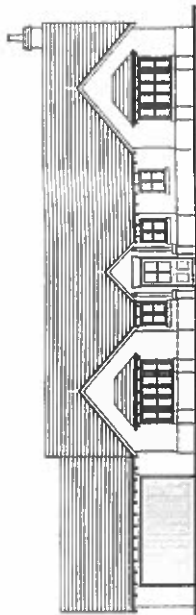
H M Stanley Hospital -

proposed enabling development and house types



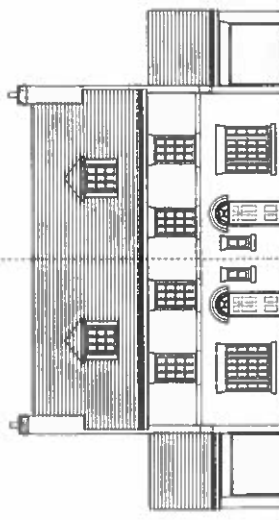
HOUSE TYPE A - FRONT ELEVATION
SCALE 1:200

5 BEDROOM HOUSE DETACHED HOUSE



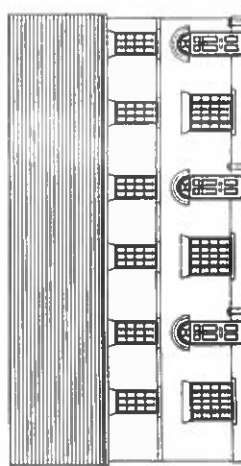
BUNGALOW - FRONT ELEVATION
SCALE 1:200

3 BEDROOM BUNGALOW



HOUSE TYPE B - FRONT ELEVATION
SCALE 1:200

4 BEDROOM HOUSE SEMI-DETACHED HOUSE



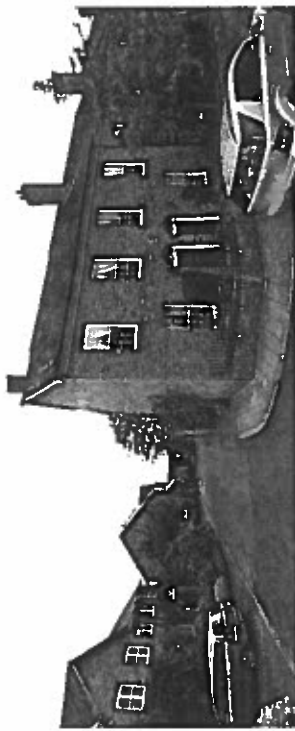
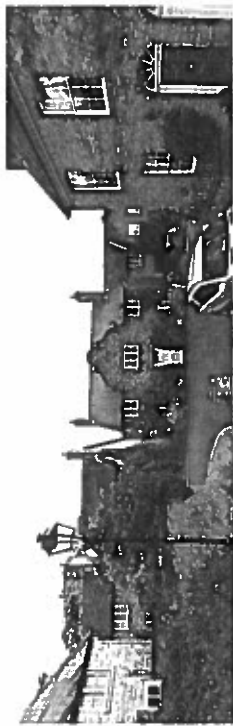
HOUSE TYPE B1 - FRONT ELEVATION
SCALE 1:200

3 BEDROOM TOWN HOUSE



HOUSE TYPE H - FRONT ELEVATION
SCALE 1:200

4 BEDROOM DETACHED HOUSE



The simple yet imposing classical limestone frontage of the original workhouse building offers a firm link to the period in which it was designed and a reminder of its original purpose.

The objective with the enabling housing was to enhance the listed building by contrast in materials and not to compete.

The Design on the new build housing incorporates some of the key features of the workhouse building whilst complementing with a warmer brick, which is also found in the rear wings of the workhouse.

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H M Stanley Hospital -

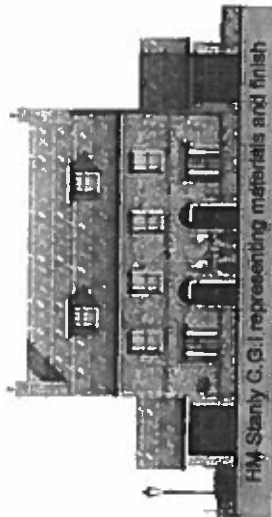
proposed enabling development and house types

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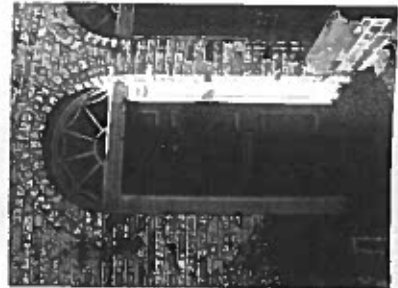
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Tudalen 172

The application proposal was adjusted following a meeting at the Council's offices and shows the houses to the south of the approach spine road moved further back to allow for clearer views of the Listed Building. The route into the site will be relocated in consideration with the setting of the listed building. Entering the site on a central access to the workhouse building will complement the symmetry of the structure. Key frontages of the listed building have not been compromised or overwhelmed.



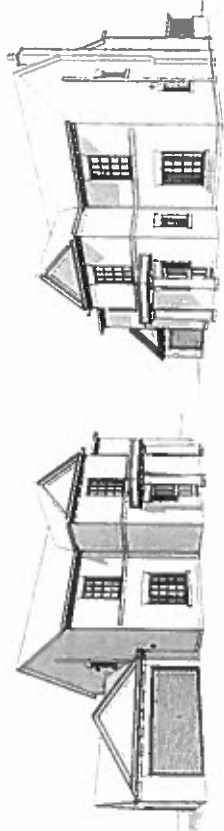
H M Stanley G.O.I representing materials and finish



High quality landscaping and careful use of materials will produce a Development which will both frame and enhance the Listed Building



This proposed Housing has been designed to provide a village feel through using warmer materials than those of the Listed Building



Computer generated images of proposed House types



The proposed 41 new dwellings on the site are sympathetic towards the listed building in their design. The vertical hierarchy on the site will be respected, and the proposed dwelling will not overwhelm the listed buildings. The Design on the new builds incorporates some of the key features of the workhouse building. One the front elevation to the new builds, symmetrical small pane sash windows are a borrowed feature, with the doorway headed by an arched fanlight. They're also designed with a first floor cill band and plinth with slate muntins

ITEM NO: 12

WARD NO: St.Asaph East

WARD MEMBER(S): Dewi Owens

APPLICATION NO: 46/2014/0126/ PF

PROPOSAL: Partial demolition of buildings and redevelopment of site to provide 52no.dwellings, 33no. apartment assisted living facility and associated works.

LOCATION: HM Stanley Hospital, Upper Denbigh Road, St.Asaph

APPLICANT: Pure Residential

CONSTRAINTS: Tree Preservation Order

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- At request of Development Manager – major proposal

CONSULTATION RESPONSES:

ST.ASAPH CITY COUNCIL

“No objections”. Would also be keen to apply for any open space commuted sums in due course.

Response to amended scheme will be reported at the Planning Committee Meeting.

NATURAL RESOURCES WALES

No objection subject to confirmation of a surface water regulation system which will be controlled through condition.

DWR CYMRU / WELSH WATER

No objection subject to an integrated drainage scheme dealing with foul, surface and ground water being provided by the developer.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to conditions dealing with road layouts and parking.

Ecologist

No objection subject to further information on required bat mitigation.

Housing and Community Development Service

Supportive of the proposal and willing to accept abnormal costs may prevent the provision of affordable housing by the developer.

Economic and Business Development Officer
No objection

Adult Services
Supportive of the scheme and would welcome a partnership approach to delivering assisted living if feasible.

Conservation Architect
No objection subject to conditions dealing with detailing on the Listed Buildings and garden areas associated with them. Additional controls on the Listed Building application.

RESPONSE TO PUBLICITY:

Comments

Welsh Ambulance Trust, HM Stanley Hospital, Upper Denbigh Road, St.Asaph, LL17 0WA
St.Kentigern's Hospice, HM Stanley Hospital, Upper Denbigh Road, St.Asaph
Mrs Margaret Cummings, 26 Bryn Elwy, St.Asaph, Denbighshire, LL17 0RU

Summary of comments received:-

The Ambulance Trust and Hospice have both raised concerns about the longer term implications of the development on the parking and access arrangements for their uses. The Hospice has also raised concerns about the proximity of 3 storey dwellings close to their building and the potential for noise and disturbance for people using the hospice. Both organisations have largely welcomed the redevelopment scheme but seek assurances on parking, access and amenity.

Mrs Cummings raises concerns about the development on the front lawn areas adjacent to the existing access to the site. She mentions the presence of Pyramidal orchids on the lawn. Whilst she does not feel the building on the lawns will directly affect her she would like the plant species considered in any decision.

EXPIRY DATE OF APPLICATION: 12/3/2014

REASONS FOR DELAY IN DECISION:

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal seeks full planning permission for the partial demolition of buildings on site, the refurbishment and renovation of the original workhouse building to provide 13no. dwellings, the conversion and extension of a former infirmary building to the rear of the main building to provide 33no. dwellings for assisted living and the erection of 39no. new build dwellings around the site. A separate application for Listed Building consent which deals specifically with the impact of works on the character and appearance of the Listed Buildings on site has also been submitted. This scheme has been assessed by the Conservation and Planning Officers. There is widespread support for the improvements and alterations suggested for the Listed Buildings on the site and this application will be dealt with separately under delegated powers.

1.1.2 The format of the proposed housing on the site is as follows:-
New Build

- 16no. 4 bed houses
- 10no. 3 bed houses

- 8no. 2/3 bed bungalows
- 5no. 5 bed houses

The new build housing will be red brick construction under a slate roof incorporating design features such as symmetrical small pane sash windows and doorways headed by arched fanlight features. An example house type is shown at the front of this report.

Conversion of chapel and vagrants block (main H-shaped Listed block)

- 13no. dwellings

Conversion of former infirmary (to rear of main H-shaped block)

- 33no. assisted living residential units

The conversion elements of the scheme will be done to the necessary conservation standards having regard to the Listed status of the buildings. Particular care will be given to the retention of the former chapel and the use of appropriate materials and methods.

1.1.3 The proposed scheme includes for the provision of on-site open space in the form of Community Recreational Open Space of some 1267 sq.m. This is shown as a village green area. Commuted sums are proposed for any shortfall in other play space provision on-site. This is explained in more detail later in the report.

1.1.4 The existing main access into the site off Upper Denbigh Road will be used to access the proposed development. This is seen on the proposed site plan at the front of the report.

1.1.5 The application is supported by a number of documents which include the following:

A Design and Access Statement – The report outlines the vision for the site. It covers all the necessary design and access statement headings and focusses on the Listed Buildings. The conclusions make reference to a quality residential development that has a mix of accommodation types and tenure.

A Planning Statement: - The submitted Planning Statement runs through the relevant Policy considerations highlighting the allocation of the site for housing purposes. It explains that the viability of the scheme makes it impossible to provide affordable housing in accordance with the Council's adopted policies. It goes on to explain what is being provided by way of open space and further assesses likely impacts such as those on the Welsh Language, health and the community. It concludes that all impacts are negligible. The Planning Statement has been revised during the assessment of the application and some factual errors have been corrected.

Financial Viability Appraisal – At the request of Officers the applicant has submitted confidential financial information through the medium of a recognised Viability appraisal model. This financial information contains details of purchase costs, build costs, design risks and contingencies having regard to dealing with a sensitive site containing Listed Buildings. The conclusion of the report submitted by the applicant shows that the scheme would not be viable should they be required to comply with the Council's adopted Policy on affordable housing. This issue is discussed further in this report.

Flood Consequences Assessment – The Assessment highlights that the site is at a low (1 in 1000) risk of flooding from rivers and the sea. It notes that the site is some 25m above the River Elwy and 35m above the River Clwyd. The report also concludes that the site is at low risk of surface water flooding as well as groundwater flooding.

Conservation Assessment

The submitted Conservation Assessment in association with the Planning Application

has been amended in liaison with the Council's Conservation Architect. It concludes that the proposal will ensure the survival of the most important elements of the Listed hospital buildings.

Code for Sustainable Homes and BREEAM pre-assessments

The reports conclude that the assisted living facility will achieve at least a "Very Good" rating and Code Level 3 plus 1 credit can be achieved for the relevant dwelling types.

Transport Note

Savill, Bird and Axon (Transport Planning Specialists) were commissioned by the Betsi Cadwaladr Health Board to look at the redevelopment of the HM Stanley site for circa 150 dwellings. Their report is submitted in support of this proposal and concludes that the highway implications for the development are acceptable. Having regard to the previous and retained uses on the site as well as the proposed new residential use on the site, the report concludes that the road network and the existing Upper Denbigh Road access point is capable of accommodating the likely traffic.

Ecological Assessments

Clwydian Ecology was commissioned by the developers to undertake a number of relevant surveys, including a specific bat survey. The surveys conclude that subject to final walkover surveys prior to any demolition there would be no adverse impact on any protected species or habitats. Some translocation of plant species at the from portion of the site will be required prior to the redevelopment of that area.

Tree Survey

Arbtech was commissioned by the developers to undertake a full survey of trees within the application site. The report submitted concludes that the vast majority of trees surveyed on the site were in an acceptable or good condition. Tree T24 is, however, dead and will need to be removed

1.2 Description of site and surroundings

- 1.2.1 The site of the former HM Stanley hospital is located around half a mile to the south of the City of St.Asaph off the main upper Denbigh Road. The application site consists of the greater part of the former hospital complex over an area of some 3.39ha. For the avoidance of doubt the existing St Kentigern's Hospice building and the Welsh Ambulance Trust HQ do not form part of the application site.
- 1.2.2 The application site contains a complex of former hospital buildings set back from the main Upper Denbigh Road and extending eastwards towards open fields beyond. The main former workhouse and infirmary blocks are Grade II Listed but had been added to by a myriad of extensions and additions over the years. An internal network of roads links various block on the site and also serves as access to the neighbouring St. Kentigern's Hospice and Ambulance Trust buildings.
- 1.2.3 The Upper Denbigh Road provides the westerly boundary to the application site off which a main access point leads to the front of the main listed H-shaped former hospital block. To the north of the site is a cul-de-sac of two storey dwellings on Bryn Elwy along with a retained L-shaped two storey block of former nurses apartments. To the south of the site are the St.Kentigern's Hospice and Ambulance Trust sites along with open field areas forming part of the wider housing allocation. Open fields lie to the east of the site with the land falling away towards the river. The plan at the front of the report shows the red line application area along with the buildings it is proposed to demolish.
- 1.2.4 The main historic blocks on the site are mainly two storey and of stone construction under slate roofs. There are some brick and render additions evident around the historic blocks. There are a sporadic number of mature and semi-mature trees around the application site.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of the City of St.Asaph as indicated by the adopted Local Development Plan. The site forms part of an allocation for housing in the plan and will contribute to the overall housing targets which were set when the plan was adopted. The main historic buildings on the site are Listed. Works to the buildings and demolition on site are dealt with within the separate Listed Building Consent application.

1.4 Relevant planning history

1.4.1 There is no directly relevant planning history on this application site which would need to be taken into consideration in the determination of this application.

1.5 Developments/changes since the original submission

1.5.1 The scheme has been revised during the assessment process having regard to direct input from the Council's Conservation Architect and Highway Engineers. Certain design features such as house types, scale, materials and boundary treatments have been modified to satisfy recognised conservation standards. In addition aspects of the road layout pertaining to the pedestrian crossing points, parking areas and turning spaces have also been adjusted. Further information of viability and phasing has also been provided and assessed.

1.6 Other relevant background information

1.6.1 It should be noted that the scheme has been presented to the Elwy Member Area Group. In addition considerable work has taken place both prior to the application being submitted and during the course of the application between various Officers of the Council and specialists appointed by the developers. Communication has also extended to neighbouring land users with relevant information and guidance being passed on at appropriate times in the assessment process to enable the community to have their say on the scheme.

2. DETAILS OF PLANNING HISTORY:

None relevant to this scheme.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD 5 – Welsh Language
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC4 – Affordable Housing
Policy BSC11 – Recreation and open space
Policy BSC 12 – Community Facilities
Policy VOE 4 – Enabling Development
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

SPG 2 – Landscaping
SPG 4 – Recreational Public Open Space
SPG 7 – Space Standards in new developments
SPG 21 – Parking standards
SPG Affordable Housing

3.2 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle and General Policy Considerations
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Sustainability codes and water management

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application involves proposed residential development on an allocated housing site. The provision of housing in the County is a key priority. The sites which have been allocated within the Local Development Plan are designed to meet the County's housing needs over the relevant plan period. This scheme proposes some 85no. residential units delivered through conversion and new build. This will contribute to the housing need identified in the plan and will comply with the overarching policy principles for this allocated site.

It should be noted that the previous use of this site represented a community facility. Trying to retain such community facilities in the County is another identified principle of the adopted LDP. In this case, the community facilities provided by the Health Board at the site have been displaced elsewhere in the County with no real net loss of the community asset. In addition the site was marketed for a period of time as a community facility with no interest received. As such, it is not considered that the loss of the HM Stanley community facility to housing (as is now allocated within the plan) conflicts with the principles of Planning policy.

Whilst the principle of the proposed development meets the general aims of the adopted LDP in relation to housing provision and regeneration of a vacant site, it is important to assess the scheme against specific policies in the plan. This will be done in the following paragraphs.

General Planning Policy Context

The main policies in the Local Development Plan which are relevant to the principle of the development are:

Policy BSC 1 – As a lower growth town/city St.Asaph has a number of sites within its boundary which have been identified to contribute to the growth strategy of the County. One of these sites is the HM Stanley former hospital site where it was

estimated some 75 dwellings could be provided in the plan period. The proposal shows that some 85 units can be provided as part of this scheme. It is estimated these could be delivered within 3 years. The proposal clearly complies with the aforementioned Policy.

Policy VOE 4 – This Policy in the LDP relates to “enabling development”. The Policy is designed to address heritage assets considered to be “at risk” and provides the scope for developments to be promoted which effectively save historic buildings in the community. The Policy sets out certain criteria against which enabling development can be assessed. In short, providing the enabling development (in this case the development of some 39no. new build dwellings and the use of heritage assets for 33 assisted living units and 13no. dwellings) does not harm the heritage assets, does not fragment the heritage assets and the overall value of the enabling development outweighs any potential harm to the heritage assets, the development can be permitted. Having regard to the comments of the Conservation Officer and having regard to the assessment of the financial information supplied, the scheme clearly complies with the aforementioned Policy.

There are clear and obvious benefits from allowing a scheme which saves the most important elements of this important heritage asset. The level of development required to ensure the buildings are saved and re-used is considered to be reasonable. The applicant has stated that the works to convert the main H-block Listed building will be undertaken as the first phase of development. This will be clarified within the suggested planning conditions to ensure that the heritage assets are dealt with alongside any new build “enabling development”.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

Only one neighbour has raised a concern about the potential visual impact of the development. The objection makes reference to the use of red brick as opposed to stone on the new build units. The City Council have not raised any such objection to the visual impact of the development. The existing site contains a variety of different sized buildings spread across a wide area of the former hospital site. As mentioned above a number of these buildings will be demolished as part of a scheme to bring back the heritage quality of the site and main buildings.

The main Listed Buildings will be dealt with appropriately with the dressed “Anglessey Marble” retained and re-used to the key elevations. The main approach road into the site will be re-aligned to ensure the front elevation of the main Listed Building will provide a landmark feature. The scale, height, layout and use of materials for the new build areas of the site have all been discussed at length with Conservation Officers. The result has been to create a vertical hierarchy on the site which will not overwhelm the adjacent Listed Buildings. Features have been taken from the Listed Buildings for the new build properties and it is considered that there would not be any visual detriment from the scheme as shown. The use of red brick on the new build units provides a contrast to the stone Listed Buildings and ensures that the new build units do not compete with these important heritage assets. From a conservation perspective this is considered to be acceptable use of materials.

The layout incorporates a village green area to the centre of the site which provides usable space for the variety of residents accommodated nearby. From a visual perspective this enhances the overall impact of the development. It is considered that, subject to further on-site landscaping of the public realm areas controlled through planning conditions, the visual impact of the development would be acceptable and would meet the intentions of the adopted Planning Policy.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

No objections have been received from neighbours or the City Council in relation to the impact of the development on residential amenity.

The site layout as shown indicates that there would be adequate separation distances between existing dwellings on nearby Bryn Elwy and any new properties on the site. It is not considered that there would be any significant impact on residential amenity from the new development when completed. In fact, the reduction in the intensity of use from the former community facility to a residential estate should be felt by nearby residents on completion.

Planning conditions can be imposed which attempt to control any potential disruption to nearby residential areas during the construction phases. The intended site development compound will be sited well away from existing residential properties and from the nearby hospice.

The space within the new scheme enables private garden areas and parking areas to be provided. This should ensure adequate levels of amenity for any future residents on this scheme. It is considered that the scheme is acceptable in terms of impacts on residential amenity and would meet the relevant policy tests outlined above.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

An ecological survey of the site has been undertaken by the applicants. In addition detailed discussions have taken place between the Council's Biodiversity Officer and the specialist ecological consultants employed by the applicant. The site will contain a number of bird species which need to be taken into account in any development. There will also need to be consideration given to bats on the site and to the presence of some pyramidal orchids located to the front open portion of the site.

In relation to bats the Biodiversity Officer is satisfied, subject to reasonable avoidance measures controlled through planning conditions, that the favourable conservation status of bats can be preserved. Details will need to be provided prior to the demolition or conversion of any of the buildings on the site. In addition mitigation

measures such as bat boxes for works to any trees along with details of lighting methods to protect the bats should be provided.

In relation to birds the presence of swifts and swallows should be taken into account prior to any demolition or conversion. Avoidance measures and mitigation details will need to be provided, however, this can be controlled through conditions.

In relation to the presence of the pyramidal orchids on the site these will need to be translocated to another part of the site to ensure their conservation status.

In Officers' opinion, the consultation responses suggest there are no ecology grounds to oppose the development of the application site.

4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

There are no representations from the public relating to the drainage implications of the development. The applicant has indicated an intention to connect to the existing main foul sewer. Dwr Cymru / Welsh Water have raised no objection to the development subject to an integrated drainage system being provided dealing with foul, surface and any ground water.

In relation to flood risk, NRW has raised no objections to the proposal.

In Officers' opinion, the consultation responses suggest there are no drainage or flooding grounds to oppose the development of the application site.

4.2.6 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Highway Officers have assessed the proposed access into the site as acceptable. The intensity of use of this existing access has been governed by it serving the hospital, hospice and Ambulance HQ. The existing access road will be re-aligned to ensure a better visual feature but in terms of its capacity to serve the proposed development it is considered adequate.

Planning conditions will seek to ensure that the proposed internal road layout and parking areas for the new residential estate will function effectively. Discussions have been on-going between Highway Officers and the applicant over improved internal road layouts with better pedestrian crossing points being incorporated into the scheme.

Concerns have been raised by neighbouring land users over the impact of the proposed development on the functioning of their operations from an access and parking perspective. Discussions have taken place between the applicant, Highway Officers and neighbouring land users. It is accepted that some disruption is going to be felt during the construction phases. Access through the site is shared and it is vital that users of the Ambulance HQ and the St.Ketigern's Hospice can access those

facilities and park. This will need to be ensured both during construction phases and when the development is completed.

To this end, the applicant has agreed to provide parking areas within the development site for the neighbouring land users during construction phases. Conditions which deal with phasing, construction traffic and how parking for the hospice and ambulance HQ can be addressed on completion can be imposed. Officers are aware, however, that the ambulance HQ are trying to address any shortfall in parking on their site separately. It is hoped that construction management arrangements will ensure neighbouring land users will be considered throughout enabling a welcome redevelopment of a vacant and sensitive site, whilst protecting sensitive and worthwhile neighbouring uses.

In Officers' opinion there are no highway grounds to oppose the development of the application site.

4.2.7 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for developments to contribute, where relevant, to the provision of infrastructure, including affordable housing, in line with Policy BSC4. Policy BSC4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either onsite on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

The application does not include the provision of any affordable housing units. Where an application is not going to meet the requirement of the Policy Officers require a financial viability report to be submitted which will need to justify why such provision cannot be made.

In this instance the applicant has claimed that the development risk and contingencies associated with redeveloping a site containing some important Listed buildings means that there is not the economic viability in the scheme to also provide the minimum 10% affordable housing either on-site or through a commuted sum payment.

Officers have scrutinised the financial information provided.

Officers are content that the viability of the scheme as shown is marginal. The scheme will restore and re-use some important historic buildings. It is evident elsewhere in the County that such buildings can prove extremely problematic to deal with causing wider visual and social harm to communities. The financial information has been thoroughly assessed and Officers feel that, in this instance, the lack of affordable housing provided must be weighed against the welcome re-use of Listed buildings, the provision of extra care facilities, needed housing on an allocated site and a good quality scheme which will provide a good living environment for future occupants.

It is considered that, having regard to the viability appraisal, the scheme meets the intentions of the adopted policies and guidance.

4.2.8 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with policy BSC 11. Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. It states that open space should always be provided on site, and that commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement be provided onsite, or where it is impractical to provide the full

requirement onsite. Where there is no identified shortfall of open space in an area, the option of a commuted sum payment may be appropriate to mitigate impact on existing open space and equipment.

In this case the applicant has shown the on-site provision of a village green type area of some 1267 sq.m. Such an area will provide informal open space for the mixed community but would not provide any traditional equipped play facilities for children. This is considered acceptable given the potential make-up of the estate to include for an extra care facility. The applicant has agreed to pay a commuted sum payment in lieu of the children's play space requirement as well as the required sum for maintenance. The securing of the sums of money will be via a s.106 legal agreement. The landscaping of the village green can be secured through the imposition of a planning condition.

4.2.9 Sustainability codes and water management

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales (Section 4.12) sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that building(s) can meet specific standards of construction and carbon emission levels.

In the case of this submission, the application is accompanied by a Code for Sustainable Homes Pre-Assessment report in accordance with the requirements of TAN 12, TAN 22 and Planning Policy Wales at the time of submission. However, the Minister for Housing and Regeneration has recently announced amendments to the National Planning for Sustainable Buildings policy contained in Planning Policy Wales (PPW) and the cancellation of Technical Advice Note (TAN) 22 when the changes to Part L (relating to energy efficiency) of the Building Regulations come into force at the end of July 2014.

Any applications determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes. Given the timing of the determination of this application and that the development could not be implemented before the end of July 2014 it is considered to be unreasonable to impose the standard conditions requiring compliance with the Code for Sustainable Homes.

5. SUMMARY AND CONCLUSIONS:

5.1 The site lies within the development boundary of St.Asaph and forms part of a wider housing allocation in the adopted Local Development Plan. The principle of developing the site for housing as shown is acceptable.

The site contains some important historic buildings which are specifically protected. These buildings have been unsympathetically extended and altered over the years. The site is also currently vacant, derelict and vulnerable to further damage and anti-social behaviour.

The proposed scheme, which has been consulted upon in the Community and amongst the relevant Member group, seeks to save and restore the most important Listed buildings on the site. The scheme will provide some 85no. residential units for a mixed community contributing towards the housing targets set within the adopted Local Development Plan.

The scheme is acceptable in planning terms subject to a number of conditions. It should create an attractive residential estate enhancing the historic environment and, through a

phased approach to construction, should have a minimal impact upon visual and residential amenity as well as highway safety.

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

(a) The payment of a commuted sum for provision and maintenance of Open Space of £63,539 apportioned as follows:

CPA Provision Costs	£39,164
CROS shortfall provision	£9,951
CPA off-site maintenance	£14,424

(b) Details of the Management Arrangements for the on- site Community Recreational Open Space (CROS). The applicant has stated that a management company will look after the village green in terms of security, management and maintenance.

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.

Phasing/Demolition

2. The development hereby permitted shall proceed in accordance with the proposed construction phasing plan received by the Local Planning Authority on 21st August 2014, unless otherwise agreed in writing by the Local Planning Authority.
3. There shall be no occupation of buildings permitted in each phase of the development until the following services and infrastructure are completed for those buildings in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed for each phase of development shall be implemented thereafter.
 - The vehicular, cycle and pedestrian access and parking facilities including internal estate road layout and junctions.
 - Integrated foul, surface and ground water drainage infrastructure.
4. Prior to the commencement of each phase of development, including demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority for that phase. Construction/demolition in each phase shall not be carried out otherwise than in accordance with the approved CEMP unless amendments have been agreed in writing by the Local Planning Authority. The CEMP shall include the following details:-
 - a) Measures for construction/site traffic management to include the access, parking, turning, loading and unloading of all vehicles using the construction site.
 - b) Measures for construction/site management to include the access, parking, turning, loading and unloading of all vehicles using neighbouring sites via any shared access.
 - c) Piling techniques if necessary
 - d) Storage of plant and machinery
 - e) Provision of site security to include hoarding and lighting
 - f) Protection of trees, hedgerows and other natural features
 - g) Proposed means of dust suppression and noise mitigation
 - h) Measures to deal with any mud from vehicles on shared access roads or on nearby County roads during construction

- i) All construction/demolition working and operational times
- j) Details of the outside storage of spoil or other excavated material including location and height of storage.

Ecology

5. Prior to the commencement of each phase of development, including demolition, an Ecological Management Plan (EMP) setting out the ecological mitigation, enhancement and management measures required for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved EMP shall be followed in full unless otherwise agreed in writing by the Local Planning Authority and shall include details of the following:-
 - Bats - full details of Reasonable Avoidance Measures, mitigation, lighting specifications
 - Birds - full details of Reasonable Avoidance Measures, mitigation and enhancement
 - Plants - details of translocation and future management of Pyramidal Orchids.

Landscaping / Open Space

6. Prior to the occupation of any buildings within the development details of a comprehensive scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be implemented thereafter and they shall include the following:-
 - a) All existing trees, hedgerows and other vegetation to be retained with measures for their protection during the course of the development;
 - b) Proposed new trees, hedgerows, shrubs or vegetation within the site (including formal areas of open space) with confirmation of species, numbers, heights, location and timing of planting;
 - c) Proposed materials and colour finishes to be used on driveways, paths or other hard surfaced areas;
 - d) Proposed earthworks, grading and mounding of land including details of level changes, final contours and relationships between such areas and surrounding landform;
 - e) Proposed positions, design, materials and type of boundary treatments on the development site and its perimeter.
7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping as set out in condition 6 shall be carried out in the first planting and seeding seasons following the completion of each agreed phase of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Heritage / Conversation

8. **PRE-COMMENCEMENT CONDITION**
Prior to development commencing (including any demolition) a photographic survey and written schedule of all architectural details to the Infirmary and former Nurses Home /Isolation Unit shall be undertaken/produced. The resulting photographs and survey should be deposited with the National Monuments Record of Wales, operated by The Royal Commission on the Ancient and Historical Monuments of Wales, National Monuments Record of Wales, Plas Crug, Aberystwyth, SY23 1NJ Tel: +44(0)1970 621200, nmr.wales@rcahmw.gov.uk.
9. Prior to their application, details/samples of the proposed materials and colour finishes to be used on the walls, roofs, windows, doors, residential paths and boundary treatments on the site shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include stonework, slates, coping stones, bargeboards, fascias, pointing and painting and only those details subsequently agreed shall be applied and maintained

thereafter.

10. Any existing external openings to be blocked up as part of the proposed demolition works and / or existing walls / stonework to be restored in accordance with the approved plans shall be carried out with materials that match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing unless otherwise agreed in writing by the local planning authority.

Highways / Parking

11. For the avoidance of doubt and in accordance with condition no.3 of this permission full details of the layout, design, construction, means of traffic calming, street lighting, signing and drainage of the internal estate roads, pedestrian links and turning areas on the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential phases of the development. Those details subsequently approved shall be implemented in full thereafter.

Drainage

12. No development shall be permitted to commence on any of the residential units hereby permitted until a scheme for the comprehensive and integrated drainage of the site showing how foul, surface water and land drainage will be dealt with has been submitted by the developer and approved in writing by the Local Planning Authority. Only those details and management arrangements agreed shall be implemented 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 ensure that development proceeds in a safe and satisfactory manner and to ensure the restoration and re-use of historic buildings.
3. To ensure adequate amenity is provided to the occupants of any buildings on the site.
4. In the interests of highways safety, visual and residential amenity and to ensure the site is developed in a safe and satisfactory manner.
5. In the interests of the favourable conservation of relevant species.
6. To ensure, in the interests of visual and residential amenity, that a satisfactory standard of landscaping is provided throughout the development site.
7. To ensure in the interests of visual and residential amenity a satisfactory standard of landscaping is provided throughout the development site.
8. In the interests of recording the historic environment.
9. In the interest of visual amenity and the character and appearance of the historic buildings.
10. In the interests of visual amenity and the character and appearance of the historic buildings.
11. In the interests of highway safety.
12. To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment of the existing public sewerage system.

ADRODDIAD GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

AILYSTYRIED CAIS CYNLLUNIO

DATBLYGU 0.09 HECTAR O DIR TRWY GODI ANNEDD (CAIS AMLINELLOL – HOLL FATERION A GADWYD YN ÔL)

CYN BARC COETS GRAIGFECHAN RHUTHUN

CAIS RHIF. 45/2013/1545/PO

1. PWRPAS YR ADRODDIAD

- 1.1 Gofyn i'r Pwyllgor Cynllunio wneud penderfyniad ynglŷn â chais cynllunio a ystyriwyd mewn Pwyllgor ar 16 Ebrill, 2014.
- 2.1 Bydd yr adroddiad yn rhoi'r wybodaeth berthnasol i Aelodau am gefndir y cais a'r rheswm pam fod Swyddogion yn gofyn i'r Pwyllgor ei ailystyried.

2. CEFNDIR

- 2.1 Argymhellodd Swyddogion fod y cais cynllunio i godi annedd ar dir y tu allan i derfyn datblygu pentref Graigfechan yn cael ei wrthod, a hynny ar sail amgylchiadau penodol yr achos, polisïau a chanllawiau perthnasol y Cynllun Datblygu Lleol, a'r sylwadau a ddaeth i law.
- 2.2 Mae copi o adroddiad y Swyddog a gyflwynwyd i Bwyllgor fis Ebrill ynghlwm fel Atodiad 1 i'r eitem hon. Roedd yr adroddiad yn argymhell gwrthod am ddau reswm, sef bod yr angen am yr annedd heb ei ddangos, a'r ffaith ei bod yn annerbyniol bod busnes y garej gyferbyn yn colli lle barcio.
- 2.3 Cafwyd trafodaeth faith yn y Pwyllgor Cynllunio ar yr eitem. Siaradodd yr ymgeisydd o blaid rhoi caniatâd. Roedd yr Aelodau yn cefnogi'n gyffredinol ddyheadau'r ymgeisydd fel gŵr busnes lleol gyda chysylltiadau teuluol â'r pentref. Tynnodd Swyddogion sylw Aelodau at sail polisïau presennol y Cynllun Datblygu a'r Canllawiau Atodol ar gyfer ceisiadau datblygu y tu allan i derfynau aneddiadau, ac yn benodol ar y 'profion cymhwysedd' ar gyfer tai fforddiadwy, gan ofyn a oedd yr wybodaeth a ddarparwyd yn dangos bod y profion wedi eu bodloni ac yn cyfiawnhau rhoi caniatâd.
- 2.4 Cynigiwyd ac eiliwyd cynnig i ROI caniatâd cynllunio, a phleidleisiodd y mwyafrif o blaid rhoi caniatâd cynllunio. Roedd y caniatâd yn amodol ar y canlynol:

"...fod Swyddogion yn gofyn am wybodaeth ychwanegol gan yr ymgeisydd ynglŷn â chymhwysedd /angen i gael tŷ fforddiadwy, y parodrwydd i gwblhau Ymrwymiad Adran 106 i gysylltu galwedigaeth yr annedd â'r rhai ag angen i gael tŷ fforddiadwy, neu gytuno ag amod neu gytundeb cyfreithiol i gysylltu galwedigaeth yr annedd â phobl sy'n gysylltiedig â rhedeg busnes y garej gyferbyn. Bydd y cais yn cael ei gyfeirio'n ôl i sylw'r Pwyllgor i'w ailystyried os yw'r wybodaeth ychwanegol yn dangos nad oes achos dros angen i gael tŷ fforddiadwy ac amharodrwydd i dderbyn y cysylltiadau a awgrymwyd i'r rhai ag angen tŷ fforddiadwy a/neu'n gysylltiedig â busnes y garej."

3. DATBLYGIADAU ERS CYFARFOD PWYLLGOR CYNLLUNIO EBRILL

- 3.1 Yn dilyn y drafodaeth yn y Pwyllgor, hysbyswyd yr ymgeisydd yn ffurfiol o'r penderfyniad a gofynnwyd iddo ddarparu gwybodaeth i symud y cais yn ei flaen.
- 3.2 Gofynnodd yr ymgeisydd i Grŵp Cynefin arfarnu'r elfen anghenion tai fforddiadwy. Cadarnhawyd bod yr ymgeisydd yn gymwys ar gyfer tŷ fforddiadwy ac yn bodloni'r prawf 'cysylltiadau lleol'. Hefyd darparodd yr ymgeisydd wybodaeth ychwanegol ynglŷn â'r trefniadau parcio arfaethedig, i ddangos y gellid sicrhau darpariaeth ar gyfer lle parcio i gerbydau'n gysylltiedig â busnes y garej ar draws y ffordd a deiliaid yr annedd arfaethedig.
- 3.3 I symud materion yn eu blaenau, gwnaed cais wedyn gan y Swyddogion i negydu gyda'r ymgeisydd ynglŷn â mesurau rheoli i'w gosod gydag unrhyw ganiatâd ar gyfer deiliadaeth yr annedd arfaethedig a phris gwerthu'r annedd yn y dyfodol er mwyn sicrhau y byddai'n parhau'n annedd fforddiadwy i ddiwallu anghenion lleol am byth, hyn oll yn unol â pholisïau cynllunio lleol a chenedlaethol mabwysiedig.
- 3.4 Mae'r ymgeisydd wedi mynegi parodrwydd i dderbyn yr amod deiliadaeth ynglŷn ag unrhyw ganiatâd, gan gyfyngu ar ddeiliadaeth yr annedd i'r rhai sy'n bodloni diffiniad y Canllawiau Atodol o 'anghenion tai fforddiadwy lleol'. Ond ni fu'n bosibl dod i gytundeb ynglŷn â sut i gyfrifo pris yr annedd fforddiadwy yn y dyfodol, sy'n cael ei ystyried yn rhan bwysig o unrhyw ganiatâd, gan mai'r egwyddor y tu ôl i'r cyfyngiad ar dai fforddiadwy yw bod yn rhaid i'r pris i ddeiliaid olynol fodloni diffiniad 'fforddiadwyedd'.
- 3.5 Mae Swyddogion wedi dilyn y safiad a gymerwyd wrth ddrafftio Ymrwymadau eraill Adran 106 o safbwynt gosod uchafswm pris gwerthu'r annedd yn y dyfodol yn unol â'r Nodyn Canllawiau Cynllunio Atodol ar Dai Fforddiadwy. Mae'r dull hwn yn seiliedig ar luosi incwm cyfartalog yr aelwyd ar gyfer yr ardal â ffactor o 3.3., ac yna, rheoli'r uchafswm pris trwy gymhwysu canran o'r cyfanswm hwnnw yn dibynnu ar y math o annedd ydyw. Ar gyfer annedd ag 1 ystafell wely, yr uchafswm pris fel % o'r gwerth fforddiadwy fyddai 80%, ac ar gyfer annedd 4 ystafell wely byddai'n 110%. Yr incwm canolrif ôl yng Ngrraigfechan yw £28,584, a thrwy gymhwysu hyn i annedd 4 ystafell wely, terfyn uchaf gwerth yr annedd pe bai'n cael ei werthu fyddai £103,759.92. Mae Atodiad 2 yn rhan o'r Canllawiau Cynllunio Atodol ac mae'n cynnwys y dull ar gyfer cyfrifo'r uchafswm pris.
- 3.6 Mae'r ymgeisydd yn credu bod y dull y cyfeirir ato uchod yn afrealistig oherwydd byddai'n costio tua £130,000 iddynt adeiladu'r annedd. Mae hynny'n golygu y byddai gwerth yr annedd £25,000 yn is na'r gost o'i adeiladu yn y lle cyntaf. Maent wedi awgrymu y dylai'r disgownt fod tua 70% - 80% o'i werth ar y farchnad agored (sy'n gyfystyr â gostyngiad o 20% - 30%). Yn ôl amcan ffigyrau gan yr ymgeisydd gallai gwerth byngalo 4 ystafell wely yng Ngrraigfechan fod tua £300,000 ar y farchnad agored, felly byddai gostyngiad o 20% - 30% yn arwain at bris gwerthu rhwng £210,000 a £240,000.
- 3.7 O ran safbwynt yr ymgeisydd, yn seiliedig ar eu ffigyrau eu hunain ar gyfer pris gwerthu, sef rhwng £210,000 a £240,000, mae'n amlwg na fyddai hwn yn 'fforddiadwy i anghenion lleol' o ystyried mai'r gwerth a amcangyfrifwyd ar gyfer incwm canolrifol annedd yn y gymuned fyddai £28,584. Gan fod holl sail y penderfyniad i roi caniatâd ar gyfer annedd mewn lleoliad y tu allan i derfyn datblygu, yn eithriad i bolisïau cynllunio arferol, a **bod modd** cyfiawnhau hyn os darperir budd i'r gymuned yn yr hirdymor trwy gadw annedd fforddiadwy i anghenion lleol am byth, ni fyddai'r budd hwn yn cael ei sicrhau pe bai'r disgownt y mae'r ymgeisydd yn ei awgrymu'n cael ei dderbyn. Mae'r Swyddog Cyfreithiol wedi cynghori bod yr holl Ymrwymadau Adran 106 sy'n amlinellu'r meini prawf ar gyfer pennu prisiau gwerthu aneddiadau fforddiadwy yn y dyfodol yn seiliedig ar y Canllawiau Cynllunio Atodol yn eu lle ar yr adeg y cwblheir y cytundebau hynny.

- 3.8 Rhoddwyd ystyriaeth hefyd i'r dewis 'arall' y cyfeiriwyd ato gan y Pwyllgor Cynllunio, sef cysylltu'r annedd â busnes trwsio cerbydau'r ymgeisydd, a fydd yn cael ei redeg, yn ôl yr ymgeisydd, o adeilad yr hen garej bysiau gyferbyn. Yn unol â pholisïau a chanllawiau cynllunio cenedlaethol ar aneddiadau Mentrau Gwledig, mae Swyddogion wedi gofyn am fanylion y busnes gan yr ymgeisydd, fel y gall y Pwyllgor gael ei hysbysu ynghylch yr achos bod 'angen' yr annedd i helpu i weithredu'r busnes hwnnw. Fel arfer byddai hyn yn cael ei wneud trwy gynnal asesiad o hyfywedd i ddangos sefyllfa ariannol busnes a gwybodaeth ategol ynglŷn ag angen yr annedd yn agos ato. Ni chyflwynwyd unrhyw wybodaeth mewn ymateb i hyn. Er hyn, pe bai'n cael ei benderfynu bod hwn yn fusnes hyfyw, a bod achos dros annedd yn agos ato, y ganllaw yn y polisïau cenedlaethol yw y dylai Awdurdodau Cynllunio Lleol osod mesur diogelu eilaidd i sicrhau bod unrhyw annedd yn parhau'n fforddiadwy pe bai sefyllfa'n codi lle bo'r busnes yn methu.
- 3.9 O ran lle parcio a fyddai ar gael gyda'r annedd ac unrhyw fusnes a fyddai'n cael ei gynnal o'r garej gyferbyn, mae Swyddogion yn derbyn bod yr wybodaeth ychwanegol a ddarparwyd yn dangos y byddai'n bosibl darparu lefel o barcio sy'n ddigonol i fodloni'r gwrthwynebiad blaenorol ar y sail hon.

4. CASGLIADAU

- 4.1 Penderfyniad Pwyllgor Cynllunio Ebrill oedd rhoi caniatâd yn amodol ar egluro'r achos cymhwysedd/ angen i gael tŷ fforddiadwy a pharodwydd yr ymgeisydd i dderbyn y cysylltiadau perthnasol o ran unrhyw ganiatâd i'r rhai mewn angen fforddiadwy a/neu gysylltiadau â busnes y garej.
- 4.2 Mae Grŵp Cynefin wedi dod i'r casgliad bod yr ymgeisydd yn gymwys ar gyfer tŷ fforddiadwy ac yn bodloni'r prawf cysylltiadau. Mae'r ymgeisydd yn fodlon derbyn amod cynllunio sy'n cyfyngu ar ddeiliadaeth yr annedd i anghenion tai fforddiadwy lleol. Ond nid yw wedi bod yn bosibl cytuno ynglŷn â'r amodau ar gyfer dull i gyfrifo pris yr annedd ar gyfer y deiliaid nesaf, i fodloni diffiniad 'fforddiadwyedd' yng Nghanllawiau Atodol y Cyngor, y mae Swyddogion yn credu sy'n rhan sylfaenol o roi caniatâd yn yr amgylchiadau.
- 4.3 O ystyried yr uchod, mae Swyddogion o'r farn bod hwn yn achos lle na fyddai dyheadau rhesymol Aelodau i roi caniatâd cynllunio am annedd ar sail darparu angen fforddiadwy lleol yn cael eu sicrhau o ystyried bod yr ymgeisydd yn gwrthod llunio cytundeb a fyddai'n cyfyngu ar derfyn uchaf pris gwerthu'r annedd am swm a fyddai'n fforddiadwy yn ôl y diffiniad yng Nghanllawiau Cynllunio Atodol Tai Fforddiadwy'r Cyngor.

5. ARGYMHELLIAD

- 5.1 O ystyried yr uchod, a chydabod penderfyniad blaenorol y Pwyllgor, argymhellir bod y Pwyllgor Cynllunio'n cefnogi argymhelliad gwreiddiol y Swyddog Cynllunio ac yn GWRTHOD caniatâd cynllunio ar gyfer y datblygiad, heb y rheswm a awgrymwyd dros wrthod sy'n ymwneud â'r effaith ar y briffordd.

Y rheswm diwygiedig am wrthod a argymhellir yw:

1. *Cais yw hwn i godi annedd ar safle sydd wedi ei leoli y tu allan i derfyn datblygu pentref Graigfechan fel y diffinnir ef yng Nghynllun Datblygu Sir Ddinbych. Yn ôl polisïau cenedlaethol a lleol rhaid i ddatblygiadau preswyl yn y cyfryw leoliadau gael eu rheoli'n llym ac fe'u caniateir, yn unig, lle dangosir bod angen hanfodol am y datblygiad naill ai i bwrpas anghenion tai fforddiadwy lleol neu i gefnogi menter wledig, ac os sefydlir y cyfryw angen, bod dull addas yn ei le i gadw'r annedd am byth i'r pwrpas hwnnw. Mae'r Awdurdod Cynllunio Lleol yn credu nad oes achos wedi ei gyflwyno i ddangos bod angen annedd ar gyfer menter wledig, ac er bod yr ymgeisydd yn bodloni profion y Cyngor o safbwynt cysylltiadau lleol a thai*

fforddiadwy, heb gytundeb ynglŷn â dull i sicrhau bod pris gwerthu'r annedd yn y dyfodol yn bodloni diffiniad y Cyngor o 'fforddiadwyedd', nid yw'r datblygiad yn unol â Pholisïau BSC 4 Tai Fforddiadwy' Cynllun Datblygu Lleol Sir Ddinbych, BSC 8 Safleoedd Eithriadau Gwledig, Polisi Cynllunio Cymru 7, a Nodyn Cyngor Technegol 6 Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy .

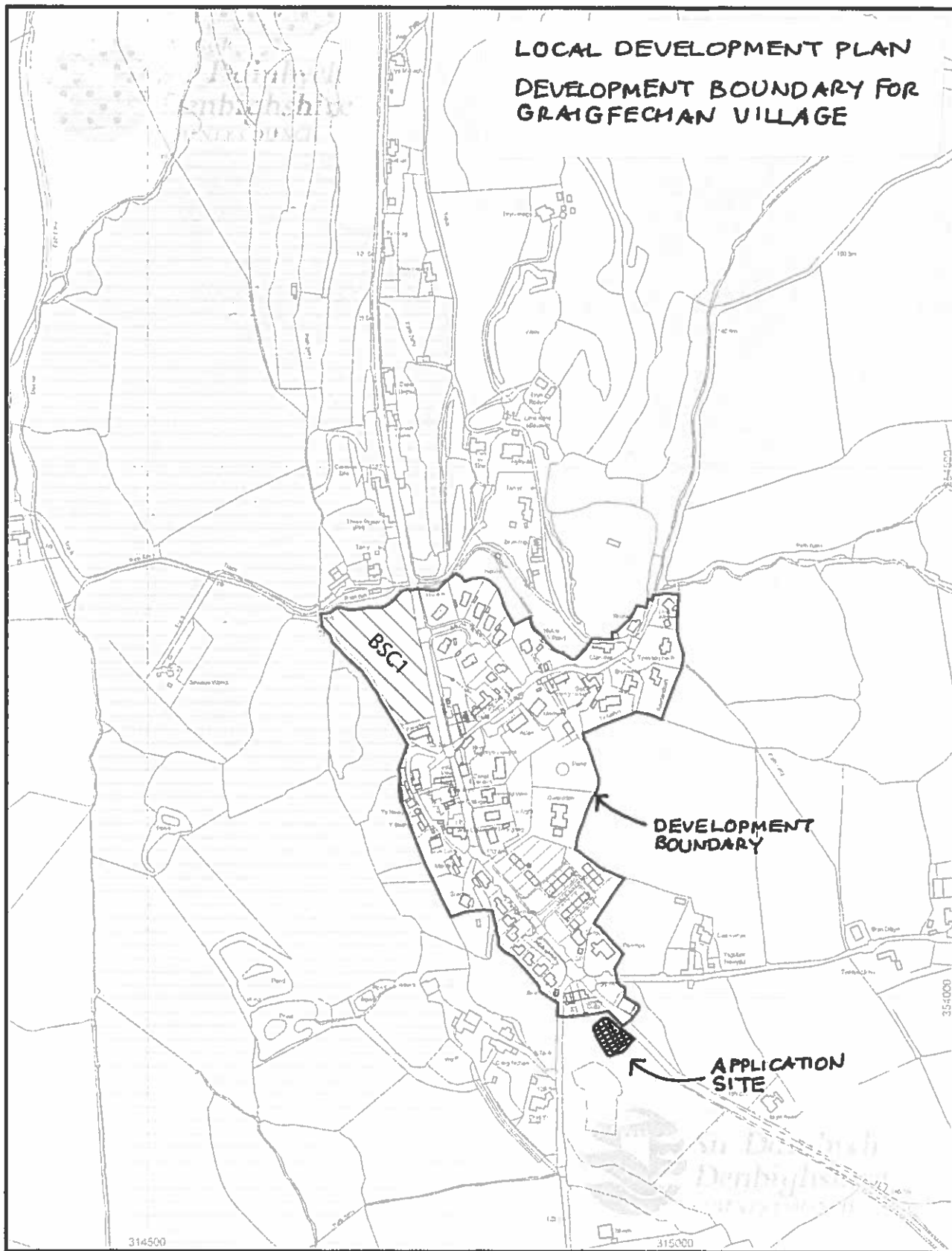
Dogfen ynghlwm :

ATODIAD 1 – Adroddiad Swyddogion i Bwyllgor Cynllunio Ebrill 2014

ATODIAD 2 – Dull Canllawiau Cynllunio Atodol i gyfrifo pris gwerth annedd fforddiadwy

GRAHAM H. BOASE
PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

MAP 20B - PENTREF GRAIGFECHAN VILLAGE



Graddfa/Scale 1:5000
 0 50 100 150 200
 Medrau/Metres

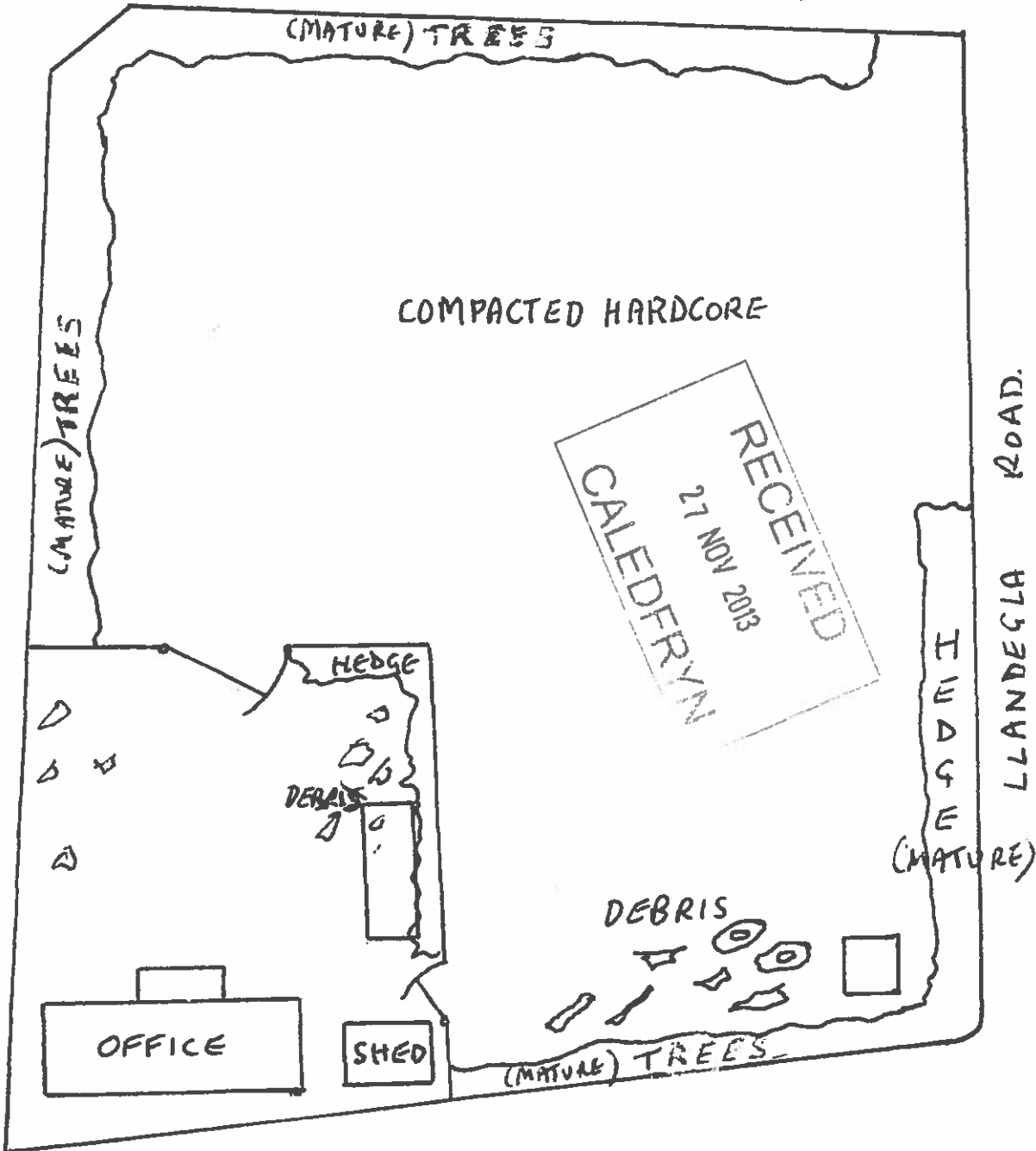


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ACCESS TO CRAIGFECHAN GROWING CLUB



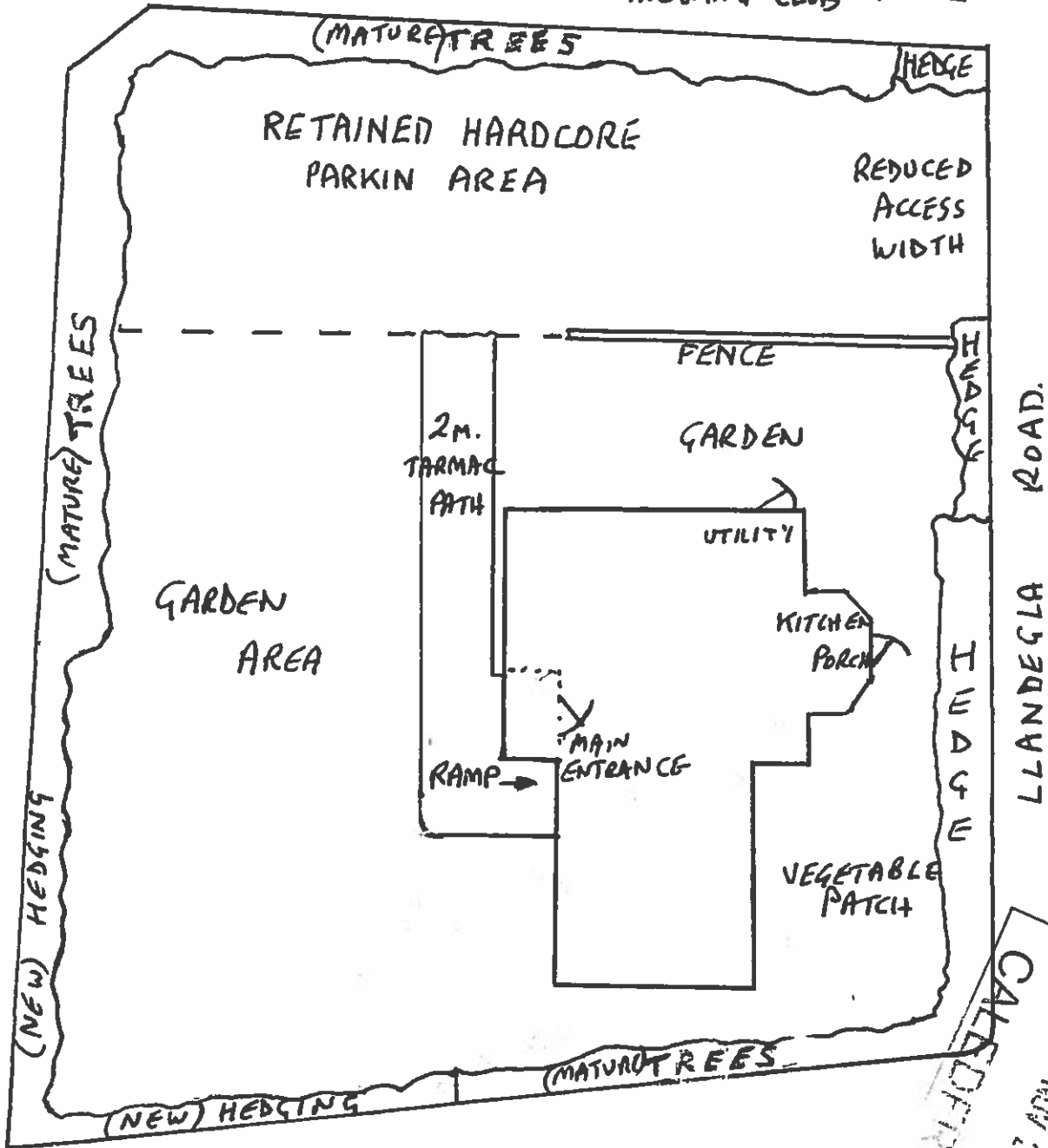
EXISTING COACH YARD
GRAIGFECHAN

Tudalen 193

ATT. N^o 6 To Rogers 015/1
SITE MAP (EXISTING)



ACCESS TO CRAIGFECHAN GROWING CLUB



RECEIVED
 27 NOV 2013
 CALDWELL

PROPOSED EX-COACH PARK DEVELOPMENT

CRAIGFECHAN

Tudalen 194

ATT. N^o 6 TO ROGERS 015/11:
 SITE MAP (PROPOSED)

ITEM NO: 2
WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern
WARD MEMBER(S): Councillor H H Evans
APPLICATION NO: 20/2013/1545/ PO
PROPOSAL: Development of 0.09ha of land by the erection of a dwelling (outline application - all matters reserved)
LOCATION: Former Coach Park Graigfechan Ruthin
APPLICANT: Mr Kevin Rogers Rogers Mechanics
CONSTRAINTS: AONB
PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL:

"My members considered this application very carefully. They fully supported the application in *principle*. They also considered the implications of the LDP on the local business which has already been established and would in future provide employment."

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE:

"The JAC notes that this site is outside the LDP Settlement Boundary for Graigfechan. Given that the former garage building is very close to the village, where it might be expected that opportunities exist for alternative accommodation to serve the proposed business, the JAC would emphasise the need for a particularly strong case to justify an additional new rural enterprise dwelling on this site. It is also noted that no such justification appears to have been submitted with the application, which would make the development contrary to planning policy.

Although not in the ownership of the applicant, the JAC would suggest that the modestly sized triangular site which immediately adjoins the garage and is within the Development Boundary is a preferable location for a modestly sized dwelling which is well related to the proposed new business."

NATURAL RESOURCES WALES:

No objections

DWR CYMRU / WELSH WATER:

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
- Highways Officer
No objections

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- 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 planning permission is sought for the erection of a single dwelling on land outside the development boundary of Graigfechan village. All details are reserved for later consideration, should the principle of development be found to be acceptable.
- 1.1.2 As part of the submission, the applicant has put forward information to support the grant of permission.
- 1.1.3 The applicant makes the case that since 'Rogers Coaches' ceased trading, he has utilised the workshop on land across the road to run a new business, 'Rogers Mechanics'. He advised this use does not require the former coach park, (the application site), and it is submitted that the proposal would develop this otherwise unsightly and disused piece of land. It is stated the site would also afford additional security for the mechanics business, and help to develop the business further.
- 1.1.4 The applicant indicates that the dwelling would be affordable for himself and would help to accommodate his growing family; stating that premises larger than his current house are beyond his means. The applicant's current address is given as Haulfryn in Ruthin.

1.2 Description of site and surroundings

- 1.2.1 The site is located at the southern end of Graigfechan village fronting the minor road running towards Llanarmon yn Ial, outside the village development boundary as defined in the Local Development Plan.
- 1.2.2 The site was formerly used as a coach park for the business 'Rogers Coaches'. It is a flat area of approximately 30 metres by 35 metres with a compacted hardcore surface.
- 1.2.3 There is an existing dwelling, Smithy Cottage to the north west of the site boundary.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside the defined development boundary of Graigfechan and within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. The village development boundary, as approved as part of the Local Development Plan in June 2013, is shown on the plan at the front of the report.

1.4 Relevant planning history

- 1.4.1 The site was granted planning permission in 1992 (at Planning Committee) for use as a parking and turning space for public service vehicles, to support the bus business using the large building on the opposite side of the road. This business has ceased operating at the site.

1.5 Developments/changes since the original submission

- 1.5.1 Following an initial objection to the proposal from Natural Resources Wales, the applicant has submitted additional information relating to the potential groundwater pollution resulting from disturbing the ground during construction. Natural Resources Wales have subsequently lifted the objection.
- 1.5.2 Additional justification for the proposal was requested from the applicant having regard to the planning policy context set in the Local Development Plan. The response is copied as drafted below; in relation to Policy BSC 8 of the LDP:
- i) No likely sites are to be available "within 5 years" as this is shorter than the life span of the new LDP.*
 - ii) The proposal clearly does form a logical extension to the development boundary - this was stated in the application covering letter; emphatically we queried WHY the coach park was not included within the revised LDP.*
 - iii) Graigfechan is an ageing village; the latest new-build (a monstrosity approved by your organisation) is on the market for 400,000+: is this affordable? The village needs young families; Mr Rogers can build the proposed dwelling for the price of the existing cramped home in Ruthin. This would be progress!!*
 - iv) The proposal has already been demonstrated (in the Design & Access Statement) not to be an intrusive feature or create traffic/access problems.*
 - v) No further comment is needed - see the Design & Access Statement.*
 - vi) Mr & Mrs Rogers are not planning to build for an investment- their growing family live in a two-bed house, and they want to relocate to a bigger but AFFORDABLE home, close to where Mr Rogers wants to build up his business. This is a brown-field site that needs improvement, why the obstacles?"*

1.6 Other relevant background information

- 1.6.1 The application, if granted, would constitute a departure from adopted planning policy, and has been advertised as such.
- 1.6.2 The application has been referred to Planning committee by Councillor Hugh Evans to allow discussion of the planning policy issues.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 Turning space and parking area for public service vehicles 30/12572 - GRANTED at Planning Committee 6th March 1992

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC3 – Securing infrastructure contributions from Development
Policy BSC4 – Affordable Housing
Policy BSC6 – Local connections affordable housing in hamlets
Policy BSC8 – Rural exception sites
Policy BSC9 – Local connections affordable housing within small groups or clusters

Policy BSC11 – Recreation and open space
Policy PSE 3 – Protection of Employment Land and Buildings
Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy ASA3 – Parking Standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 6 (February 2014)

Technical Advice Note 2 – Planning and Affordable Housing

Technical Advice Note 6 – Planning for Sustainable Rural Communities

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Amenity Considerations/impact on AONB
- 4.1.3 Open Space
- 4.1.4 Contaminated land
- 4.1.5 Affordable Housing
- 4.1.6 Loss of employment land

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located outside the development boundary for Graigfechan. Denbighshire's adopted Local Development Plan advises, in the preamble to Chapter 6, that development boundaries are drawn to define clear physical limits to developed areas. It further outlines that development within boundaries will in principle be supported, but that the boundary exists to protect the county's landscapes and open spaces.

Planning Policy Wales also advises that development in the countryside should be located within and adjacent to those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. It goes on further stating that infilling, or minor extensions to existing settlements may be acceptable in particular where it meets a local need for affordable housing. This is amplified in Technical Advice Note 2, and Technical Advice Note 6, which relates specifically to development in rural areas and supports the concept of 'Rural Exceptions' Policies.

In terms of the LDP, the site being considered is outside the development boundary of the village of Graigfechan. The most relevant LDP policy is considered to be Policy BSC 8, Rural Exceptions Sites, which supports affordable housing development as an exception to normal policy (i.e. outside development boundaries) where the following criteria are met:

" i) evidence must be produced to demonstrate that allocated sites are not likely to come forward within 5 years. The greater the need for affordable housing demonstrated for the settlement the more likely an exception site would be permitted ahead of an allocated site; and

ii) the proposal adjoins and forms a logical extension to the development boundary whilst avoiding ribbon and fragmented patterns of development; and

iii) evidence exists in the form of a local housing needs survey that there is a genuine demonstrable need for such accommodation; and

iv) the proposal would not form an intrusive feature in the landscape or create traffic or access problems; and

v) the siting, layout, scale, design, density and materials of the proposal are sympathetic and appropriate to the size and character of the settlement and also reflect the level of local need identified; and

vi) satisfactory arrangements can be made to ensure that the dwellings are retained as affordable housing for local needs in perpetuity".

In relation to the tests of BSC 8:

In respect of criterion i) above, reference is made to a housing allocation in Graigfechan (land south of the The Three Pigeons public house). The allocation was made when the Local Development Plan was adopted in 2013, following a public inquiry. Whilst the applicant states that there are no allocated sites likely to come forward in 5 years, this is not supported with any evidence. The proposal does not therefore comply with criterion i).

In reference to criterion ii), it is considered that the proposal does not form a logical extension to the development boundary and would represent an unacceptable extension in the form of ribbon development along the minor road leading out of the village. The existing boundary to the south of the Smithy Cottages is considered to be a well established boundary that should be defended for the sake of preserving the open countryside, as per guidance in Planning Policy Wales.

Criterion iii) requires it to be demonstrated in a local housing needs survey that there is a need for the development in that location. The applicant argues that the house would be for himself and his family as he cannot afford a house in Graigfechan. No other information regarding the family's eligibility for affordable housing has been put forward. Additionally, no reference has been made to the allocated housing site in Graigfechan and whether or not that would meet any identified affordable housing need within the community. In Officers' opinion, there is clear conflict with test iii) of Policy BSC 8.

Criteria iv), v) and vi) of Policy BSC 8 are all detailed tests which can be addressed at later stages should the principle of the proposal be accepted.

In terms of Planning Policy Wales, there is reference to supporting businesses in the rural areas (chapter 7). Technical Advice Note 6 (section 4.3) expands upon this and outlines the circumstances where residential development in the open countryside to support a rural enterprise may be acceptable as a departure to normal planning policy. Such circumstances are where it is clearly demonstrated with robust supporting evidence that:

- a. there is a clearly established existing functional need;*
- b. the need relates to a full-time worker, and does not relate to a part-time requirement;*

- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;*
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- e. other normal planning requirements, for example siting and access, are satisfied.*

In addressing whether the proposal meets the above tests, it is Officers' opinion that the information submitted does not demonstrate that there is an established functional need for a mechanic to be living on the site. There are no details of the length of time the business has been running, or the profitability of the business, and no evidence that any 'perceived' need on the applicants part could not be met by seeking suitable housing elsewhere in the village.

With regard to the options where residential development may be permitted in the open countryside (local affordable needs and rural enterprise dwellings) it is considered that a case has not been made which demonstrates the proposal satisfies any of the tests outlined above.

Whilst the site history and the former use of the site as a coach park is noted, Officers are of the opinion that the site does not fall within the definition of 'previously developed land' as outlined in Planning Policy Wales, fig 4.3. The coach park was previously allowed on the basis that it was required for the day to day parking of coaches in association with the garage building opposite, as there was inadequate space to accommodate activity associated with the depot. The proposal now being considered is essentially for a private dwelling, which does not have essential functional links to the adjacent business 'Rogers Mechanics'. In acknowledging the arguments put forward by the applicant that to live there may 'assist' his business, no robust need case has been made for a dwelling in open countryside and the arguments in favour are matters of personal convenience rather than essential need.

In respecting the case advanced for a security presence for the mechanic's business, Members may appreciate that it would open an extremely wide door if it was accepted that a dwelling was justified for security reasons next to a building in open countryside, given the number of isolated commercial/agricultural buildings where equally meritorious arguments could be put. The former coach business was run for many years without a 'security' dwelling nearby. It is not an unreasonable expectation on owners of rural businesses to take appropriate measures to secure their premises from interference.

The proposal is therefore considered to be in fundamental conflict with local and national planning policies and guidance in relation to the principle of new dwellings outside development boundaries.

4.2.2 Amenity Considerations/Impact on AONB

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The proposal is an outline application with all matters reserved for later consideration. With regard to the nature and history of the site and its relationship to surrounding

development and land uses, there are no concerns at this point that the site could not be developed in a way that would not be detrimental to the general amenity of the area, including impact upon the AONB and highways and access considerations.

4.2.3 Open Space

Policy BSC 3 seeks to secure, where relevant, infrastructure contributions from development. Policy BSC 11 requires all new residential development to provide a contribution to recreation and open space either on site, or by the provision of a commuted sum.

The proposal is for a single dwelling. A commuted sum in the region of £2660 towards the provision of improved facilities, and the ongoing maintenance of the recreation space in Graigfechan would be required if permission is granted.

It is considered that in this instance the provision of a commuted sum is preferable to the option of on site provision, given that the proposal is for a single dwelling. It is therefore considered that the proposal is in accordance with Policy BSC 3 and Policy BSC 11, subject to a condition to agree the mechanism by which the commuted sum would be secured.

4.2.4 Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Chapter 13 of Planning Policy Wales, which requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council must require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. Otherwise, if contamination can not be overcome satisfactorily, permission should be refused.

The site is a former coach park, and in response to the initial consultation NRW raised objections on the grounds of potential contamination to the groundwater supply caused by disturbing land which may have been polluted by oil from the coaches. Following the submission of further information from the applicant, NRW are satisfied that the risk is minimal and have removed their objection.

It is not considered that the proposal would have a detrimental impact upon the ground water supply, and the proposal accords with Planning Policy Wales.

4.2.5 Affordable Housing

As discussed in the above paragraphs, even if the other key tests of Policy BSC 8 were satisfied, it would be necessary for the applicant to meet with criterion iii) which requires evidence of local housing need. As there is no detailed evidence presented to assess whether the applicants would 'qualify' as meeting local affordable housing need, it is not possible for Officers to conclude the requirements of the policy would be met.

4.2.6 Loss of employment land

Policy PSE 3 of the Local Development Plan seeks to retain employment premises not specifically allocated as 'employment sites' on the Proposals Maps of the Plan. The policy sets 3 tests for proposals, which will only be supported provided:

- i) there are no other suitable sites available for this development;*
- ii) and a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation fro*

employment purposes; and
iii) the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

There is no information in the submission which suggests the tests of PSE 3 have been addressed.

In Officers' opinion, the loss of the parking area in connection with the business premises opposite poses conflicts with Policy PSE 3. The land was consented for parking of coaches in the first place, because there was such limited external space around the buildings that the business could not function properly. If the land is now developed for a new dwelling, removing the parking required in connection with the previous use, this re-creates the potential 'problem' for a successful business operating in the buildings, leading to a possibility of vehicles being parked close to/along the road when waiting to be worked on or after completion of works. Officers believe this to be a relevant consideration in the determination of the application.

5. SUMMARY AND CONCLUSIONS:

5.1 The application involves the erection of a new dwelling outside the development boundary of a village, hence in planning policy terms, in open countryside.

5.2 To justify such development in terms of the Local Development Plan it would be necessary to comply with the tests of Policy BSC8. Officers' assessment of the applicant's submission clearly concludes that the key tests of the policy can not be met.

5.3 In terms of Welsh Government policy and guidance in Technical Advice Note 6 in relation to supporting businesses in rural areas, Officers' conclusions are that the evidence submitted does not address the key tests relating to establishing a 'functional' or 'financial' need for a rural enterprise dwelling.

5.4 Additionally, it is considered that the development would result in the loss of a valuable parking area for vehicles associated with the commercial use in the old garage building opposite, leading to potential parking/congestion problems in the vicinity of the site if the mechanics business is successful.

5.5 Officers' conclusions are that the development is contrary to policy, and would represent a clear departure from the Local Development Plan.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The proposal involves the erection of a dwelling on a site which is located outside the development boundary of Graigfechan village as defined in the Denbighshire Local Development Plan. Local and National policy and guidance advises that in such locations residential development must be strictly controlled and should only be permitted where it is demonstrated that there is a clear and essential need for the development for either local affordable housing needs purposes or to support a rural enterprise. It is the opinion of the Local Planning Authority that it has not been demonstrated that there is an essential need for a dwelling in this location, and that the proposal is therefore contrary to Denbighshire Local Development Plan Policies BSC 4 Affordable Housing, BSC 8 Rural Exceptions Sites, Planning Policy Wales 6, and Technical Advice Note 6 Planning for Sustainable Rural Communities.
2. The development would take away an important parking area originally created to meet the needs of the coach business operating in the building on the opposite side of the minor road. The garage building has very limited space around it to permit the parking of staff or customers' vehicles and the loss of the application site for such purposes is considered in conflict with Policy PSE 3 of the Local Development Plan, and is also likely to lead to an

unacceptable potential for congestion and highway dangers from the movement and parking of vehicles in connection with the garage use, in conflict with Policy ASA3 of the Local Development Plan which requires adequate parking spaces for development proposals.

NOTES TO APPLICANT:

None.

Mae tudalen hwn yn fwriadol wag

d) Cyfrifiad ar gyfer gwerth unedau fforddiadwy:

Mae'r cyfrifiad yn seiliedig ar incwm cartref canolrif ar gyfer yr ardal leol wedi'i luosi â 3.3. Yna, caiff y gwerth canlyniadol ddisgownt yn ôl y tabl isod:

$$(H \times 3.3) \times P = \text{£ } V$$

H yw'r incwm aelwyd canolrif ar gyfer yr ardal leol

P yw'r ganran a nodir yn y tabl isod

V yw gwerth yr uned fforddiadwy.

Math o eiddo	Uchafswm pris fel % o werth eiddo fforddiadwy
1 ystafell wely	80%
2 ystafell wely	90%
3 ystafell wely	100%
4 ystafell wely	110%

Darperir gwybodaeth yn ymwneud ag incwm aelwydydd trwy ddata CACI Paycheck a gall y Cyngor ei ddarparu. Bydd y ffigwr hwn yn cael ei ddiweddarau yn rheolaidd.

Enghraifft

Ar gyfer fflat 2 ystafell wely yng Nghanol Prestatyn, gan dybio bod incwm canolrif yr aelwyd yn £23,445 (ar gael ar gais gan y Cyngor), y gwerth fyddai:

$$(\text{£}23,445 \times 3.3) \times 90\% = \text{£}69,632$$

Mae tudalen hwn yn fwriadol wag