

To: Chair and Members of the Planning Committee

Date: 4 September 2014

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 10 SEPTEMBER 2014** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN**.

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 9 - 42)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 30 July 2014 (copy attached).

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Pages 43 - 186)

To consider applications for permission for development (copies attached).

6 FORMER COACH PARK GRAIGFECHAN (Pages 187 - 206)

To consider report by the Head of Planning and Public Protection to request reconsideration of application reference 45/2013/1545/PO

MEMBERSHIP

Councillors

Councillor Raymond Bartley (Chair)

Councillor Win Mullen-James (Vice-Chair)

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
Ann Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter 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

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets ('Blue Sheets') and any supplementary or revised plans relating to items for consideration.

The Blue Sheets contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. The Chair will remind speakers they have a maximum of 3 minutes to address the Committee. Public speaking is subject to a separate protocol.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Blue Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

There are display screens in the Council Chamber which are used to show photographs, or plans submitted with applications. The photographs are taken by Officers to give Members a general impression of a site and its surroundings, and are not intended to present a case for or against a proposal.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason (s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

If any Member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair and Officers will clarify the procedure to be followed. The names of each voting Member will be called out and each Member will announce whether their vote is to grant, to refuse, or to abstain. Officers will announce the outcome of the vote on the item.

If a vote is to proceed in the normal manner via the electronic voting system, the Chair will ask Officers to set up the voting screen(s) in the Chamber, and when requested, Members must record their votes by pressing the appropriate button (see following sheet).

Members have 10 seconds to record their votes once the voting screen is displayed, unless advised otherwise by Officers.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair and Officers will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item.

Where the formal resolution of the Committee is contrary to Officer recommendation, the Chair will request Members to agree the process through which planning conditions or reasons for refusal are to be drafted, in order to release the Decision Certificate (e.g. delegating authority to the Planning Officer, to the Planning Officer in liaison with Local Members, or by referral back to Planning Committee for ratification).

PLANNING COMMITTEE

VOTING PROCEDURE

Members are reminded of the procedure when casting their vote. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

+	To GRANT Planning Permission
-	To REFUSE Planning Permission
0	to ABSTAIN from voting

Or in the case of Enforcement items:

+	To AUTHORISE Enforcement Action
-	To REFUSE TO AUTHORISE Enforcement Action
0	to ABSTAIN from voting

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PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 30th July 2014 2014 at 9.30am.

PRESENT

Councillors J.R. Bartley (Chair), I W Armstrong, J Chamberlain-Jones, W L Cowie, J A Davies, M LI Davies, R J Davies, R L Feeley (observer), M Holland (observer), 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 and H O Williams

ALSO PRESENT

Head of Planning and Public Protection (Graham Boase), Head of Legal (Gary Williams), Development Management and Compliance Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Senior Highways Engineer (Mike Parker), Planning Officer (Denise Shaw), Development Planning and Policy Manager (Angela Loftus), Environmental Health Officer (Sean Awbery), Senior Support Officer (Judith Williams), Democratic Services Manager (Steve Price) and Translator (Sandra Williams).

1 APOLOGIES

Apologies for absence were received from Councillors J A Butterfield, S A Davies, P M Jones, J S Welch,

2 DECLARATIONS OF INTEREST

Councillor Paul Penlington declared an interest in Items 2 & 8 of the Applications for Permission for Development.

Councillor Alice Jones declared an interest in Item 6 of the Agenda.

Councillor Colin Hughes declared an interest in Items 11 & 12 of the Applications for Permission for Development.

3 URGENT ITEMS: There were no urgent items

4 MINUTES OF THE MEETING HELD ON 14th May 2014.

Agreed as a true record with an amendment to record :

- a) Apologies section should read Cllr Ann Davies, not Cllr Ann Jones
- b) The first item speaker was Martin Bill not Bill Martin
- c) That the minutes did not show what the changes were to the Protocol for Site Visits. Graham Boase agreed that the revised protocol would be sent out to Members after the meeting.
- d) There were various items where the voting figures were not recorded

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

Report by the Head of Planning and Public Protection (previously circulated) relating to applications submitted and requiring determination by the Committee were considered.

It was RESOLVED that:-

- (a) the recommendations of Officers, as contained within the reports submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the relevant legislation in relation to:-*

Application No: 09/2014/0547/PF

Location: Ty'r Aer Bach, Llandyrnog, Denbigh

Description: Erection of timber barn for storage purposes and creation of concrete hard-standing

General debate:

Cllr Mervyn Parry stated that he would go with officer's recommendation on this application. He wanted a condition relating to the materials due to the impact on the Clwydian Range. Also, he felt that if the building was to be used for animals then he would like to see some control over effluent. Cllr Parry proposed the application and Cllr Huw Hilditch Roberts seconded the proposal.

Ian Weaver explained that the applicants were proposing a timber cladding which would be acceptable to the Clwydian Range AONB and also confirmed that the description of the application was for 'storage' purposes only, therefore if it was used for housing animals, this would be in breach of the permission. He stated if justified, that a condition could be used to restrict the use.

Cllr Mervyn Parry sought clarification that the shed was for storage only and Ian Weaver confirmed that this was the stated use.

Proposals:

Cllr Mervyn Parry proposed that the application be GRANTED subject to the conditions in the Officers report and also with an additional condition relating to the prevention of use of the building for livestock. This was seconded by Cllr Huw Hilditch Roberts.

VOTE:

GRANT - 25

ABSTAIN -0

REFUSE - 0

**PERMISSION WAS THEREFORE GRANTED WITH AN ADDITIONAL
CONDITION PRECLUDING TO THE USE OF THE BUILDING FOR
LIVESTOCK**

Application No: 21/2014/360/PF

Location: Bryn Ffynnon Sawmills, Llanferres

Description: Change of use of part of existing agricultural building and rear yard area to sawmill business use, erection of a dry wood storage building and retention of staff car parking (partly retrospective)

The following additional information was reported to Committee in the Late sheets:

LATE REPRESENTATIONS

Consultees:

Clwydian Range and Dee Valley AONB Joint Advisory Committee

(Comments on amended details)

“The JAC notes that the amended description and plans now include the retention of existing staff parking outside the original site boundary. The Committee is disappointed and concerned that this element of the proposals is also retrospective.

At a recent meeting of the JAC, concerns were expressed by some members about the increasing scale of operations at the site and the need for particular care to ensure that the business does not exceed the capacity of the site given the environmental limits set by its location within the AONB. In this context, the JAC has serious concerns about extending the operational area to include this external parking and associated turning area and would prefer all operations to be contained within the existing site. In addition, the proposed landscaping of the parking area incorporating a close boarded timber fence and Leylandi tree planting is not sympathetic to the rural setting. The JAC would also suggest that additional tree and hedgerow planting comprising native local species on adjoining land in the applicant’s ownership would help screen and assimilate the complex into the surrounding landscape.” (AONB Management Plan Policies: PCP1, PCP2 and PCP4)”

Public Speakers:

Mr Mark Wilding (neighbour) – Against

Mr Wilding stated that both applications being heard for this site today were retrospective and that they were both outside of the original agricultural site. He felt that neighbour amenity was being eroded due to conditions imposed earlier being breached. The noise, dust and disturbance were now dominating their enjoyment of their own dwelling and that the impact was now a long way from the type of disturbance experienced when the site was a small family farm. Letters of objection had been lodged from all three of the closest neighbours. The fact that the site was within an AONB should require applications to enhance the natural beauty of the area. The application would not create enough economic benefit to outweigh the harm so Mr Wilding felt that the application should be refused.

Mr Mathew Davies (applicant) - For

Mr Davies explained that the proposals were a diversification project and the application before the Committee formed part of a waste management strategy for the business. The application was made up of two parts, the first part being a replacement shed for one that had collapsed previously due to heavy snow, the second being a car park area for staff. Mr Davies explained that the new building would be for storage purposes and would also help to act as an acoustic barrier between the application site and the neighbours. He also explained that the new car park would be screened with new fencing and also some planting with species agreed by the AONB Joint Advisory Committee.

General Debate:

Cllr Martyn Holland (Local Member) stated that this was a difficult application for him as he understood the view of both parties. However, he did feel that it would be a logical move to use the waste from the sawmill to generate energy. Cllr Holland said that he was aware of issues of noise that have been raised in the past and felt that the erection of the new shed would help to alleviate some of these problems. However, Cllr Holland did feel that if any activity was to be carried out in the shed, the doors should be kept closed in order to reduce any disturbance. Cllr Holland's only real concern was the addition of a new staff car park. He felt that it was located very close to the neighbouring property and that it was likely to have an impact on the residents. It was suggested that the conditions should be kept tight in order to control the use of the car park and prevent it being used for any other purpose than for staff.

Cllr Huw Williams supported the Officer recommendation as he felt that the applicants have tried to work with the community and their neighbours. He pointed out that the applicants provided 12 jobs in the AONB and that these were welcome. Cllr Williams proposed the officer recommendation and Cllr Huw Hilditch Roberts seconded the proposal.

Cllr Mervyn Parry also supported the application and felt that the appearance of the site would be improved with the addition of the new shed as the new drive had already been a big improvement. He felt that the new car parking would be a good addition and that it would not be a problem.

Ian Weaver (Principal Planning Officer) explained that the new car parking area would be some 37 metres from the neighbouring dwelling and that the addition of the new fence and extra planting would mitigate the visual impact. He accepted that this was not an ideal solution but felt that given the circumstances, the proposals did not justify a refusal recommendation. He agreed that tighter controls on the car park would be a reasonable addition to the conditions.

Sean Awbery (Pollution Control) confirmed that he had monitored the premises and that it was working within recommended noise levels and provided that conditions imposed previously at the site were carried forward he did not see a problem.

Cllr Huw Hilditch Roberts felt that the site looked better recently. He asked if there had been any smoke or odour problems experienced, or any breaches. Cllr Roberts supported Cllr Williams and applauded the applicants for their success. He felt that the conditions already in the report were fair and reminded the Committee that Denbighshire was “open for business”.

Cllr Meirick Lloyd Davies asked if it could be agreed that the car park be used for cars only. He also wanted to know if there could be more done to alleviate noise at the site, and whether the applicants could look at using the kind of materials that helped to reduce the noise impact. He pointed out that the AONB JAC had raised a number of points which were reported on the late representations sheet and wanted to know whether these could be taken into account in creating stronger conditions.

Ian Weaver confirmed that there had been no recorded breaches in relation to noise and no action had been taken in relation to this issue. He did feel that a reasonable condition could be imposed on the restriction of the car park but it would require someone to propose this. He accepted that the AONB JAC had expressed concerns about the planting but this could be controlled at approval of condition stage.

Graham Boase felt that the discussion on impact with regard to noise, odour etc. was something that would have been more significant had this been a new use being proposed. However, the principle of the use had long been accepted in that this was an established business and the shed being proposed was for storage purposes. He pointed out that the Council’s Pollution Control Officer had not found any breaches within the current operation. Mr Boase felt that Condition 6 could be amended to prevent the use of the car park by any HGVs.

Cllr Martyn Holland did not want to see excessive use of conditions but did not want to see HGVs using the car park overnight adjacent to a neighbouring property.

Proposals:

Cllr Huw Williams proposed that permission should be GRANTED subject to Condition 6 being amended to exclude the use of the car park for HGVs. This was seconded by Cllr Huw Hilditch Roberts

VOTE:

On being put to the vote:

Grant – 22

Abstain – 0

Refuse - 0

PERMISSION WAS THEREFORE GRANTED

Application No: 21/2014/0427/PF

Location: Bryn Ffynnon Sawmills, Llanferres, Mold

Description: (i) Installation of 2 no. biomass boilers to serve existing sawmill business and dwelling (ii) Erection of dry wood storage building

Public Speakers:

Mr Peter Jelley (Neighbour) – Against

Mr Jelley pointed out that he was speaking on behalf of his family and also two other neighbours living close to the sawmill. Mr Jelley explained that a biomass boiler had already been installed at the site approximately 9 months ago without permission along with other structures and equipment. He suggested the boilers had emitted smoke 24 hours a day, 7 days a week. The neighbours have suffered dust, smoke and odour pollution ever since as the applicants were not using the correct fuel. This has meant that at times his family have not been able to use their garden. He felt that this type of business should be operated on a business park, not in a Country park and that this application poses a serious health risk to the adjoining neighbours. Therefore he strongly recommended that the Members refuse this application.

Mr Mathew Davies (Applicant) – For

Mr Davies explained that the sawmill produces waste wood and having taken guidance from Welsh Government and DCC it had been decided to implement a waste management strategy and reduce their carbon footprint. In 2013 the sawmill had 2 boilers installed by a reputable company. Introducing these boilers has meant that the applicants have not used any oil for heating since that time. The application in front of the Members today was to seek permission to move the boilers due to the smoke issues experienced by the neighbours. The installations have been passed by both the installers and the pollution department of DCC. Only dry, virgin wood is used in the boilers as all other waste material is taken off site. The boilers will be screened by trees of a species recommended by the AONB Joint Advisory Committee.

General Debate:

Ian Weaver clarified what was involved in this application by explaining that the application was not for new boilers, but simply to move them to another location further away from the neighbouring properties. He pointed out the plan that showed the location of the boiler and the dry wood store.

Cllr Holland (Local Member) stated that he was no expert on biomass boilers but in principle, they sounded like a sensible option. He explained that there had been complaints from the neighbours and acknowledged the fact that due to the recent weather, the issues had more impact due to people being outdoors. The boiler company had advised the applicant that planning permission was not required. He wondered whether the Council ought to be writing to a national body to explain to them that planning permission is indeed required.

Cllr Huw Williams proposed that the application be granted. This was seconded by Cllr Rhys Hughes.

Cllr Mervyn Parry had visited the site and advised that he knows little about biomass boilers. However, he noticed that they are not noisy but tick away constantly. Sometimes mistakes can be made when learning how to use these boilers. He felt that as they were moving the boilers closer to the applicant's house, if there was any problem with them, the issues would be more for the applicant rather than the neighbours.

Ian Weaver explained that the boilers were used to heat water and if operated properly they should not create problems. However, there was no guarantee that smoke would not be generated but the question is whether this is enough to cause a problem. A lot of work had taken place to ensure that there would be limited impact in the new location.

Sean Awbery (Pollution Control) explained that he had carried out monitoring of this site and did support the application to move the boilers further away from the neighbouring properties. He had not witnessed any statutory nuisance from the current boilers.

Ian Weaver confirmed that the issue of companies giving the wrong advice is something that happens and the Council can only ask that individuals seek advice from the Planning section before they go ahead with potentially, costly projects. However, this application had been put in to seek to regularise the situation and we could only deal with the application that is before Committee.

Cllr Penlington declared an interest as his wife's uncle is the architect on this item.

Cllr Huw Hilditch Roberts was confused. He heard the first speaker saying how bad the smoke was, the Pollution Officer had explained that there was no statutory nuisance and the applicant was seeking to move the boilers further away from the current site. He pointed out that if Members were to refuse this application the current unsatisfactory situation would stay the same.

Cllr Meirick Lloyd Davies explained that the speaker had mentioned photographs of smoke billowing out of the boilers from as far afield as Moel Famau and wanted to know if the Officers had seen these photographs.

Ian Weaver explained that he understood why the objectors were objecting but felt that it was better to grant the boilers and exercise control rather than refuse and be left with the situation that is currently causing a problem.

Sean Awbery acknowledged that the boilers would smoke on occasion but as long as they did not cause a statutory nuisance he would be happy to support them.

Graham Boase explained that these boilers were commercially available products and if installed and used properly they should not cause a problem and felt that this application is an improvement on the current situation.

Cllr Martyn Holland was happy to support the application as it made sense to use the waste materials. He was also happy that there would still be a mechanism in place if a statutory nuisance arose in the future.

Proposals:

Cllr Huw Williams proposed that the application be granted in accordance with the Officer recommendation. This was seconded by Cllr Rhys Hughes.

VOTE:

GRANT 24

ABSTAIN 1

REFUSE 0

The application was therefore GRANTED subject to the conditions in the Officers report.

Application No: 23/2014/0375/PO

Location: Land adjacent to Llys Gwilym, Llanrhaeadr, Denbigh

Description: Development of 0.53 ha of land by the erection of 15 no. dwellings and construction of a new vehicular access (outline application including access and layout)

General Debate:

Cllr Richard Davies passed on the comments of Cllr Joe Welch in his absence. He was in full support of the Community Council and moved that the application be granted with the conditions in the officers report

Cllr Rhys Hughes proposed the recommendation and Cllr Mervyn Parry seconded the proposal

Cllr Meirick Lloyd Davies questioned the statement that the development “may slightly add to the number of non-welsh speakers in the development but this will not be a significant increase”. He wanted to know numbers and how they came to this conclusion.

Cllr Colin Hughes asked how the affordable housing element would be calculated on a proposal such as this.

Cllr Bill Cowie asked if the Highway Officers anticipated any problems in implementing the new speed restrictions that were mentioned in the officer’s report.

Graham Boase emphasised that there is a very clear adopted Supplementary Planning Guidance on affordable housing and recommended that Members read this thoroughly before dealing with issues on affordable housing as the issue of percentages is clearly explained within the guidance.

Ian Weaver explained that when there are 10 or more dwellings then clearly 1 unit can be provided. However, when there is a .5 on top of that, there would be a commuted sum payment for that proportion. The Highways section is happy that the speed sign could be moved if the application was granted. In answer to Cllr Meirick Lloyd Davies’ question regarding the welsh language, Ian explained that what he had quoted was part of the applicants submission and he had not seen any documents that laid down figures on what percentage of change made an application acceptable or unacceptable in terms of impact on the local language and culture. The LDP has already gone through a Welsh language assessment and this was one of the allocated sites in the approved plan

Proposals:

Cllr Rhys Hughes proposed that the application be GRANTED. Cllr Mervyn Parry seconded the proposal.

GRANT – 23
ABSTAIN – 1
REFUSE - 1

Permission was therefore GRANTED subject to the conditions within the Officers report.

Application No: 25/2014/0337/PFT

Location: Hafoty Ddu, Saron, Denbigh

Description: Erection of a single 850kw horizontal axis wind turbine 55m ub height with three 26m blades, associated access track and substation building

Public Speaker:

Mr Richard Welch (Against)

Officers had expressed initial concern over cumulative visual and noise impact. He explained that in 2008 the Committee had refused an application for the Gorsedd Bran windfarm and this had gone through a number of appeal judgements including conclusions that enough was enough for residents. Although the appeals related to a much bigger proposal, Mr Welch pointed out that there is also another approved site for 16 more turbines at Brenig.

Although the current application was originally justified as 'farm diversification', Mr Welch pointed out that the Officer had disagreed with this and felt that it should be considered to be a commercial venture.

Mr Welch also pointed out that all the representations received against the application were from local people and most of those in support were from out of the area. The Community Council objected to the proposal.

He wanted to know what has changed since the Council's landscape advisor described the area as highly sensitive and felt that granting this application may set a precedent and that more turbines may appear along the ridge line.

Mr Welch felt that the commercial venture did not outweigh the impact on the local residents and urged the Committee to refuse the application.

Mr Rheinallt Williams (For)

Mr Williams felt that the views expressed by the Community Councils within their objection did not reflect the views of the majority of the community. He felt that had the objectors read the Environmental Statement that was submitted as part of the application, they would have realised that their concerns had been addressed within it.

Mr Williams felt that the decline of the Welsh Language is due to the lack of opportunities for local people and felt that applications such as this would safeguard local employment.

Mr Williams explained that the Officer had given a fair and balanced view of the proposal and pointed out that the project will generate sufficient energy to meet the demands of over 300 homes within the local area.

Cllr Huw Williams supported the officer's recommendation and therefore proposed that the application be granted. This was seconded by Cllr Richard Davies.

Cllr Meirick Lloyd Davies explained that he was aware of the Tir Mostyn windfarm and asked for clarification on the whereabouts of the new turbine.

Cllr Mervyn Parry supported the application and pointed out that wind turbine applications always raise delicate issues. He felt that Officers had done in depth work on the application therefore he felt comfortable in supporting the Officer's recommendation.

Cllr Colin Hughes stated that he had supported agricultural diversification projects in the past but would like to know what Government targets are for producing energy through wind.

Denise Shaw (Planning Officer) indicated on the presentation where the wind turbine was to be sited. In terms of wind turbine targets these were set out in UK and Welsh Government policy and are expressed in Gigawatt hours.

Cllr Dewi Owen asked if a S106 was linked to this proposal.

Denise Shaw explained that it was not a material planning consideration to secure community benefit via a S106 although sometimes these are offered as part of an application on bigger wind turbine applications.

Proposals:

Cllr Huw Williams proposed that the application be GRANTED subject to the conditions in the Officers report. This was seconded by Cllr Richard Davies

VOTE:

GRANT - 19

ABSTAIN - 0

REFUSE - 6

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2014/262/PF

Location: Prestatyn High School, 2 Princes Avenue, Prestatyn

Description: Erection of a lean-to canopy extension and decking/stage area with timber seating to existing grass bank to form outdoor performance area/auditorium and 2m high mesh fencing to enclose boundary

The following additional Information was reported in the late sheets.

LATE REPRESENTATIONS

Private individuals

From:

Mrs Merriel Jones, 88 Meliden Road, Prestatyn, Denbighshire

- Summary of representations
Following a site meeting, having received reassurances that Environmental Health will be monitoring noise levels, wish to withdraw objection

Phil Pierce, Head Teacher, Prestatyn High School

- Summary of representations :
Proposal will support the school's delivery of creative arts subjects as well as adding much needed capacity for meeting space for activities such as assemblies. Accept the inclusion of planning restrictions to minimise impact on neighbours.

General debate:

Cllr Julian Thompson Hill said that the application was to regularise existing activities which occur on a more informal basis. Putting it in a more formal structure would help to alleviate problems that are currently experienced. Obviously there would be a potential noise impact; however the conditions sought to alleviate that. Cllr Julian Thompson Hill proposed the Officer recommendation and Cllr Bob Murray seconded this.

Cllr Meirick Lloyd Davies asked whether an acceptable level could be set for noise as he felt that there would be a high dependency on Officers to be in attendance to monitor the situation.

Cllr Win Mullen James had concerns about the close proximity to neighbours and noted that the new structure would also be used during the daytime as extra classroom space as well as being used for evening functions. It was considered that this could create extra noise nuisance all day long.

Cllr Penlington lived very close to this site and confirmed that the only time that this does cause a problem is during sports day and that area is usually used by pupils all day currently so felt that this proposal would not make matters worse but will formalise what is already on site.

Paul Mead (Development Manager) confirmed that the area is currently used and it is a Denbighshire County Council school. Imposing too many restrictive conditions would not be necessary and the Council should strive to work with neighbours to achieve a harmonious relationship.

Cllr Meirick Lloyd Davies questioned where the Council could not enforce conditions against the school. The Legal Officer, Gary Williams confirmed that it would not be adopted procedure for a Council to take enforcement action against itself but felt that there were sufficient controls that the public could rely on should any problems be experienced.

Proposals:

Cllr Julian Thompson Hill proposed the Officer recommendation to GRANT and Cllr Bob Murray seconded this.

VOTE:

GRANT - 21

ABSTAIN -0

REFUSE - 3

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2014/0609/PF

Location: 79 High Street, Prestatyn

Description: Change of use of 1st and 2nd floors to provide 3 no. 1-bed self-contained flats and external access staircase

Public Speaker:

Mr Goodwin (For)

The proposal seeks to bring back into use the floors above a retail unit on the High Street. Policy BSC7 supports the subdivision of premises into self-contained flats and this was particularly relevant in town centre areas.

Mr Goodwin explained that only one local resident objected to this proposal due to what he felt was poor pedestrian access and this was adequately addressed within the application.

It was pointed out that within the Officer's report; there was a need for the provision of open space and affordable housing. Mr Goodwin acknowledged the need for open space but questioned the need for affordable housing as a condition as the proposal was seeking to provide 3 apartments and would already be affordable due to the fact that the flats would be below the threshold for local income levels.

General debate:

Paul Mead introduced the item and acknowledged that there was a general feeling amongst Members around the provision of flats within the County and a little fear that flats mean problems with the kind of occupants that they attract and difficulties that this may produce in some areas. However, in the location that the flats were being proposed, he felt that as long as they met the space standards within the SPG then they were acceptable. The requirement for a mix of housing types meant that flats such as these were acceptable. The vitality and viability of town centres required the upper floors of retail units to be used and not left empty. Mr Mead explained that the provision of affordable housing is required as part of the recommendation to grant and unfortunately information relating to the subsequent value of the proposed flats had not been included as part of the application therefore it could not be considered whether or not these units would be kept affordable. This could be dealt with at a later date when dealing with the relevant approval of condition submission.

Cllr Julian Thompson Hill pointed out that the Town Council had objected to this proposal and acknowledged that fact that the proposal had been reduced in relation to the number of units to enable the proposal to meet the current space standards. However, that was only one part of the objection. He felt that the external staircase would also be a problem and that the application failed to meet adequate amenity provision within a town centre location. If Members were of a mind to grant, he would like to see an additional condition on the materials relating to the covering of whatever is to be used on the external staircase. He proposed that the application be refused and it was seconded by Cllr Bob Murray.

Cllr Meirick Lloyd Davies asked whether there had been an area set aside for a drying area and bin store. He also asked if the external staircase that was already there would have a roof put on it.

Cllr Bob Murray agreed with the other Members that this could open the flood gates for one bedroom flats within the County and could not support this application.

Cllr Rhys Hughes noted that the Town Council had objected due to the lack of car parking but wondered whether there are car parks around the area as there are many places around the County that do not have car parking.

Paul Mead went through some of the points raised. He did not feel that there would be a problem with the additional condition relating to the stair case and pointed out that the staircase has been at the property for many years and was originally a fire escape. Mr Mead felt that the external staircase would not harm any residential amenity as the property backed onto a primarily commercial area. He also explained that there was a large car park nearby and also some off street car parking.

Cllr Penlington pointed out that all the car parking in Prestatyn is pay and display.

Graham Boase asked that Cllr Julian Thompson Hill provided some clarity of the basis of any reasons for refusal should the vote go with his proposal to refuse.

Cllr Julian Thompson Hill said that the reason would have to be unacceptable impact on amenity due to the external staircase.

Cllr Rhys Hughes proposed to grant and Cllr Huw Hilditch Roberts seconded this.

Proposals:

Cllr Julian Thompson Hill proposed that the application be REFUSED on the grounds that the external staircase did not provide adequate residential amenity. This was seconded by Cllr Bob Murray.

Cllr Rhys Hughes proposed that the application be GRANTED subject to the conditions in the Officers report and a couple of additional conditions around the materials for the external staircase and the bin/drying area. This was seconded by Cllr Huw Hilditch Roberts.

VOTE:

GRANT - 13

ABSTAIN -1

REFUSE - 11

**PERMISSION WAS THEREFORE GRANTED WITH ADDITIONAL
CONDITIONS RELATING TO THE EXTERNAL STAIRCASE AND A
BIN/DRYING AREA**

Application No: 43/2014/0664/PF

Location: **Bodnant Junior School, Nant Hall Road, Prestatyn**

Description: **Erection of extensions and remodelling of school, construction of new vehicular access, parking, hard play areas, landscaping and associated works**

General debate:

Cllr Julian Thompson Hill felt that the issues with this application relate to transport, parking and impact on surrounding residential areas. There was a considerable amount of consultation in relation to this application and plenty of modifications relating to this. He felt that this was the best application that could be hoped for given the circumstances and therefore proposed to grant the application. Cllr Peter Owen seconded this.

Proposals:

Cllr Julian Thompson Hill proposed the Officer recommendation to GRANT and Cllr Peter Owen seconded this.

VOTE:

GRANT - 24

ABSTAIN -1

REFUSE – 0

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2014/0037/PS

Location: **Former Children's Resource Centre, Ysgol Plas Cefndy, South Meadow, Cefndy Road, Rhyl**

Description: Variation of condition No. 1 of original application/approval 45/2008/0601 to further extend permitted use for a further 5 years

General debate:

There was no debate on this item.

Proposals:

Cllr Jeanette Chamberlain Jones proposed the Officer recommendation to GRANT and Cllr Cheryl Williams seconded this.

VOTE:

GRANT - 25

ABSTAIN - 0

REFUSE – 0

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2014/0042/PF

Location: Land at Cefndy Trading Estate, Ffordd Derwen, Rhyl

Description: Erection of 24 dwelling including 22 affordable dwellings, access, parking, open space and landscaping

The following additional information was reported in the late sheets:

LATE REPRESENTATIONS

Consultees:

Rhyl Town Council

“Objection on the grounds of over intensification of social housing in accordance with Policy BSC 4 of the adopted local Development Plan – *“...in the interests of creating and maintaining sustainable mixed communities, proposals for 100% affordable housing sites will only be considered on sited of 10 units or less.”*”

Dwr Cymru Welsh Water

No comments.

General debate:

Cllr Margaret McCarroll welcomed this application it brought much needed affordable housing and employment to the area. Cllr McCarroll proposed the Officer recommendation. Cllr Jeanette Chamberlain Jones seconded this.

Cllr M LI Davies pointed out that this application meant the loss of employment land and wondered why this was different to the application that was rejected for similar reasons in Rhyl.

Cllr Win Mullen James said that this land was in a flood zone and wanted reassurance that this has been dealt with.

Cllr Jeanette Chamberlain Jones stated that this proposal was for housing that linked up to existing housing before reaching the industrial park, which gave a natural progression rather than being part of the industrial park. The current neighbours of the site welcomed this housing development rather than having an industrial park next to them.

Paul Mead noted the comments of support from the Members. He confirmed that this site was allocated for employment in the Unitary Development Plan and that this had followed through to the Local Development Plan. However, there had been a planning appeal on the initial larger site following a refusal due to the ratio of housing to employment being unacceptable previously. The appeal inspector felt that the economic viability of the site meant that 100% commercial use would not be acceptable, and a ratio closer to 50/50 residential/commercial would be more appropriate. Mr Mead now felt that the right balance had been achieved. The biggest change in the proposal as opposed to the previous refusal was that there were now 22 out of 24 units being offered as affordable. This meets the policy of not being 100%

affordable. The flood risk issue had been addressed with a flood bund wall and NRW are happy with this.

Cllr Meirick Lloyd Davies asked whether the proposed 'wall bund' had been suggested by NRW as previous bunds in the County had not been sufficient.

Mr Mead clarified that this proposal was for a 'wall' rather than a 'bund'. It was explained that raising the floor levels on this site would have been unacceptable due to the surrounding dwellings being bungalows.

Proposals:

Cllr McCarroll proposed that the application be GRATED as the Officer recommendation. Cllr Jeanette Chamberlain Jones seconded this.

VOTE:

GRANT - 24

ABSTAIN - 0

REFUSE – 1

PERMISSION WAS THEREFORE GRANTED

Application No: 46/2014/0436/PS

Location: Land at north side of Bryn Gobaith, Bryn Gobaith, St Asaph

Description: 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.

The following additional letters of representation were received:

LATE REPRESENTATIONS

Consultees:

Dwr Cymru Welsh Water

Repeat the need for inclusion of relevant conditions and advisory notes (referred to in the Officer report).

General debate:

There was no debate on this item.

Proposals:

Cllr Dewi Owen proposed that this application be deferred for a site visit and this was seconded by Cllr Meirick Lloyd Davies.

VOTE:

On a show of hands this item was deferred.

DEFER - 24

ABSTAIN - 1

Application No: 46/2013/1222/PF

Location: Land at Bronwylfa Nurseries, Bryn Gobaith, St Asaph

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

Insert late reps

General debate:

There was no debate on this item.

Proposal:

Cllr Dewi Owen proposed that this application be deferred for a site visit due to road safety issues and this was seconded by Cllr Meirick Lloyd Davies.

VOTE:

On a show of hands this item was deferred.

DEFER - 23

ABSTAIN - 1

Application No: 47/2014/0577/PC

Location: Ty Capel, Waen, St Asaph

Description: Retention of conservatory extension

General debate:

Cllr Barbara Smith explained that this was subject to an enforcement report previously and whilst she did not like retrospective planning application, she would prefer this than no applications at all.

Proposals:

Cllr Arwel Roberts proposed that the application be GRANTED as per the Officer recommendation. Cllr Bill Cowie seconded this.

VOTE:

GRANT - 24

ABSTAIN - 0

REFUSE - 1

PERMISSION WAS THEREFORE GRANTED

Application No: 47/2014/0579PC

Location: Waen Chapel, Waen, St Asaph

Description: Retention of previously formed vehicular access and alteration to form new disabled access and turning/parking area

The following Information was reported to Committee in the late sheets:

LATE REPRESENTATIONS

In support, from:

Councillor Bobby Feeley (as Older Peoples Champion and Lead Member for Social Care)

Emphasises the value of the voluntary service provided at the property and supports moves to achieve a compromise in relation to the access and parking situation.

General debate:

Cllr Barbara Smith again explained that the developments had been the subject of enforcement. However, she suggested that the applicants had made considerable effort in terms of the details to make this a much safer proposal.

Mike Parker explained that this had been a difficult situation, particularly given that this was a retrospective application. The access arrangements previously created were dangerous but he believed that the best option had now been agreed upon in the current application.

Cllr M Lloyd Davies thanked the Officers for all their hard work in this case as it had been a difficult one.

Proposals:

Cllr Arwel Roberts proposed that the application be GRANTED as per the Officer recommendation. Cllr M Lloyd Davies seconded this.

VOTE:

GRANT - 22

ABSTAIN - 1

REFUSE - 2

PERMISSION WAS THEREFORE GRANTED

AGENDA ITEM NO. 6

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION BODELWYDDAN DEVELOPMENT BRIEF

Cllr Alice Jones, the Local Member declared an interest in this item due to owning property nearby and being a Member of the Bodelwyddan Action Group. Cllr Jones had completed a Declaration of Interest form and had been advised previous to the meeting by the Legal Officer that her interest was non-prejudicial.

A late letter of representation had been received from Bodelwyddan Action Group and circulated at the meeting.

Angela Loftus introduced the item and explained that the Development Brief has been produced to add detail to back up the LDP Policy BSC5. This report was written following a full consultation on the draft version. The current report shows the changes that had been made following the consultation. An outline planning application has been received for the site but that has no bearing in this report.

If the Brief was approved, it would be a material planning consideration.

Angela then outlined what information the various papers contained for the benefit of the Members.

There was early community involvement which was facilitated by, "Planning for Real" which helped to inform work on the draft Brief. The Brief was then reported to the LDP Steering Group before being reported to Planning Committee for authority to go out to consultation. Planning Committee agreed for the brief to go out to 2 month consultation which finished on 6th May. 107 responses were received.

Main issues related to:

- traffic impact, including construction traffic
- a spine road through the development
- impacts on conservation area and Marble Church
- requirements for landscape buffers around the edge and the back of Marble Church Grove
- flood risk and drainage
- location of school
- need for employment

Main changes proposed:

- Clarification of site access (no access from front of Marble Church, no construction traffic through the village or the road in front of Marble Church
- Added reference for spine road from J26 and Sarn Lane
- Maximise benefit for biodiversity
- Reference to AONB
- Amendments to masterplan to include landscape buffers

- Clarifying the line of the spine road as being indicative
- Plan also shows an extension to St Margaret's Church yard
- Additional design guidance to protect St Margaret's Church
- Greater emphasis on footways and cycle routes
- Additional reference to lifetime homes

Cllr Alice Jones explained that the biggest concern that the Community had was the position of the spine road. Cllr Jones pointed out two plans, one that was part of the Committee papers and one referred to as the BE plan that showed a different line. (the BE plan had been circulated to Members as part of the late papers in the blue sheet).

Cllr Jones said the Elwy Member Area Group members had been informed by the developers that they did not intend to develop a substantial link road. This was a disappointment as the Group understood this to be a key element of the key strategic site and they were told that the proposal was now to be a meandering street. It was felt that this would now split the key strategic site into two halves. This is not what was envisaged. The Group had never been consulted on the current plan. The LDP Steering Group had chosen the original plan showing the road around the site as the preferred option. Cllr Jones stated that Bodelwyddan town would not be a joined up town with a connected community if it were to have a road splitting it down the middle.

Cllr Jones also said the Inspector had explored the viability issue during the examination of the LDP and requested a full statement of Barwoods financial position for the key strategic site. This statement showed that the developers had £30 million set aside for this site and it was this strong financial position that deemed the LDP a sound plan by the Inspector. It was this that made Cllr Jones feel that viability could not therefore be used as an issue at this stage.

Angela Loftus clarified the fact that the plan circulated was taken from the BE Group/Faber Maunsell – Bodelwyddan MMDA Report produced in 2007. The plan was produced at the time as the Council was looking at a number of different options for the LDP. The Council was looking at various other areas with a view to allocating a key strategic site. The plan circulated was part of an option that was suggested which would also have enabled another parcel of land to the west of the Bodelwyddan to be opened up to development, including a HGV lorry park, a conference centre etc. The plan was an historic background document and was not taken forward as part of the LDP examination although it did form part of the “library” of background information. The Council's pre-deposit consultation in 2008 showed the potential site for development with a link road through the development, not around the boundary of the site. This went out for public consultation. The BE Group report plan was not part of this consultation but was part of the examination library of documents. All documents that had formed background evidence to inform development of the LDP and consideration of the site had to be submitted along with the documents that considered Rhyl and St Asaph as potential key strategic sites.

The road had been shown through the development, not around the boundary of the site throughout the consultation. Page 35
LDP Members Working group

looked at various options in 2009 and this showed the road going through the site and not around it. A draft Development Brief was submitted to the LDP Inspector as part of the Examination library. This had been considered by the LDP Members Working Group and it included a masterplan with a line indicating a road through the site, not around it.

The draft Development Brief which had just been out for consultation also showed an indicative road going through the site, not around it and this had been agreed for consultation by both the LDP Steering Group and Planning Committee. However, it was felt that from the responses received, further clarity was needed in the Brief to indicate a clear link through the site.. There was also a motion that was agreed in the public meeting arranged by the Bodelwyddan Development Action Group regarding the site stating that there was a requirement for a properly constructed link road from the St Asaph business park roundabout through the site to Sarn Lane and this had been reflected by the majority of the comments from the public. No comments were received to say that the public wanted a bypass around the site or a boundary road. If a road was built around the site, then it would still require a road to be built through the site in order to access it. There will be employment and residential development on the site and by having a road through the middle, this would provide access for both. A more commercially viable bus route would be created with the road also. There would also be an opportunity to provide a vehicle free, safe pedestrian/cycle route around the site but this would be more difficult if there was a bypass around the site.

The exact line of the road is something that would be debated as part of a detailed planning application but at the Development Brief stage, it is simply indicative, and we simply need to say a road will be provided between Junction 26 and Sarn Lane.

Mike Parker (Highways) explained that the spine road would permeate the development and provide good access from the A55 and Sarn Lane. Mr Parker also stated that a pedestrian/cycle path would be more suitable around the outside of the site.

Cllr M Lloyd Davies felt that Cllr Jones had outlined the situation well. Bryn Cwnin (Rhyl) was a spine road and that had not worked well. A road around the site would allow ambulances and other emergency vehicles to get around the site quicker. He was surprised and disappointed that highways are supporting the spine road option. The open meeting that he had attended made it clear that the public wanted a road that went around the site. He felt that the smaller road through the site would inevitably end up with speed bumps along it. He urged Members not to listen to Officers.

Graham Boase pointed out that this is a development brief which is indicative, not a detailed planning application. The broad concept is that a road running through the site is required as part of the site. His recommendation is that the paragraph 6.29 page 215 should not be changed. A subsequent planning application would be the time to discuss details. However, if he was asked as a Planner which option is best, he would have to say that a spine road running through the site would be a better design solution, than a boundary road running along the perimeter of the site

Cllr Arwel Roberts stated that in the LDP Steering Group meeting Cllr Smith had proposed that the road should be placed “around” the site, not “through” the site. He felt that Cllr Jones’ proposal was a fair proposal.

Graham Boase explained that on page 1 of the late representation received from the Bodelwyddan Development Action Group; they are asking a properly constructed road “through” the site. This is exactly what is being proposed in the Development Brief. Details should be left until the detailed planning application stage. The wording of the Development Brief is appropriate to set the broad concepts.

Cllr J Chamberlain-Jones felt that she had to disagree with Graham Boase. The problems that a spine road would bring would be similar to those experienced by those who live on Bryn Cwnin Road. The money it has cost to have traffic calming measures onto this road and the effort that it had taken to get these measures put into place. Cllr Chamberlain-Jones felt that now is the time to make changes to ensure that the road is not put through the middle of the site.

Cllr Mervyn Parry felt that Cllr Jones was right. He felt that the road should be future proof as the roads are getting busier and not everyone would want to have to go through the site. He felt that the road around the outside would benefit the wider area instead of just the development site.

Cllr Rhys Hughes stated that if he were the developer, he would not put a road around the outside of the site as he felt that this would condemn the land on the other side from ever being developed in the future.

Graham Boase felt that changing the Development Brief as proposed dismissed the option of the spine road but what the Development Brief intended was to try and keep those options open. It simply stated that a road should go from one point to another through the site. Cllr Jones’ option would be redesigning the brief, committing the Council to one option only.

Cllr Penlington was going to suggest taking the word ‘spine’ out of the Brief.

Cllr Jones explained that this is a massive development and that she had a job to do in defending this site as the Local Member. The BE Group/Faber Maunsell report gave the bigger picture on how this site sits within the wider area and recommended that all Members read this report. The site would require a road through the site anyway to serve the dwellings, by making it the main road of the site, this would divide the community of Bodelwyddan into five parts making it more divisive not inclusive.

Gary Williams (Legal) suggested that paragraph 6.29 should read “a road connecting these two locations is required to ensure the safe and efficient operation of the local highway network improving access to Ysbyty Glan Clwyd and relieving pressure on Junction 27 of A55” and without having an indicative line on the map would then ensure that it would not predetermine where the road is going to be and would be determined by Members and Officers when all the relevant assessments have been submitted as part of an application.

Cllr Jones however stated that her proposal, as seconded was for the words “development boundary road” to be added to the Brief to replace the words “spine road”.

Garry Williams clarified that the word “spine” would be deleted and replaced with the word “development boundary”.

Proposal

Cllr Alice Jones proposed that the development brief be amend so that the word “spine” is replaced with the words “development boundary road” and to remove the line of the road on the map. This was seconded by Arwel Roberts The reasons for the amendment to the Brief were the need for the community on the site not to be split by a main spine road, the need for a route for emergency vehicles and others between the hospital and the A55, and concerns about the impact that other spine roads have had elsewhere in the County.

Vote for amendment:

GRANT - 19
ABSTAIN - 1
REFUSE - 4

THEREFORE THE AMENDMENT WAS ACCEPTED

Vote on recommendation for the Development Brief:

GRANT - 18
ABSTAIN -1
REFUSE – 4

THEREFORE THE DEVELOPMENT BRIEF WAS ADOPTED WITH THE ABOVE AMENDMENT

AGENDA ITEM NO. 7

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

AFFORDABLE HOUSING TASK AND FINISH GROUP

The following Information was reported to Committee in the late sheets:

Update in relation to update to para 4.5 of the report on page 344 –
The following dates, times and venues for all 6 sessions have been confirmed

-

Each is booked for 2 hours

Tuesday, 16th September at 3.00 pm - Meeting Room 2, Brighton Road, Rhyl

*Tuesday, 23rd September at 1.30 pm - Conference Room 3, County Hall,
Ruthin*

Thursday, 9th October at 2.30 pm - Meeting Room 1, Caledfryn, Denbigh

Friday, 24th October at 1.30 pm - Conference Room 3, County Hall, Ruthin

*Tuesday, 4th November at 3.00 pm - Conference Room 3, County Hall,
Ruthin*

Friday, 28th November at 1.00 pm - Conference Room 3, County Hall, Ruthin

The Chair nominated Cllr Rhys Hughes as a representative. This was seconded by Cllr Arwel Roberts.

Cllr Peter Owen was proposed and seconded as a representative.

A nomination for two reserves was also suggested to mitigate the fact that there were dates already set that may not be suitable for the main nominees.

Cllr Rhys Hughes nominated Cllr Stuart Davies as a reserve.

Cllr Joan Butterfield was also nominated by Cllr J Chamberlain Jones

AGENDA ITEM NO. 8

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

LLANBEDR HALL APPEAL

Ian Weaver explained that there was to be an informal hearing and this report sought to formalise the representation of two Members at the hearing. The Members that actually proposed and seconded the refusal were Cllr Huw Williams and Cllr Huw Hilditch Roberts. A Planning Consultant has already been engaged on this appeal because of the dates involved.

Proposal

It was proposed that Cllr Huw Williams and Cllr Huw Hilditch Roberts represent the Council at the appeal and that a Planning Consultant is engaged.

AGENDA ITEM NO. 9

DENBIGH HERITAGE INITIATIVE

Phil Ebbrell gave a brief presentation regarding the work done by the Townscape Heritage Initiative in Denbigh.

The Committee applauded all the Officers that had been involved in the scheme for the excellent results achieved.

The meeting closed at 1.45 p.m.

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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
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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



Date 27/8/2014

Scale 1/1250

Centre = 307191 E 350726 N

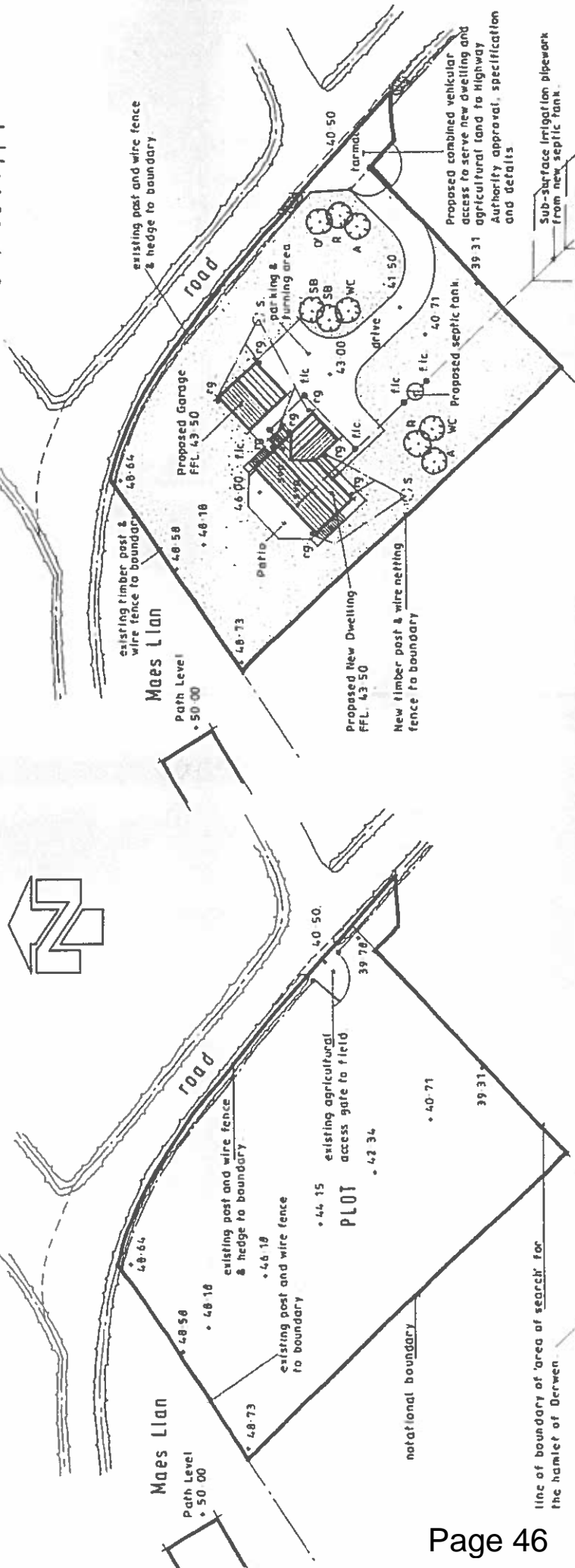
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection 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 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. 5000 litres to cater for a max. 7 full time residents. The tank to be fixed with a permeable paving system, to client's specification and approval. e.g. limestone chippings, grasscrete open-cell type paving or other approved surface finish.

Sub-surface irrigation pipework to be installed in accordance with manufacturer's details, installation instructions and recommendations. Length of drain runs depends on soil porosity test results.

CALEDFRYN RECEPTION
23 MAY 2014

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MATISCHOK & ROSS
architectural services

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

drawing title
Drawing the Existing and Proposed Site Plans.

project no.
0562

drawing no.
1

revision

date
15/05/2014

scale
1:500

drawn by
P M

Birch House, Hen Lon Fawer, Ruthin, Denbighshire, LL15 1NA
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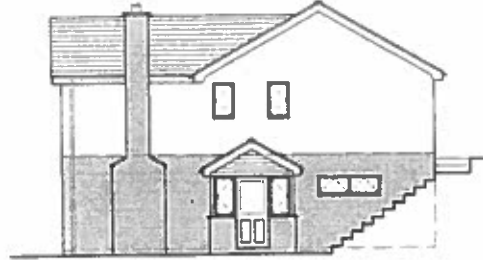
- 100mm dia. four drainage runs - min. fall to pipes to be 1 in 40.
- 100mm dia. surface water drainage runs - min. fall to pipes to be 1 in 50
- Soak-away constructions - sited a min. 5m from any building or road.
- Turfed/Seeded Grassed Area.
- Tree Planting
Native tree planting to be 3.0m to 3.6m 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 hedges/rows 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 hedges/rows 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.

PROPOSED ELEVATIONS

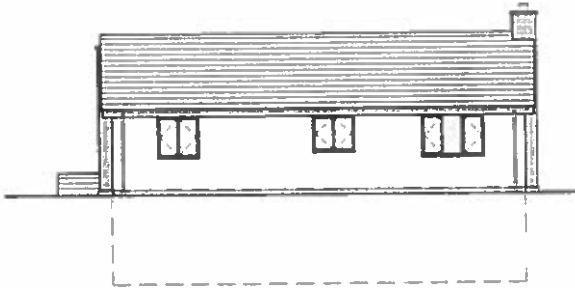
12 2014/0611/PF



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.
- Roofing/Ceiling** - where applicable gutters and down pipes
- Windows & External Doors/Frames** - where applicable white/grey upvc windows & external doors
- Fascia, Soffit & Barge Boards** - where applicable (E-Rend) barge boards & soffit boards

RECEIVED
23 MAY 2014
CALEDFRYN RECEPTION

MATISCHOK & ROSS
architectural services

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

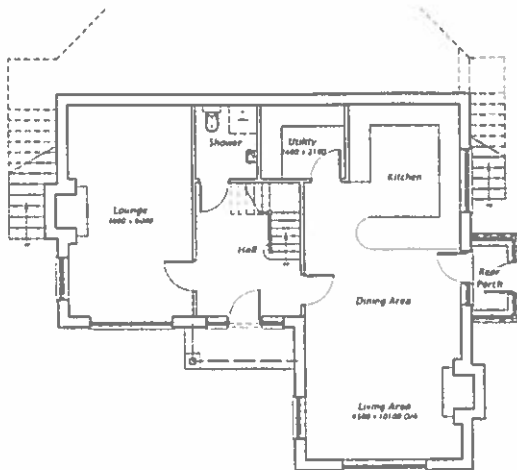
drawing title
Proposed Elevations

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

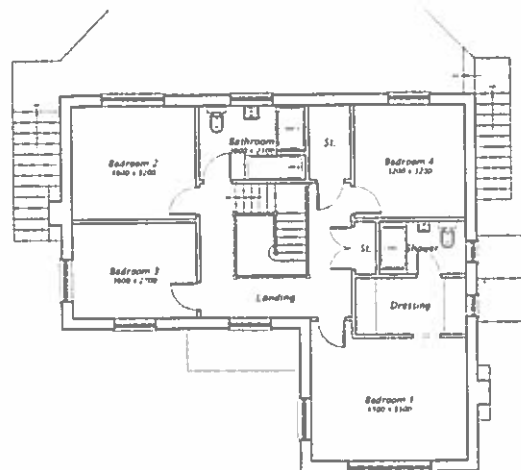
Birch House, Hen Lan Parcwr, Ruthin, Denbighshire, LL19 1NA
 01824 705 222 01824 707 171
 email@matischokross.co.uk www.matischokross.co.uk

14 2014/0611/PF

PROPOSED FLOOR PLANS



Ground Floor Layout Plan



First Floor Layout Plan

RECEIVED
23 MAY 2014
CALEDFRYN RECEPTION

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
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 email@matischokross.co.uk www.matischokross.co.uk

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.

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Heading:

REFERENCE NO. 43/2014/0205/PF
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

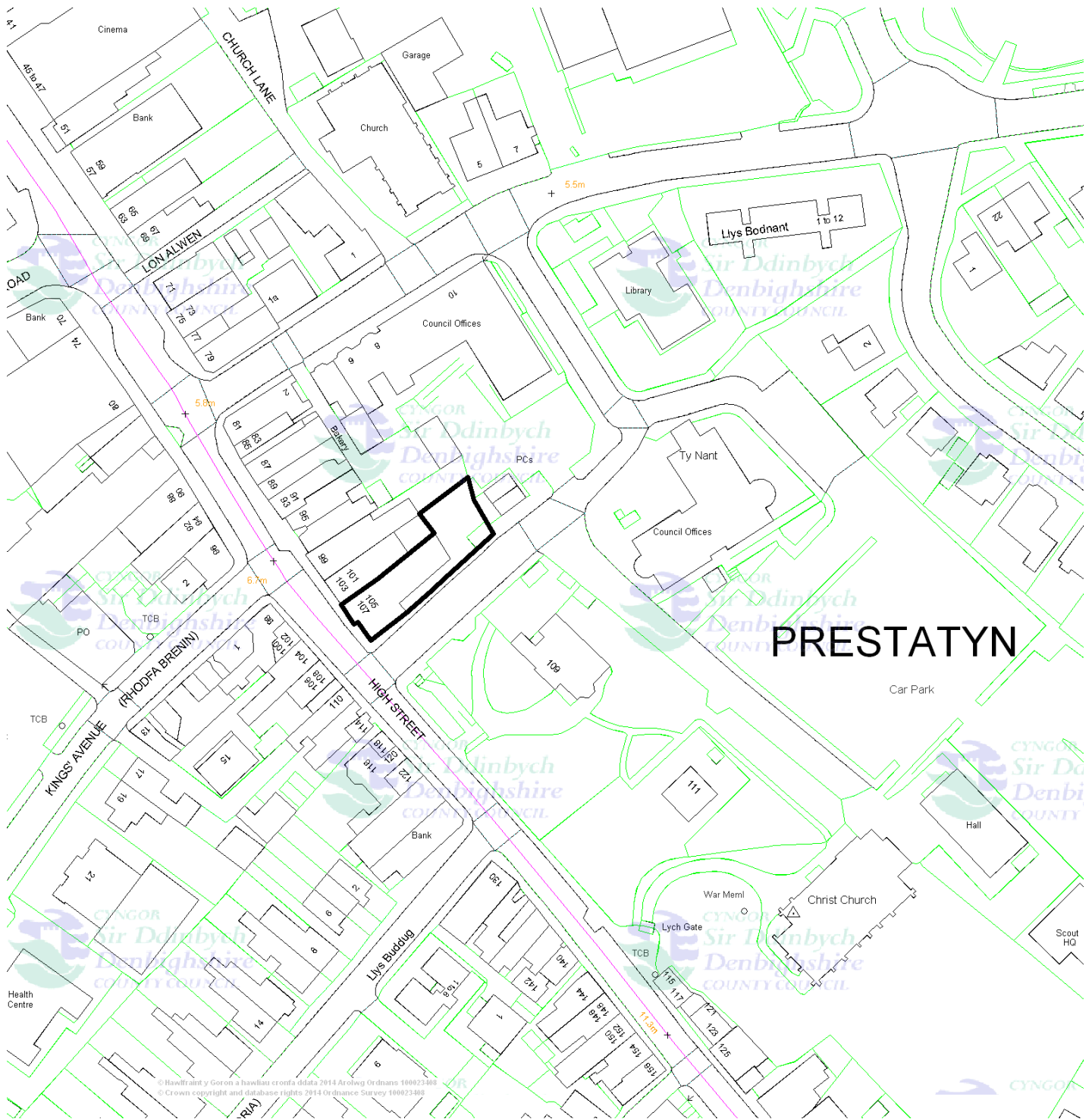
 Application Site



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

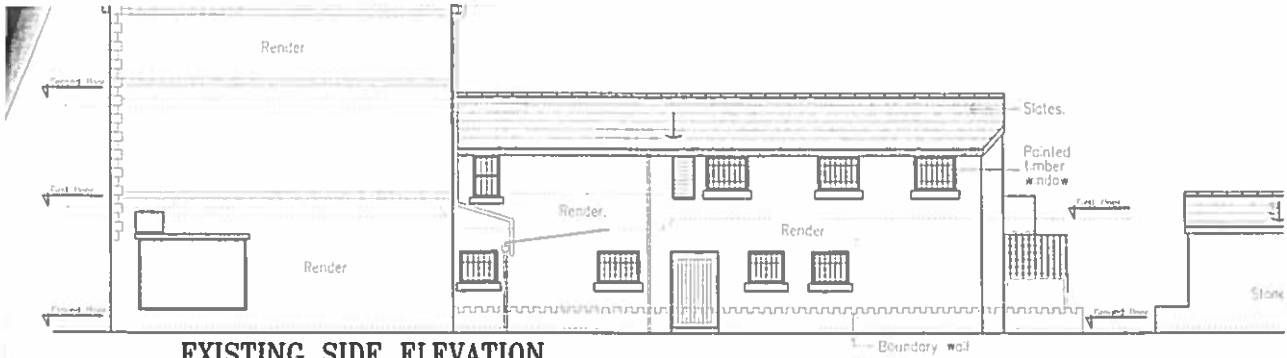
Scale 1/1250

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.



PRESTATYN

EXISTING ELEVATIONS

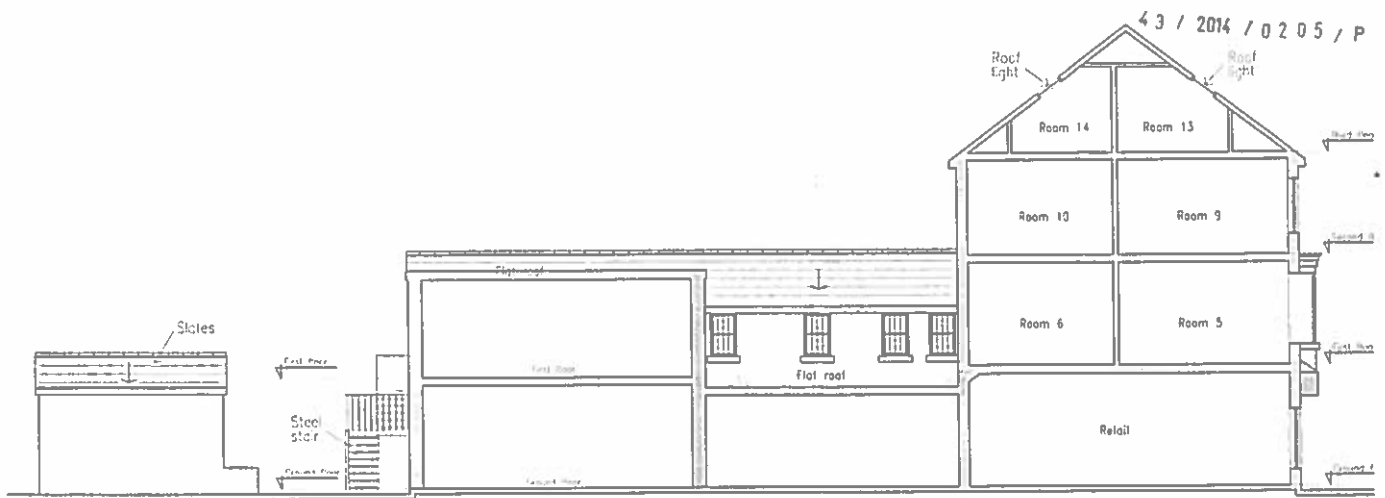


EXISTING SIDE ELEVATION

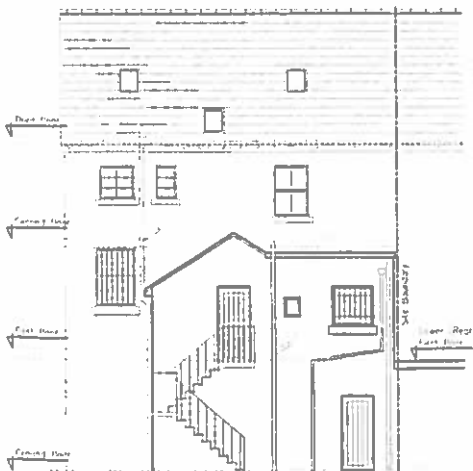


EXISTING FRONT ELEVATION

	Project	105 - Prestalyn
	Drawn by	M.M.
PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS	Drawn Title	Exist Side
26 Bryn Street, North Wales, Prestalyn, Gwynedd, Gwynedd, North Wales Tel: 01942 717790 Fax: 01942 717795 Mobile: 0796 220690 E-mail: peter.darlington@peterd.com	Drawn No	3036
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.	Drawn by	M.M.



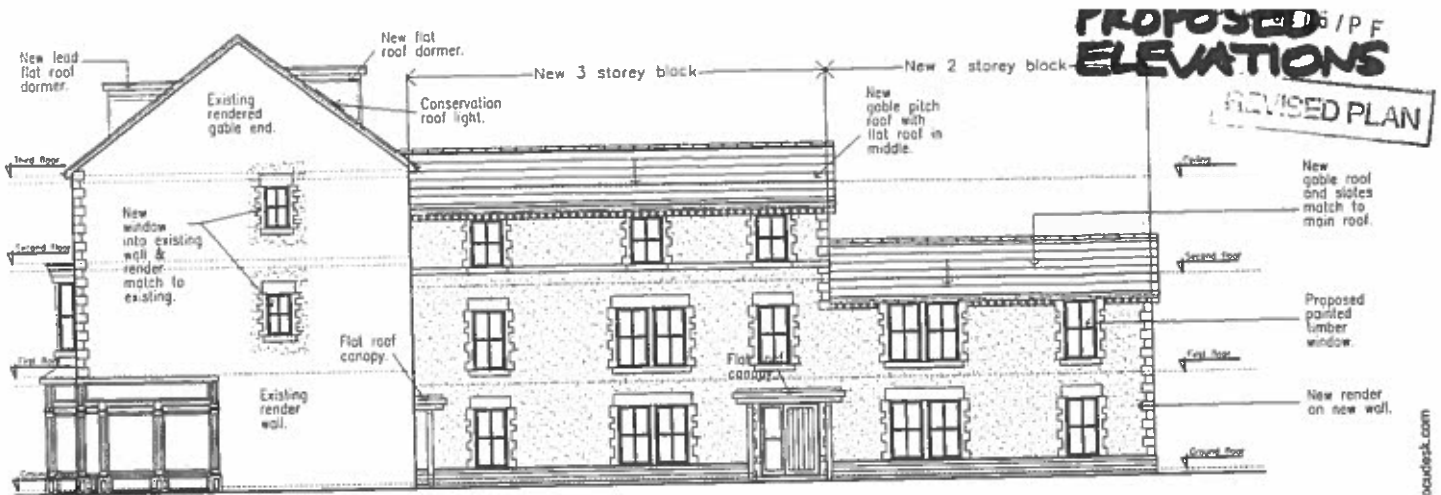
EXISTING SECTIONAL ELEVATION



EXISTING REAR ELEVATION

43 / 2014 / 0205 / P
 26 FEB 2014

	Project	105 - 107, High Street Prestalyn North Wales
	Drawn by	M.M.
PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS	Drawn Title	Existing Rear and Sectional Elevations
26 Bryn Street, North Wales, Prestalyn, Gwynedd, Gwynedd, North Wales Tel: 01942 717790 Fax: 01942 717795 Mobile: 0796 220690 E-mail: peter.darlington@peterd.com	Drawn No	3036/EX/05
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.	Drawn by	M.M.
	Scale	1:100
	Date	Jan 14



PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION

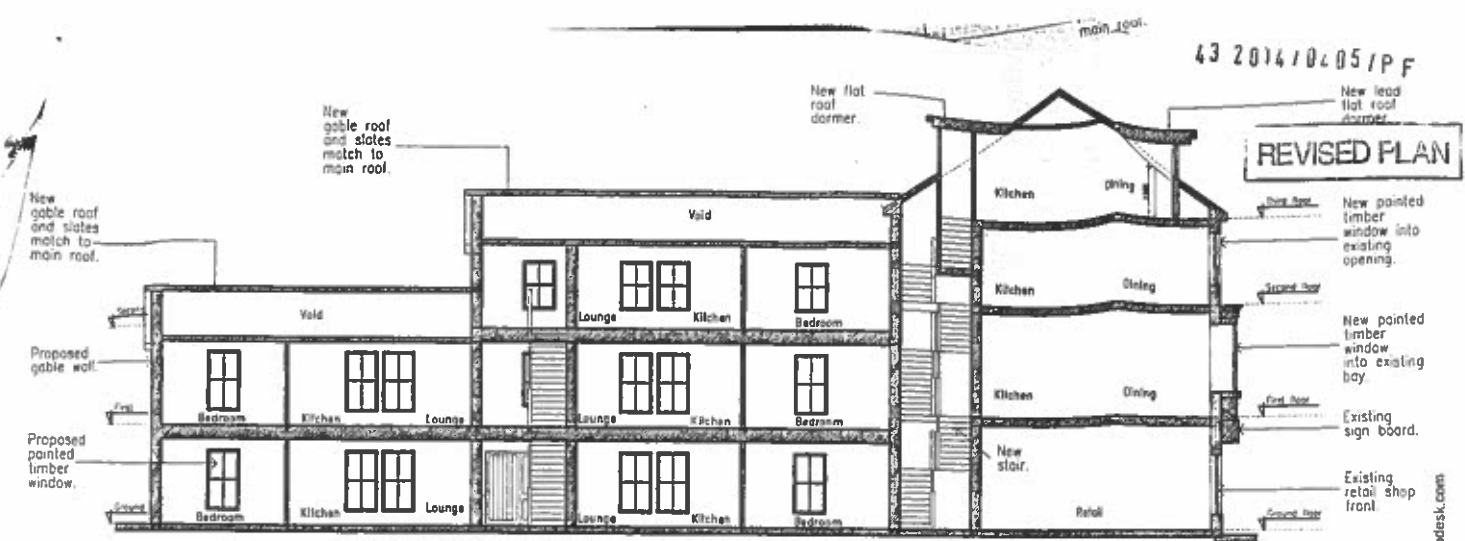
- Rev-D Front of buildings floor lowered & pitch roof dormer added to rear. 22-7-14
- Rev-C Gable roof added to rear. 22-7-14
- Rev-B Window re-positioned to staircase & bay window added. 22-5-14
- Rev-A Scheme revised as per Conservation officer's comment. 13-5-14

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

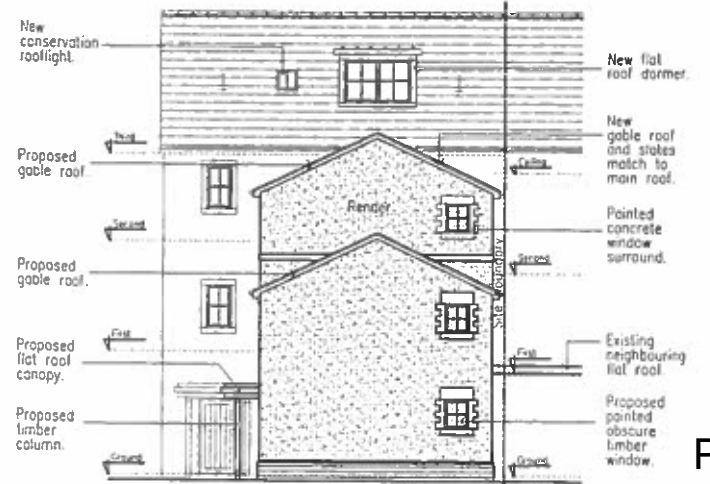


PETER DARLINGTON ARCHITECTS		105-107, High Street, Prestatyn, North Wales	
Project: Proposed Front and Side Elevation.		Drawn by: M.M.	Date: Jan '14
Drawing No: 3036/PL/06		Scale: 1:100	Sheet: 2

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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

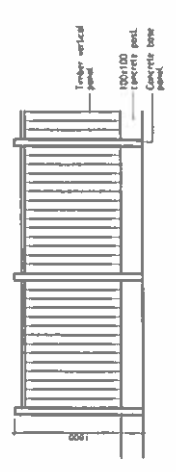


PETER DARLINGTON ARCHITECTS		105-107, High Street, Prestatyn, North Wales	
Project: Proposed Rear and Sectional elevation.		Drawn by: M.M.	Date: Jan '14
Drawing No: 3036/PL/06		Scale: 1:100	Sheet: 2

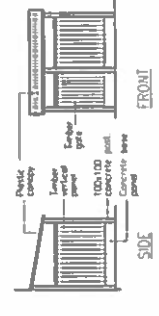
PDF Created with deskPDF PDF Writer - Trial :: http://www.docuask.com

SITE PLAN + GROUND FLOOR LAYOUT

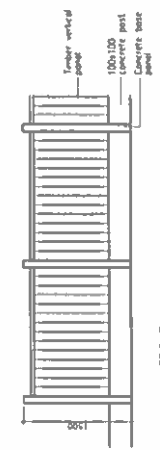
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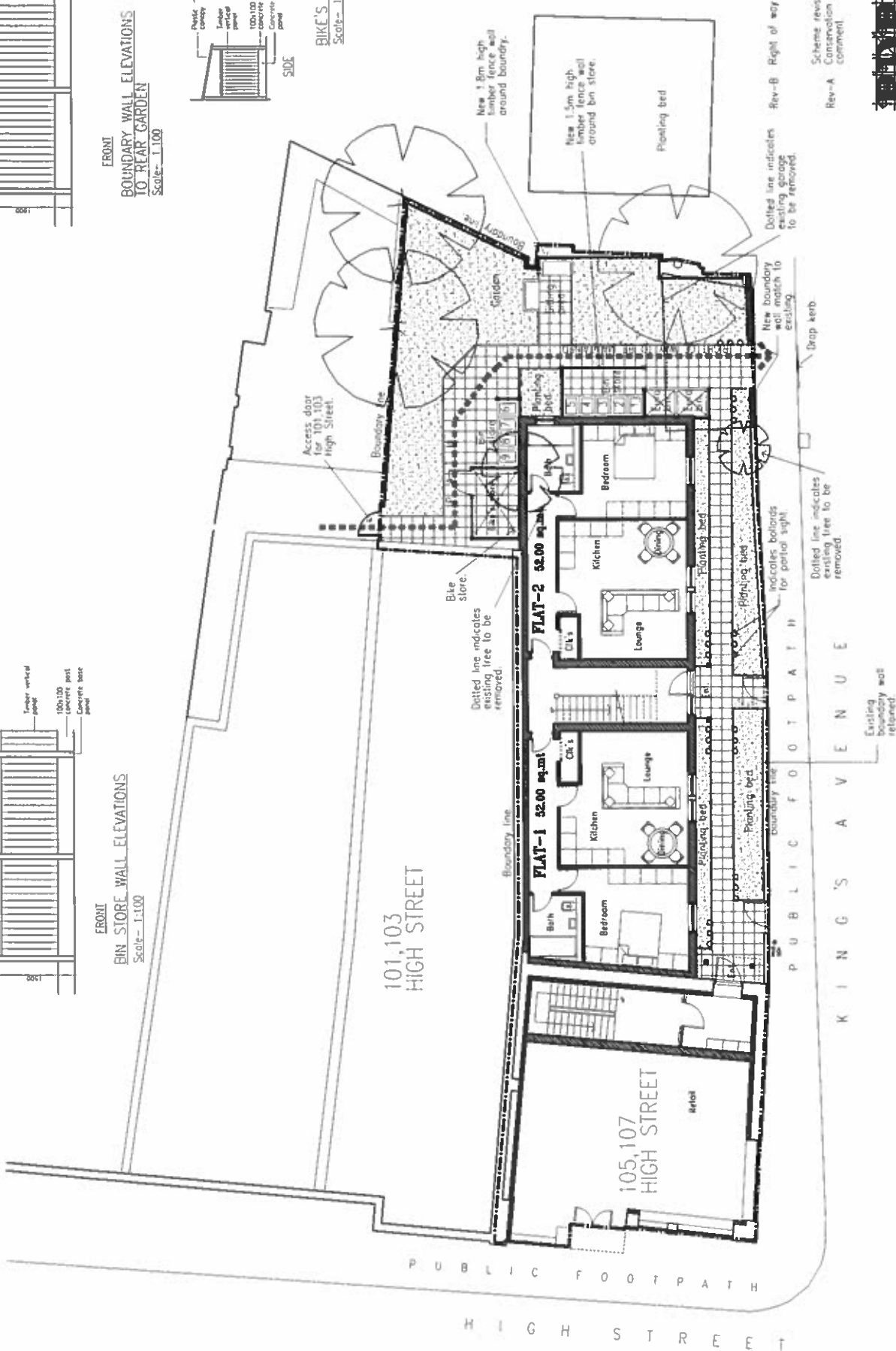
FRONT
BOUNDARY WALL ELEVATIONS TO REAR GARDEN
Scale: 1:100



FRONT
BIKE'S STORE
Scale: 1:100



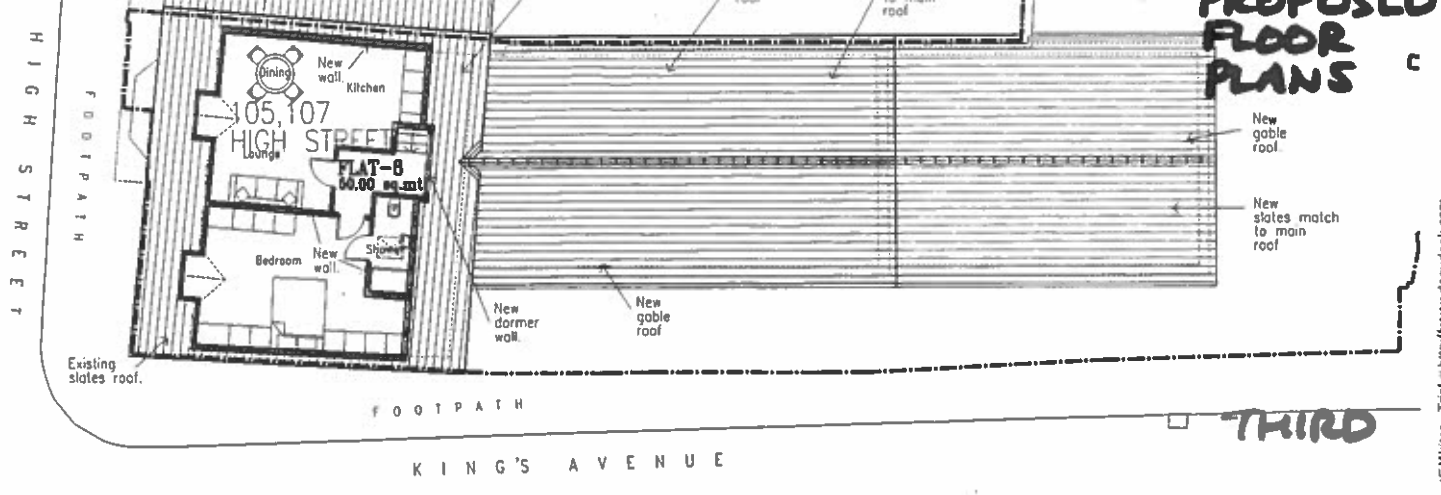
FRONT
BIN STORE WALL ELEVATIONS
Scale: 1:100



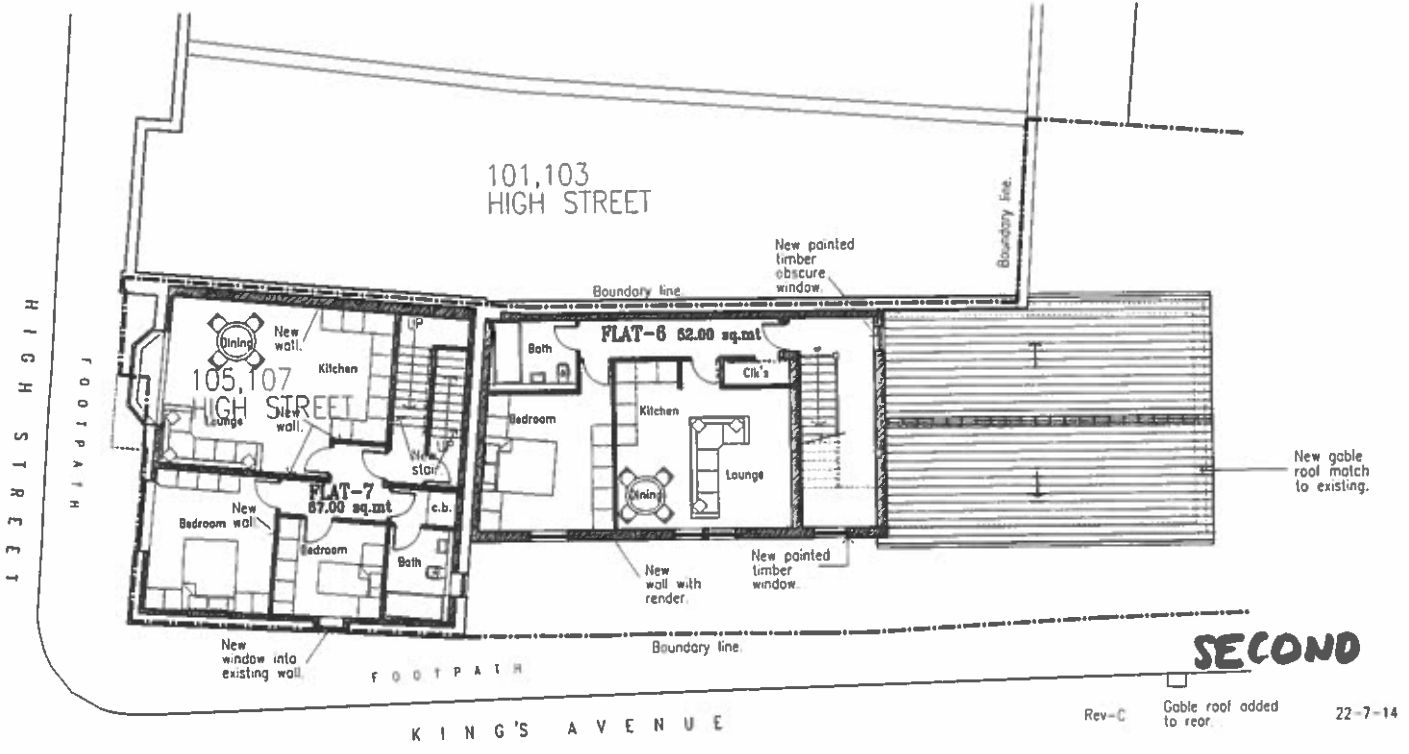
22-7-1
13-5-1
Scheme revised as per Conservation officer's comment

105-107, High Street Peter District North Wales		Proposed Site Plan	
PETER DISTRICT ARCHITECTS		Scale: 1:100	
105-107, High Street North Wales		Date: 09/08	
Scheme No: 2008/PL/07		Author: M.M.	
Date: 09/08		Scale: 1:100	
Author: M.M.		Date: 09/08	
Scale: 1:100		Author: M.M.	

PROPOSED SITE PLAN SCALE: 1:100

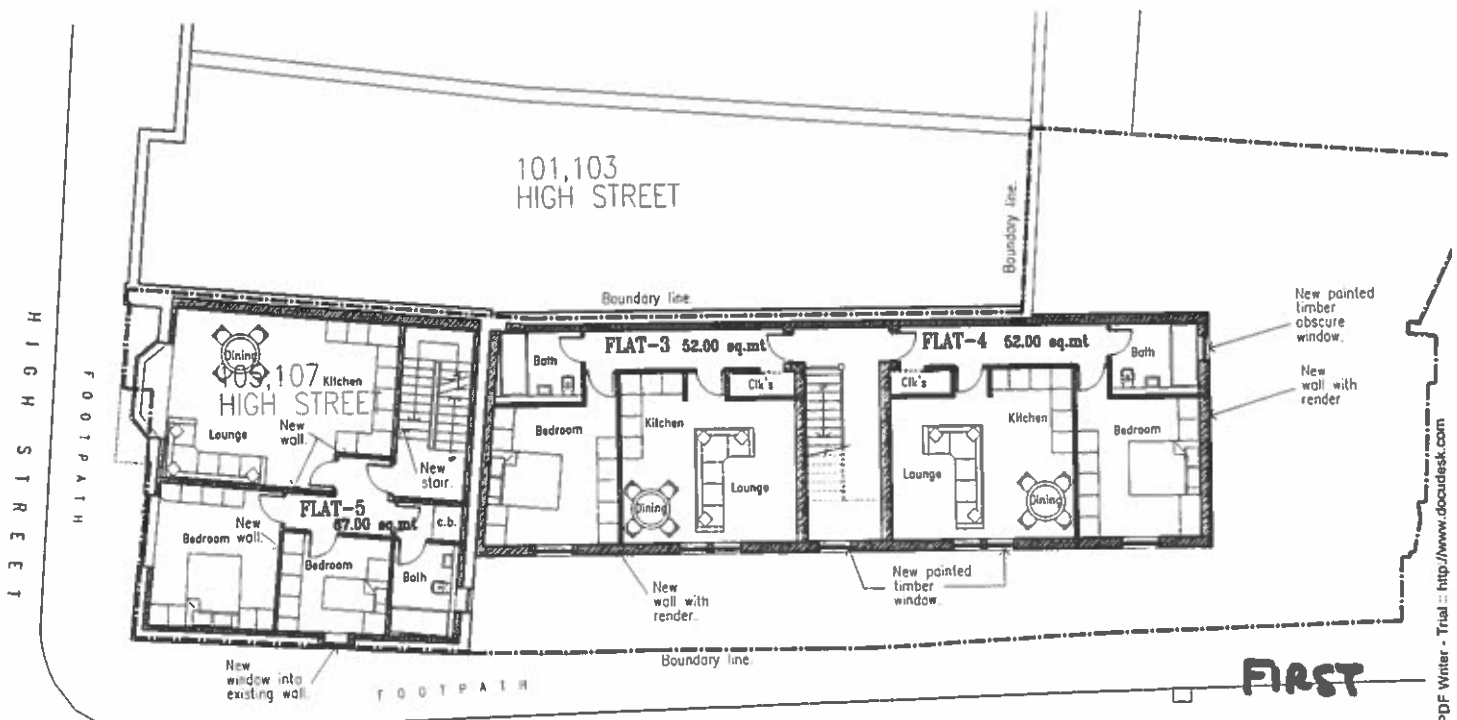


if Winter - Trial :: http://www.docuDesk.com



deskPDF PDF Writer - Trial :: http://www.docuDesk.com

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



with deskPDF PDF Writer - Trial :: http://www.docuDesk.com

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

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.

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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

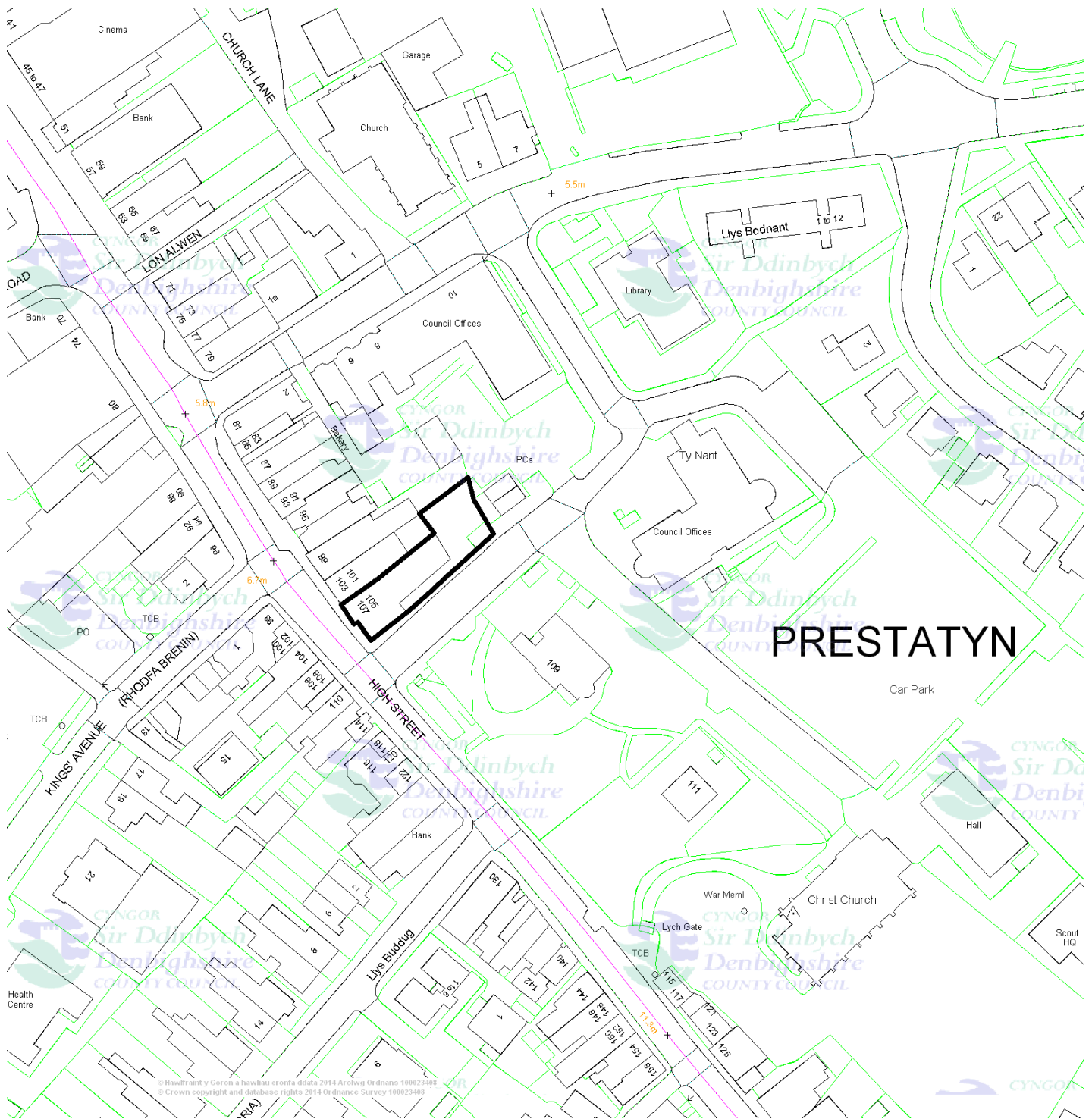
 Application Site



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

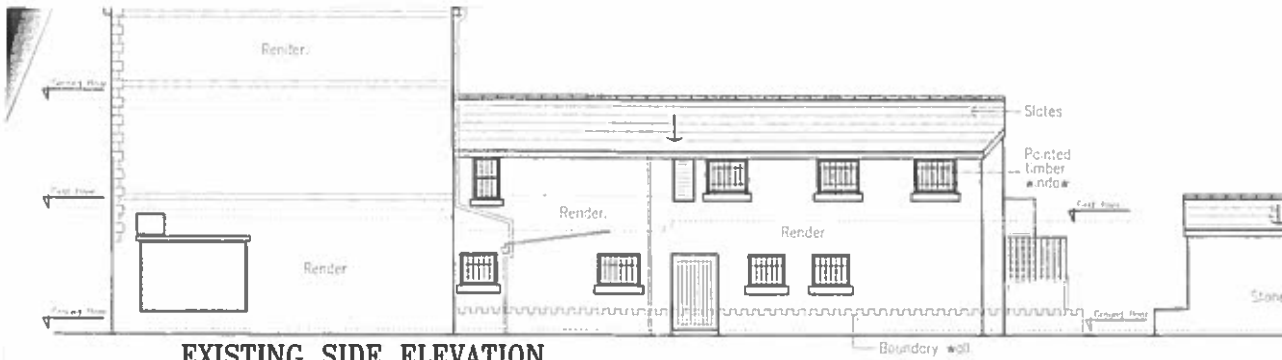
Scale 1/1250

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.



PRESTATYN

EXISTING ELEVATIONS

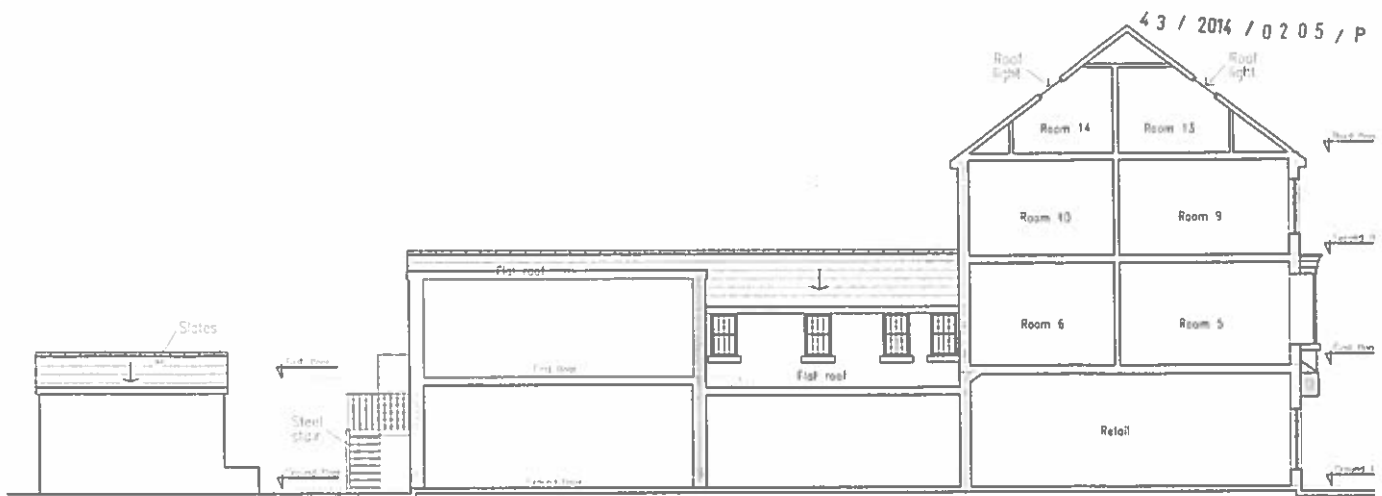


EXISTING SIDE ELEVATION

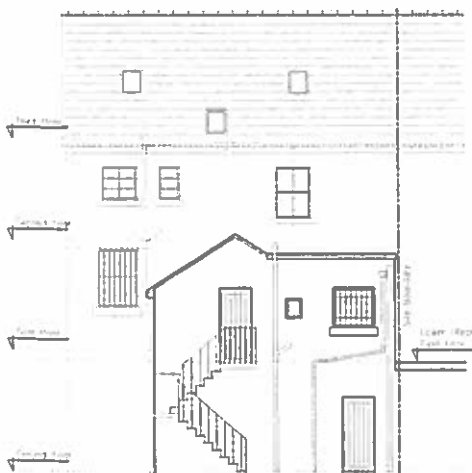


EXISTING FRONT ELEVATION

	Project	105-107, Prestalyn North
	Drawn by	M M
PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS	Drawn by	M M
	Scale	1:100
20 Bryn Street, Llanelli, Carmarthenshire, SA31 3JN Tel: 01432 317790 Fax: 01432 317795 Mobile: 07906 220916 E-mail: peter.darlington@pdd-architects.com	Drawing No. 3036	Date Jan. 14



EXISTING SECTIONAL ELEVATION



EXISTING REAR ELEVATION

43 / 2014 / 0205 / P

26 FEB 2014

	Project	105-107, High Street Prestalyn North Wales
	Drawn by	M M
PETER DARLINGTON ARCHITECTS INTERIOR DESIGNERS	Drawn by	M M
	Scale	1:100
20 Bryn Street, Llanelli, Carmarthenshire, SA31 3JN Tel: 01432 317790 Fax: 01432 317795 Mobile: 07906 220916 E-mail: peter.darlington@pdd-architects.com	Drawing No. 3036/EX/05	Date Jan. 14

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.

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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

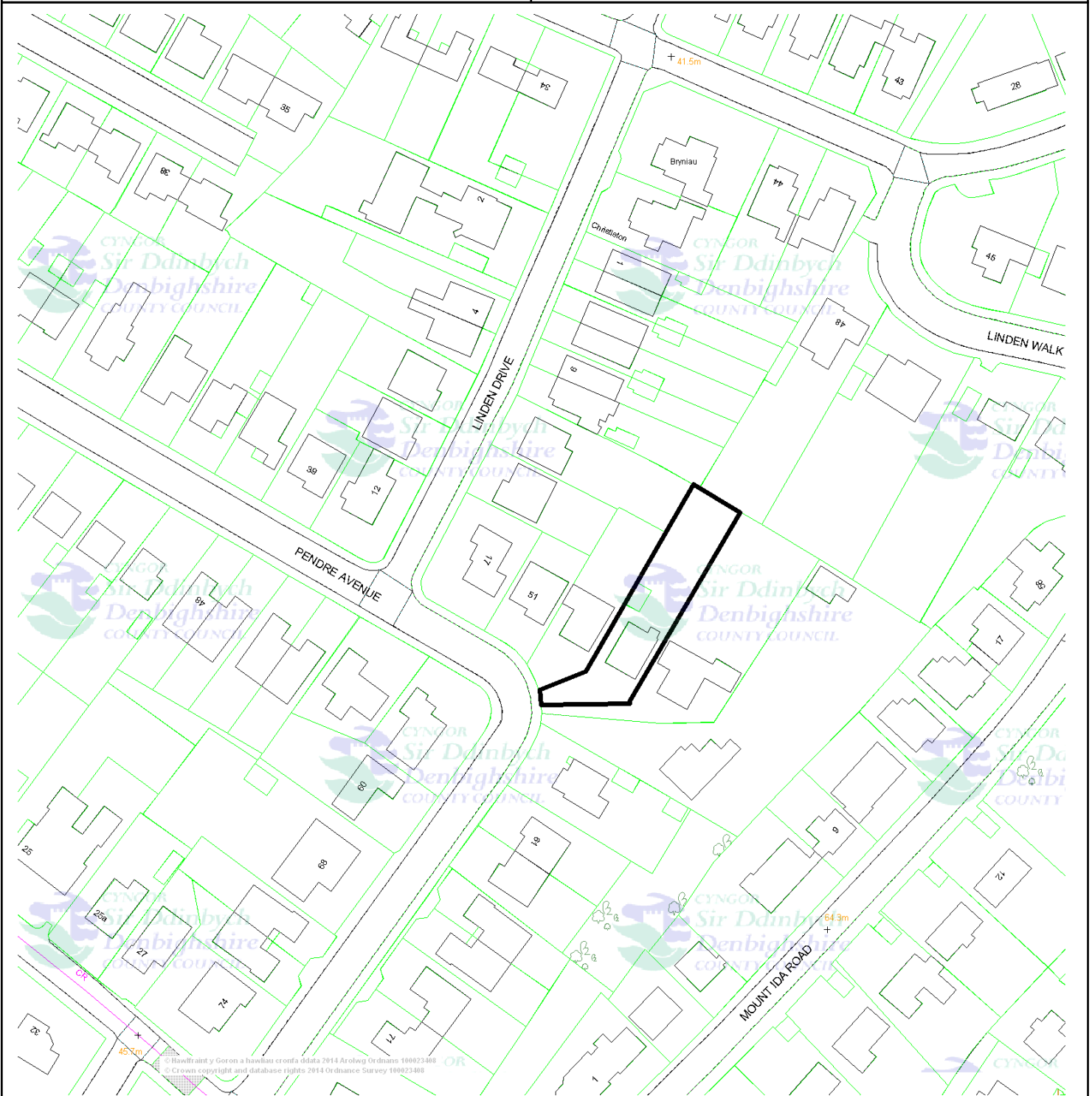


Date 27/8/2014

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.



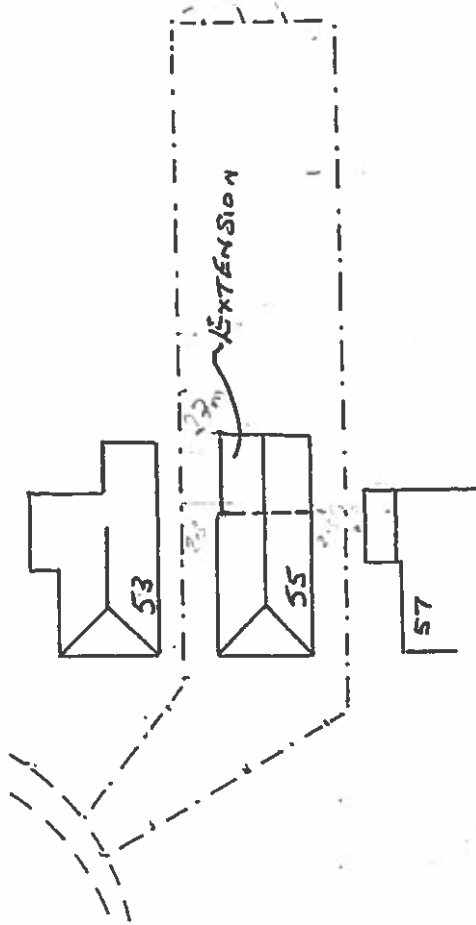
PROPOSED SITE PLAN

55 TENDRE AVENUE,

PRESTATYN.

BLOCK PLAN - A PROPOSED

SCALE : 1 - 500

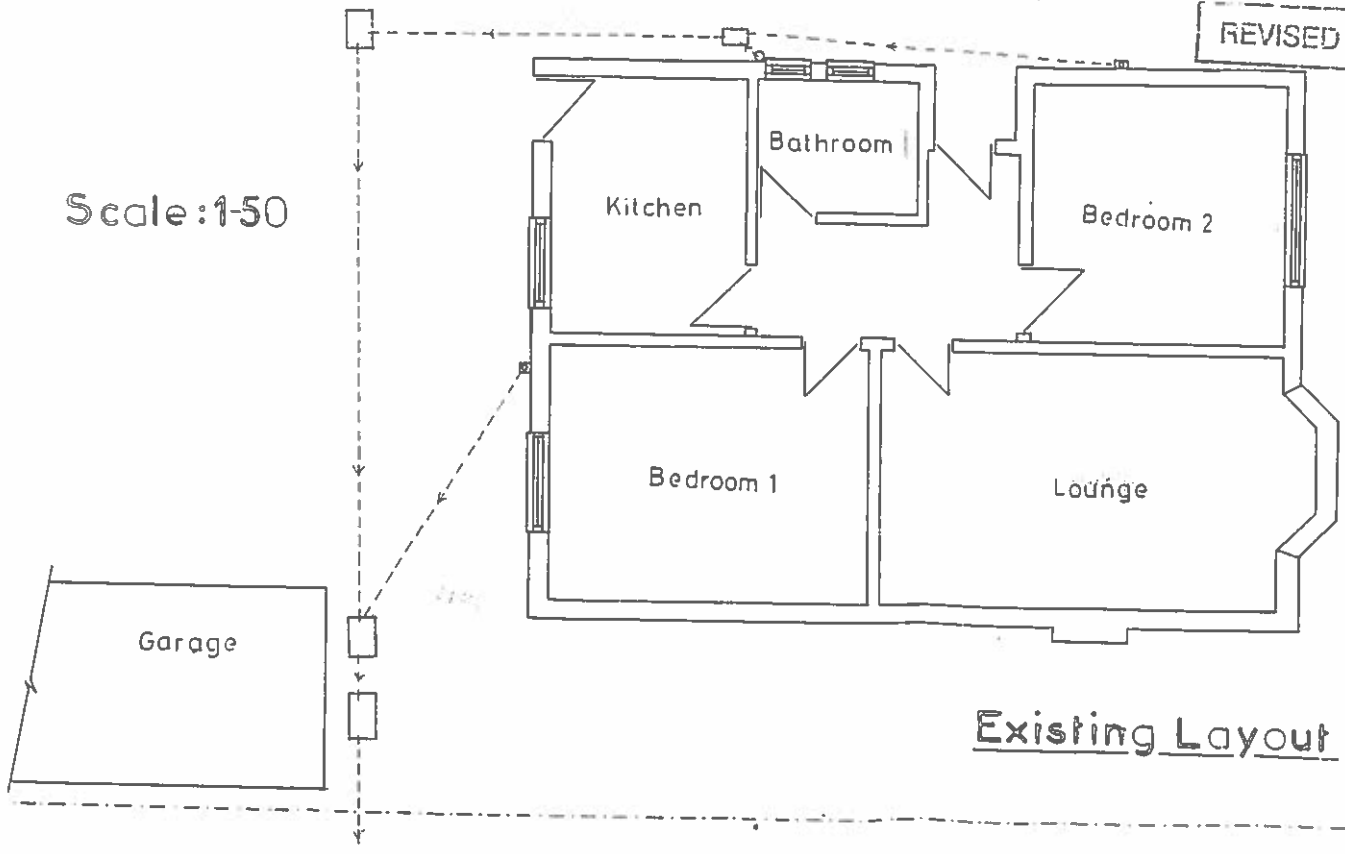


55 PENDRE AVENUE, PRESTATYN.

EXISTING FLOOR PLAN

REVISED PLAN

Scale: 1:50

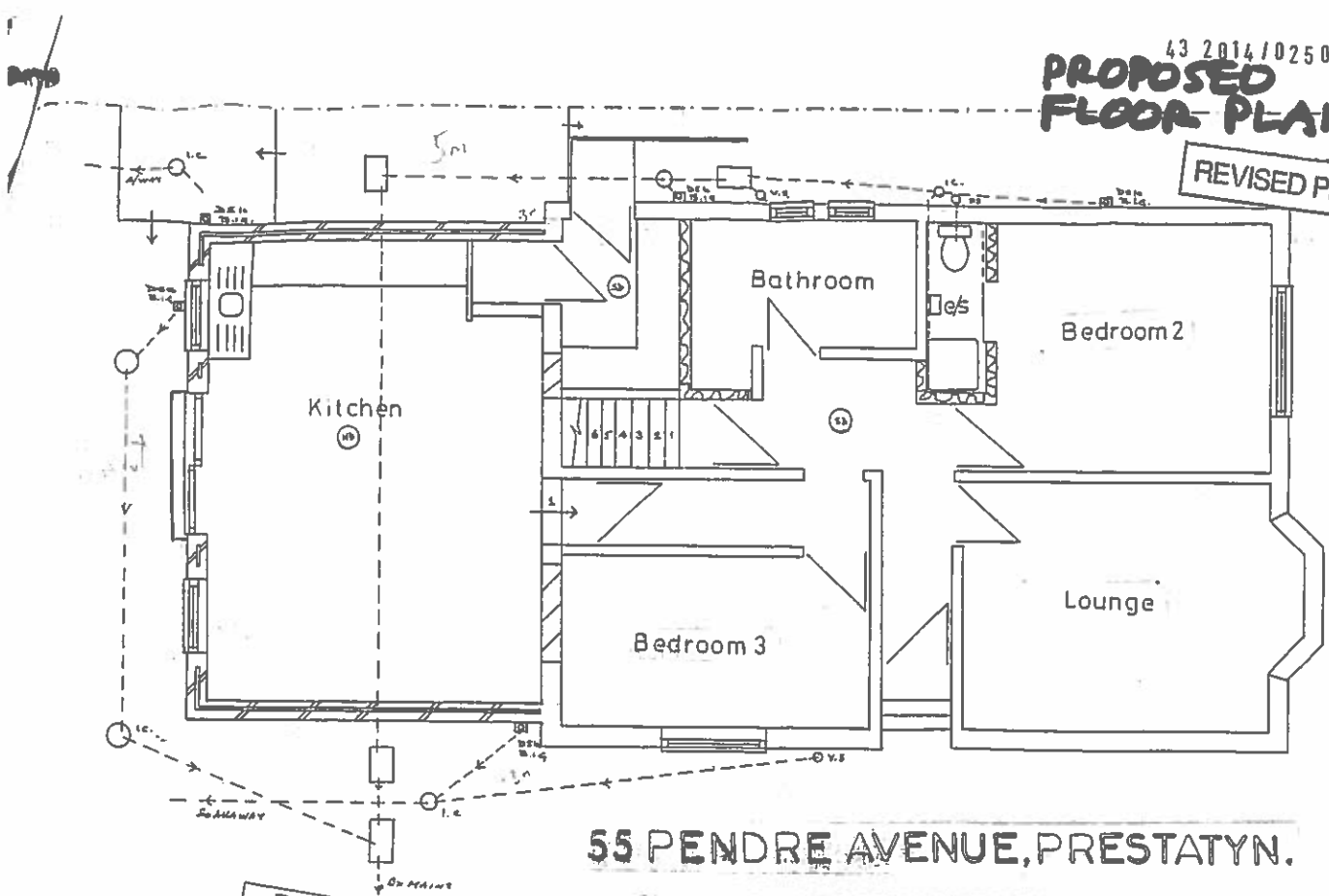


Existing Layout

43 2014/0250/PF

PROPOSED FLOOR PLAN

REVISED PLAN



55 PENDRE AVENUE, PRESTATYN.

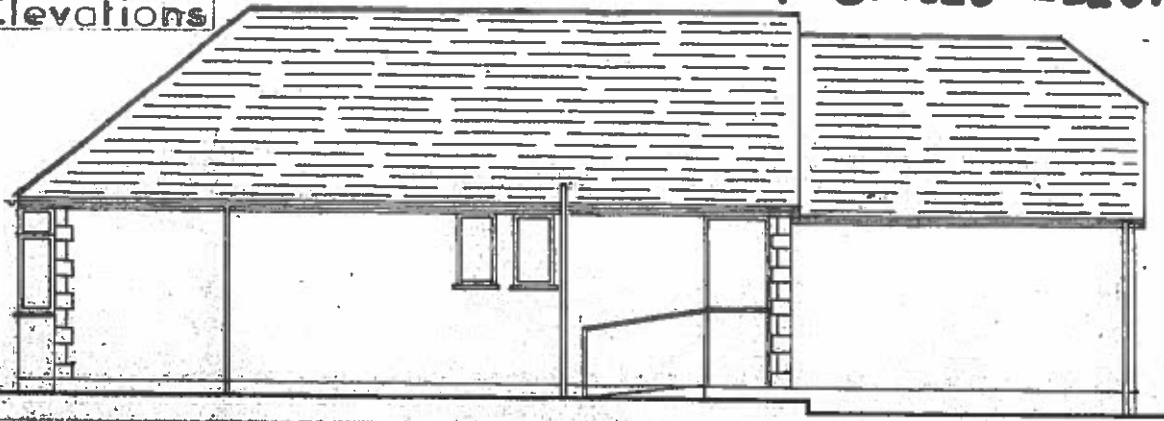
Proposed G.F. Layout

Scale: 1:50

RECEIVED
14 JUL 2014
CALEDFRYN

Proposed
Side Elevations

PROPOSED ELEVATIONS



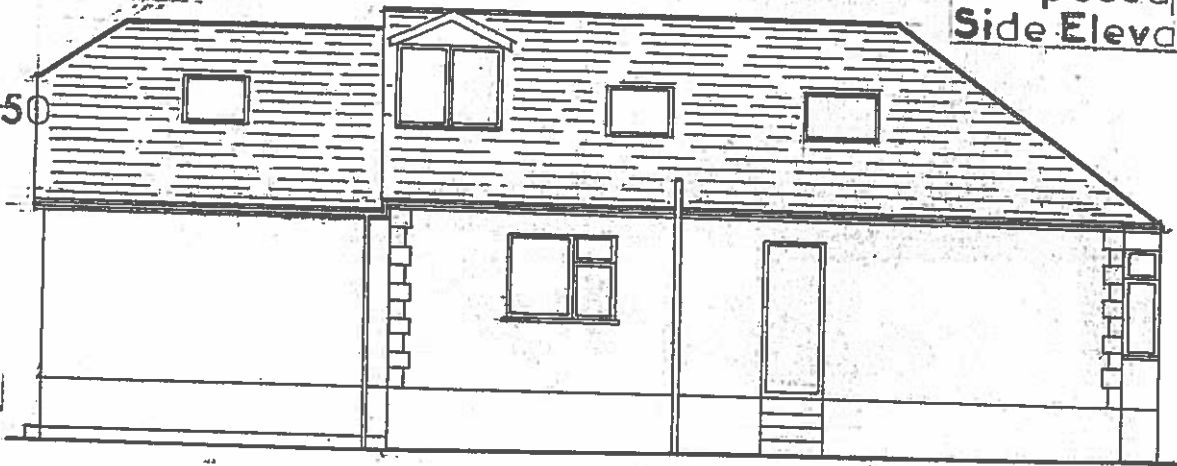
SPENDRE AVENUE, PRESTATYN.

Scale:150

RECEIVED
14 JUL 2014
CALEDFRYN

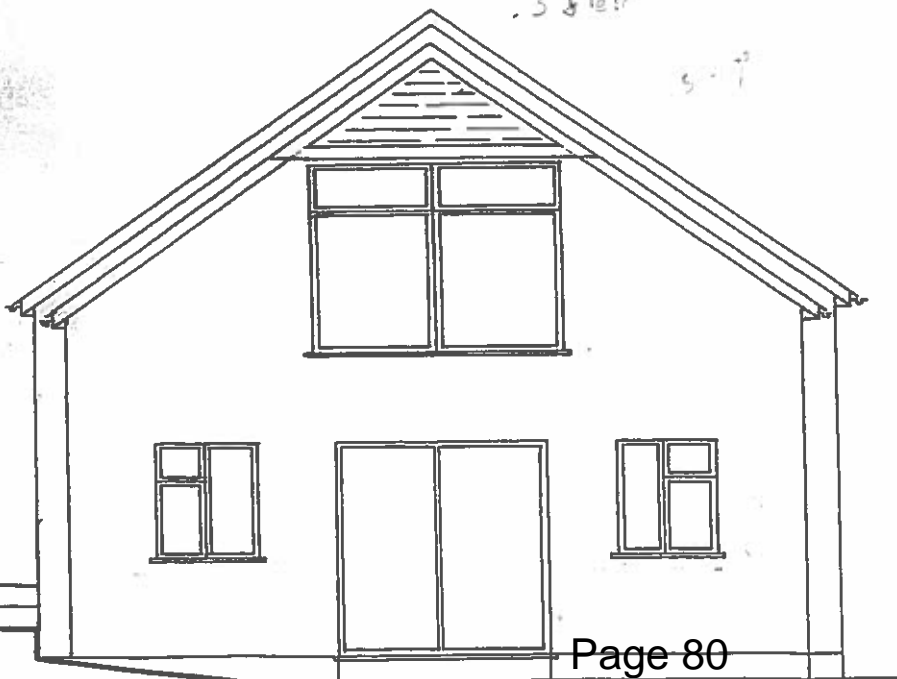
Proposed
Side Elevation

Scale:150



NW

Proposed Rear Elevation

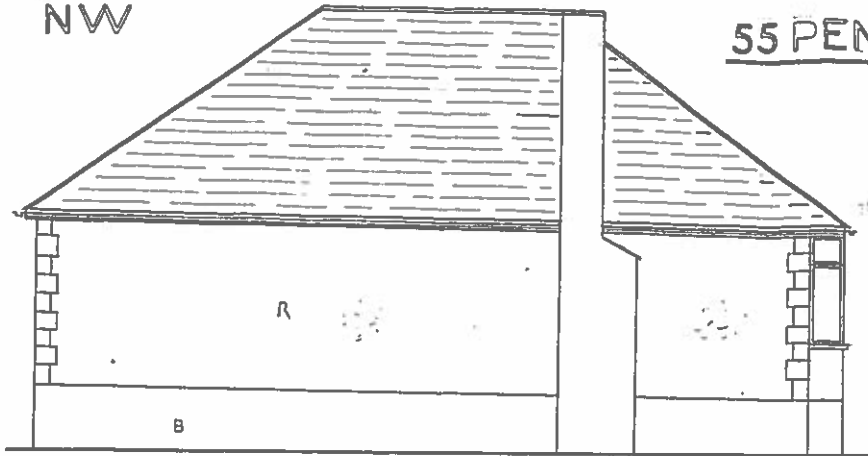


Page 80

RECEIVED

EXISTING ELEVATIONS

NW

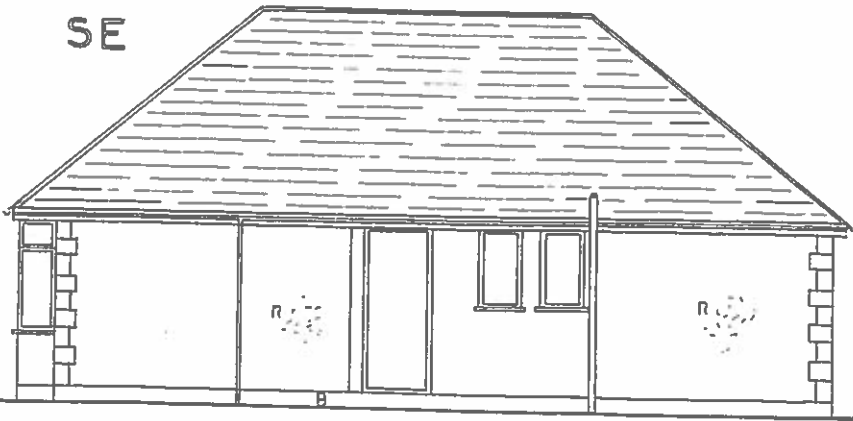


43 / 2014 / 0250 / P F .

55 PENDRE AVENUE

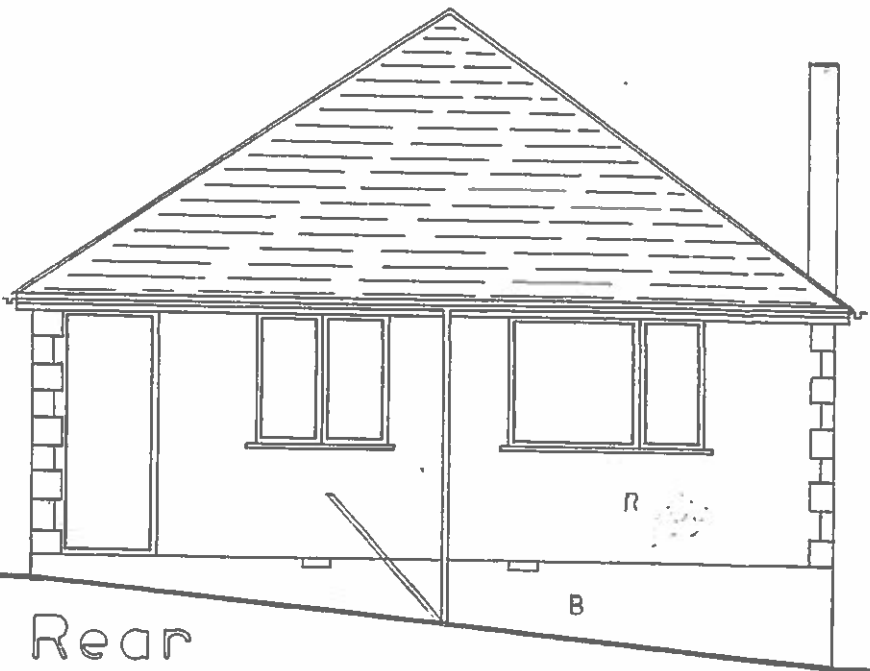
PRESTATYN

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

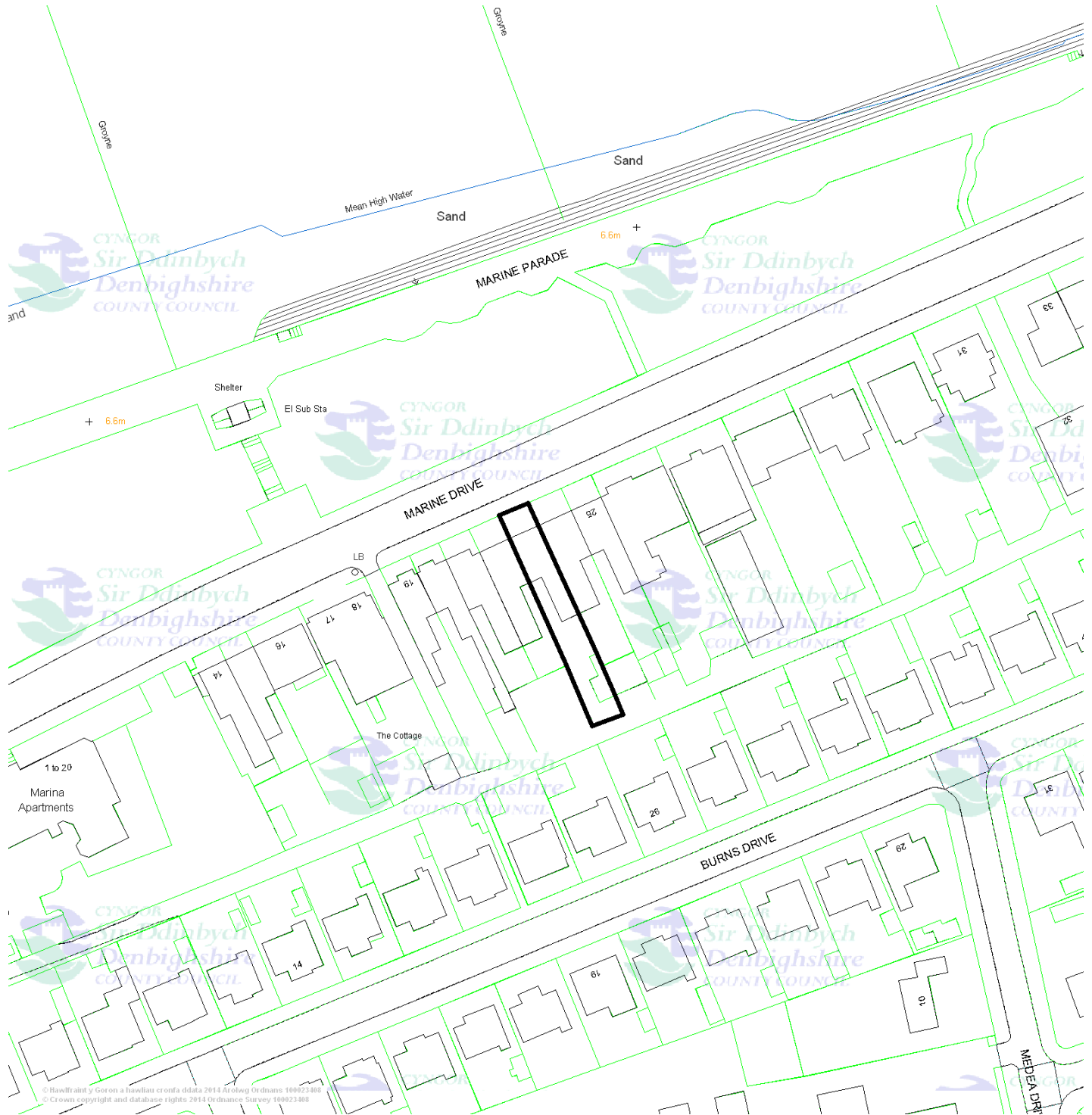


Date 27/8/2014

Scale 1/1250

Centre = 301774 E 382276 N

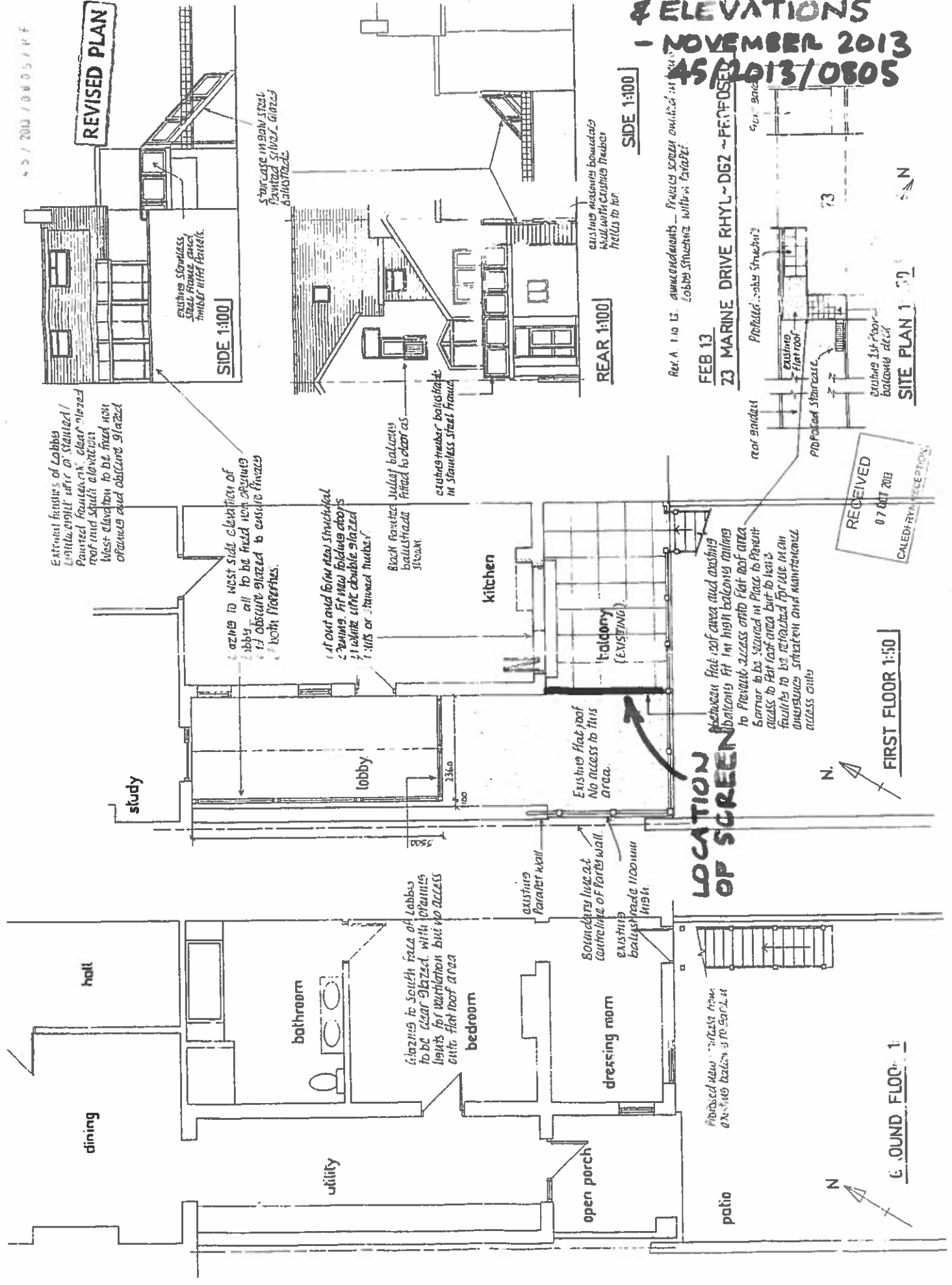
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection 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. Windows - clear glazed
 roof and South elevation
 West elevation to be fixed with
 opaque and obscure glazed

azing to West side elevation of
 lobby all to be fixed with opaque
 to obscure glazed to ensure privacy
 both floors.

At out and form new structural
 ceiling. Fit new folding doors
 to lobby with obscure glazed
 units or stained timber.

Block formica
 baulthard
 screen.

Julist balcony
 fitted to door as
 existing timber balcony
 in stainless steel frame

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

RECEIVED
 07 OCT 2013
 CALDERYNS RECEPTION

Ref. A 1 to 13 amendments - Project screen omitted in plan
 Lobby structure with a canopy
FEB 13
73 MARINE DRIVE RHYLL - DG2 - FERROSE

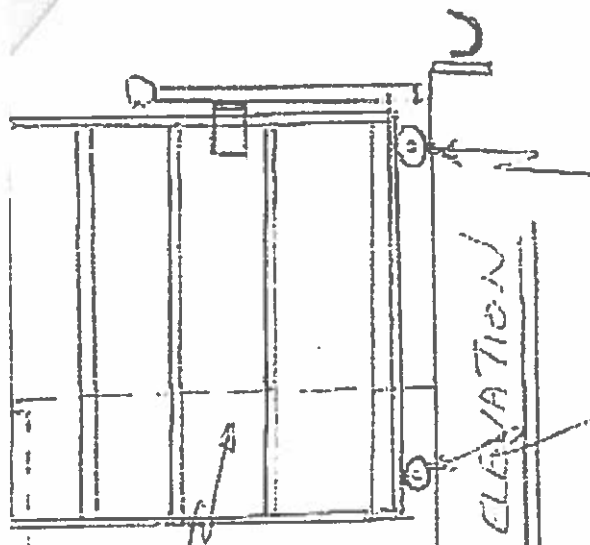
SITE PLAN 1:50

SCREEN DETAIL

DRG NO: RM2

PRIVACY PANEL DETAIL

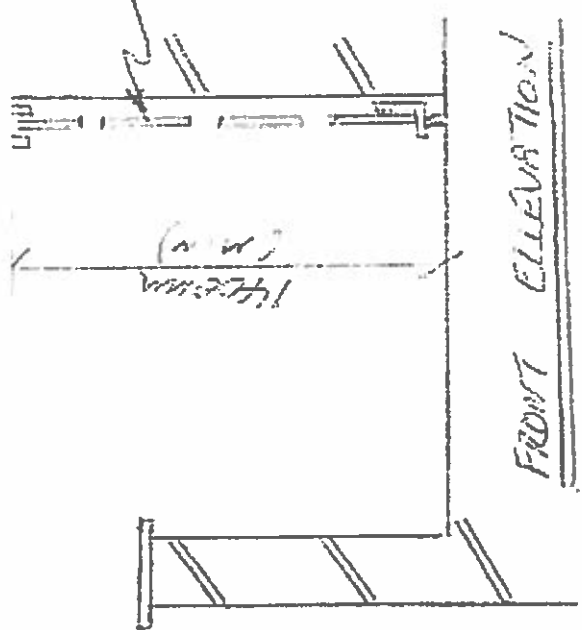
SCALE - NTS APRIL 14.



END ELEVATION

WOODEN PRIVACY PANEL WITH FIXED WHEELS TO METAL FRAME

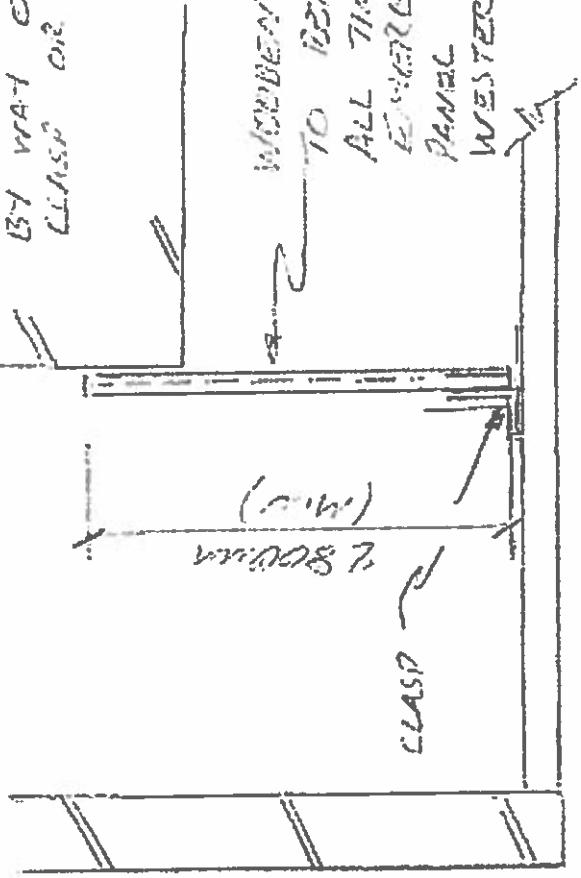
WOODEN PRIVACY PANEL SET IN METAL FRAME TO MATCH EXISTING HANDRAIL AND WOODEN PANELS



FRONT ELEVATION

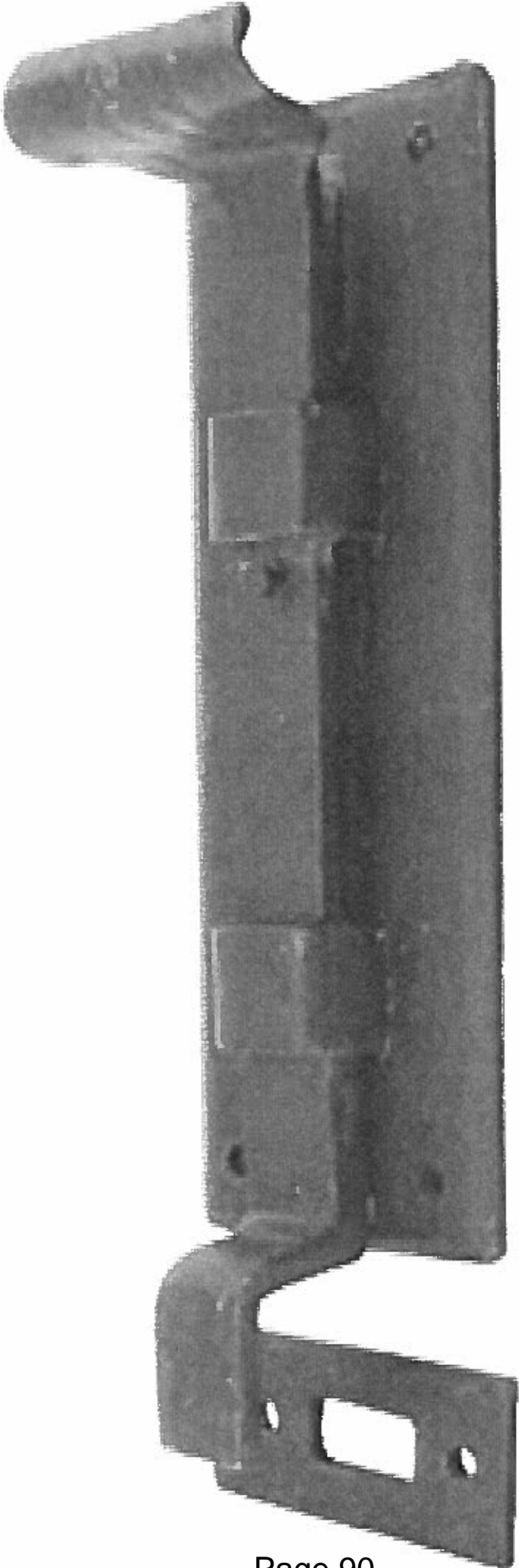
WOODEN PANEL TO BE SECURED TO THE EXISTING WOODEN FASCIA PANELS BY WAY OF A METAL CLASP OR OTHER DEVICE

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**



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, Ardmore, 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
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800

Fax: 01824 706709



Application Site

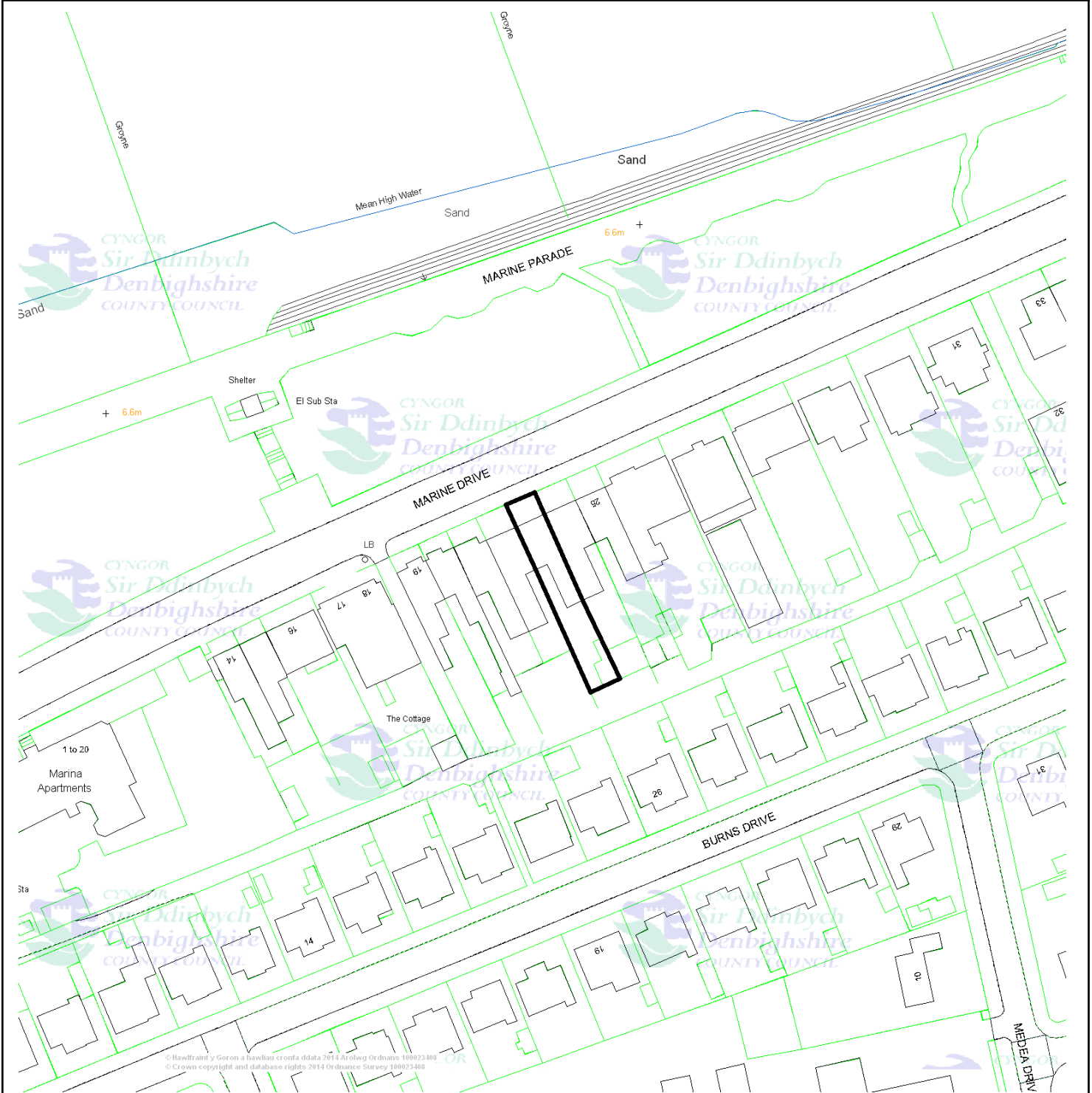


Date 28/8/2014

Scale 1/1250

Centre = 301772 E 382275 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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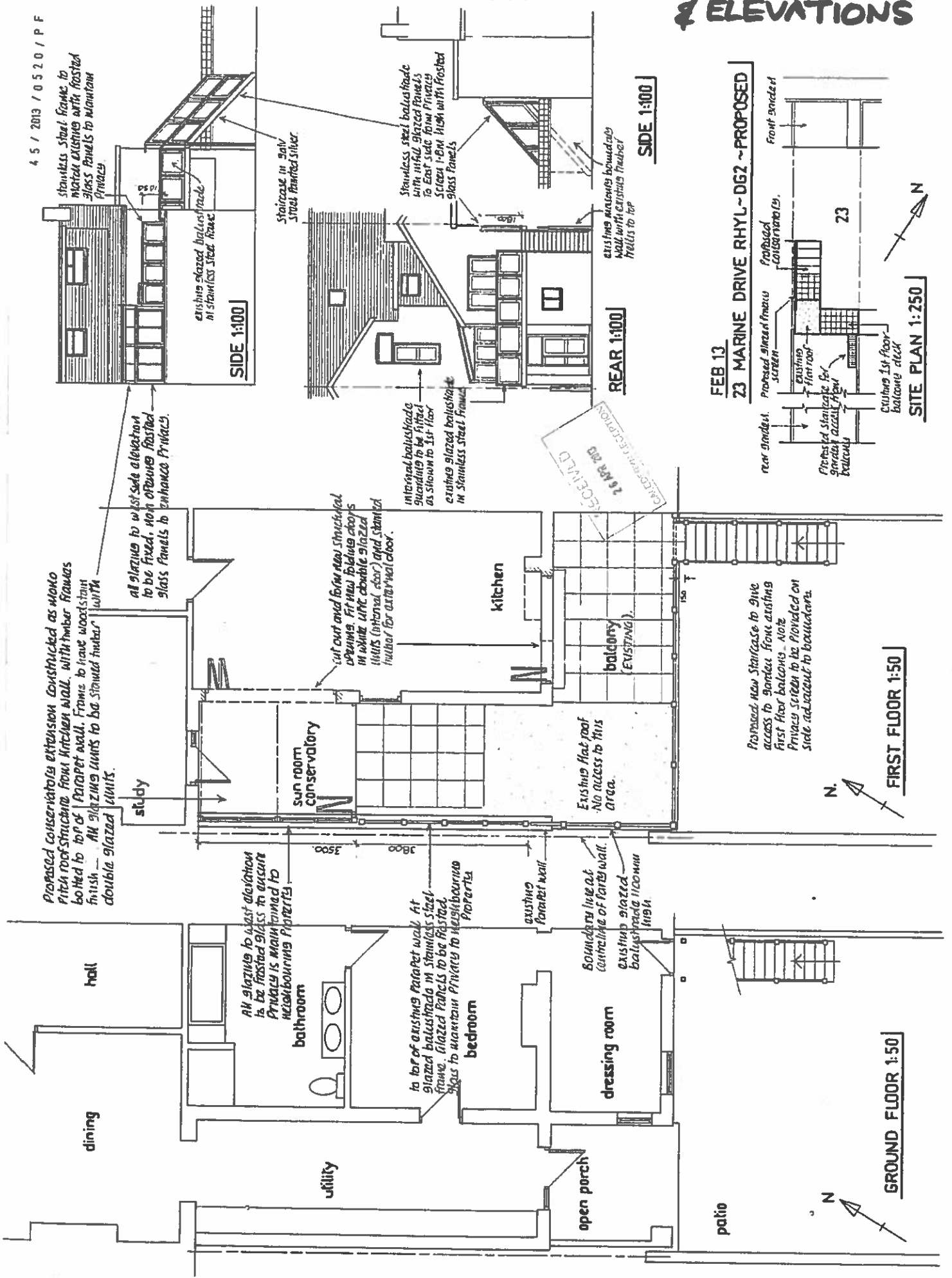
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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawlfraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

PLAN A

PROPOSED PLAN & ELEVATIONS

4 5 / 2013 / 0 5 2 0 / P P F



Proposed Conservatory extension constructed as mono pitch roof structure from timber wall, with timber frames bolted to top of parapet wall. Frame to have wood stain finish. All glazing units to be standard timber double glazed units.

All glazing to west elevation to be fixed, high strength frosted glass panels to enhance privacy.

All glazing to west elevation to be frosted glass to ensure privacy is maintained to neighbouring properties.

To top of existing parapet wall fit glazed balustrade in stainless steel frame. Glazed panels to be frosted glass to maintain privacy to neighbouring properties.

cut out and form new structural openings. Fit new folding doors in white UPVC double glazed units (optional) and slatted timber for external door.

integrated balustrade glazing to be fitted as shown to 1st floor existing glazed balustrade in stainless steel frame.

Stainless steel balustrade with high glazed panels to east side from privacy screen 1.8m high with frosted glass panels.

existing existing boundary wall with existing timber trellis to top

Proposed new staircase to give access to garden from existing first floor balcony. Note privacy screen to be provided on side adjacent to boundary.

FEB 13
23 MARINE DRIVE RHYL - DG2 - PROPOSED

SITE PLAN 1:250

GROUND FLOOR 1:50

FIRST FLOOR 1:50

SIDE 1:100

REAR 1:100

SIDE 1:100

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COUNCIL OFFICE



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

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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.

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Heading:

REFERENCE NO. 45/2014/0746/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

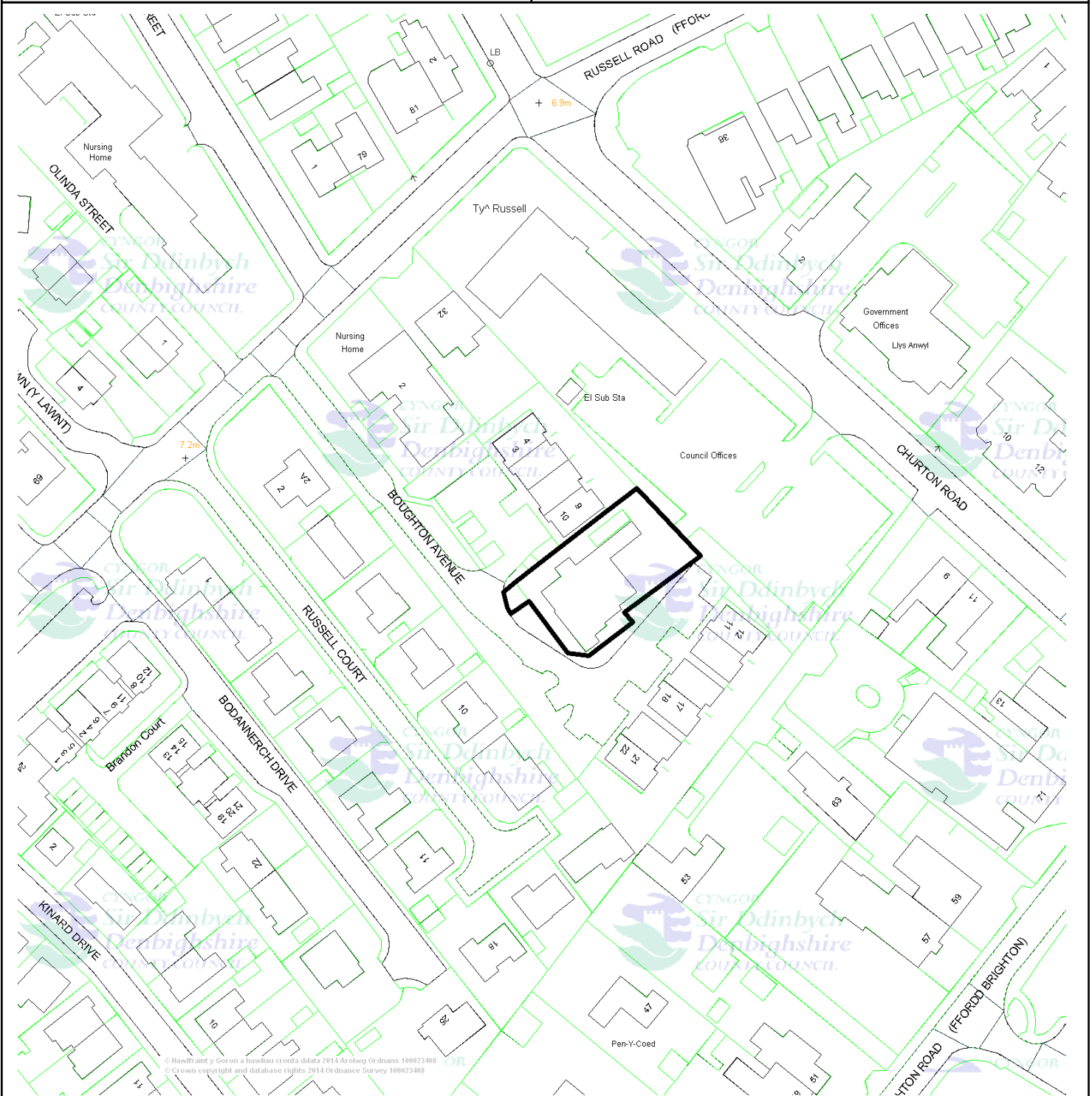
 Application Site



Date 26/8/2014
Centre = 301245 E 381730 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.

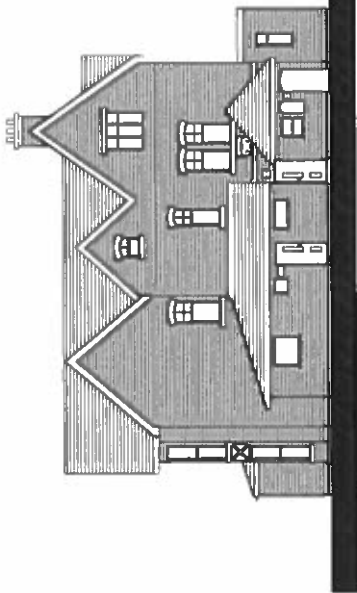


Drawings no: P02

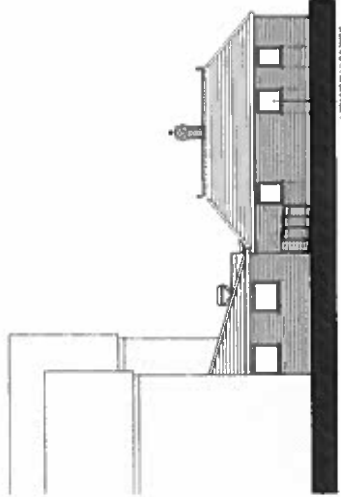
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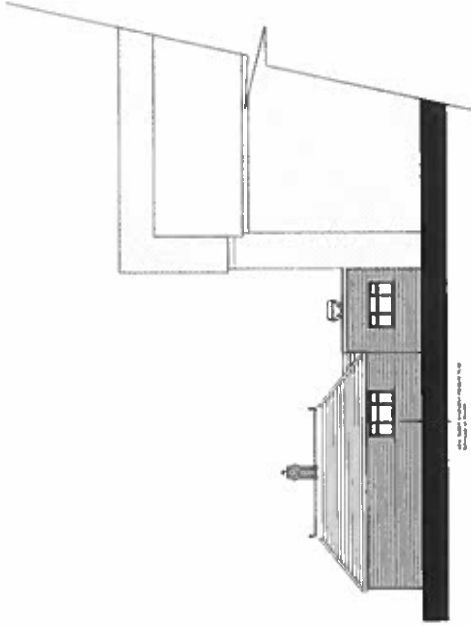
The Architect is not responsible for any construction details or details from the contract documents. The Architect is not responsible for any construction details or details from the contract documents. The Architect is not responsible for any construction details or details from the contract documents.



PROPOSED REAR ELEVATION
(Scale 1:100)



PROPOSED SIDE ELEVATION
(Scale 1:100)



PROPOSED SIDE ELEVATION
(Scale 1:100)

AS PROPOSED ELEVATIONS

FOR PLANNING PURPOSES ONLY

DATE	REV	DESCRIPTION	BY	CHK

Drawings no: P02

Client: **Frutbach Apartments**

Project: **Frutbach Apartments**

Drawings Title: **Reconfiguration & Alteration**

Scale: **1:100**

Date: **11/11/2011**

Project No: **11111**

Drawings No: **11111**

Architect: **J P ARCHITECTS**

Address: **11111 11111**

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.

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. 45/2014/0787/PF
FRONFRAITH, 1 BOUGHTON AVE
RHYL



Application Site

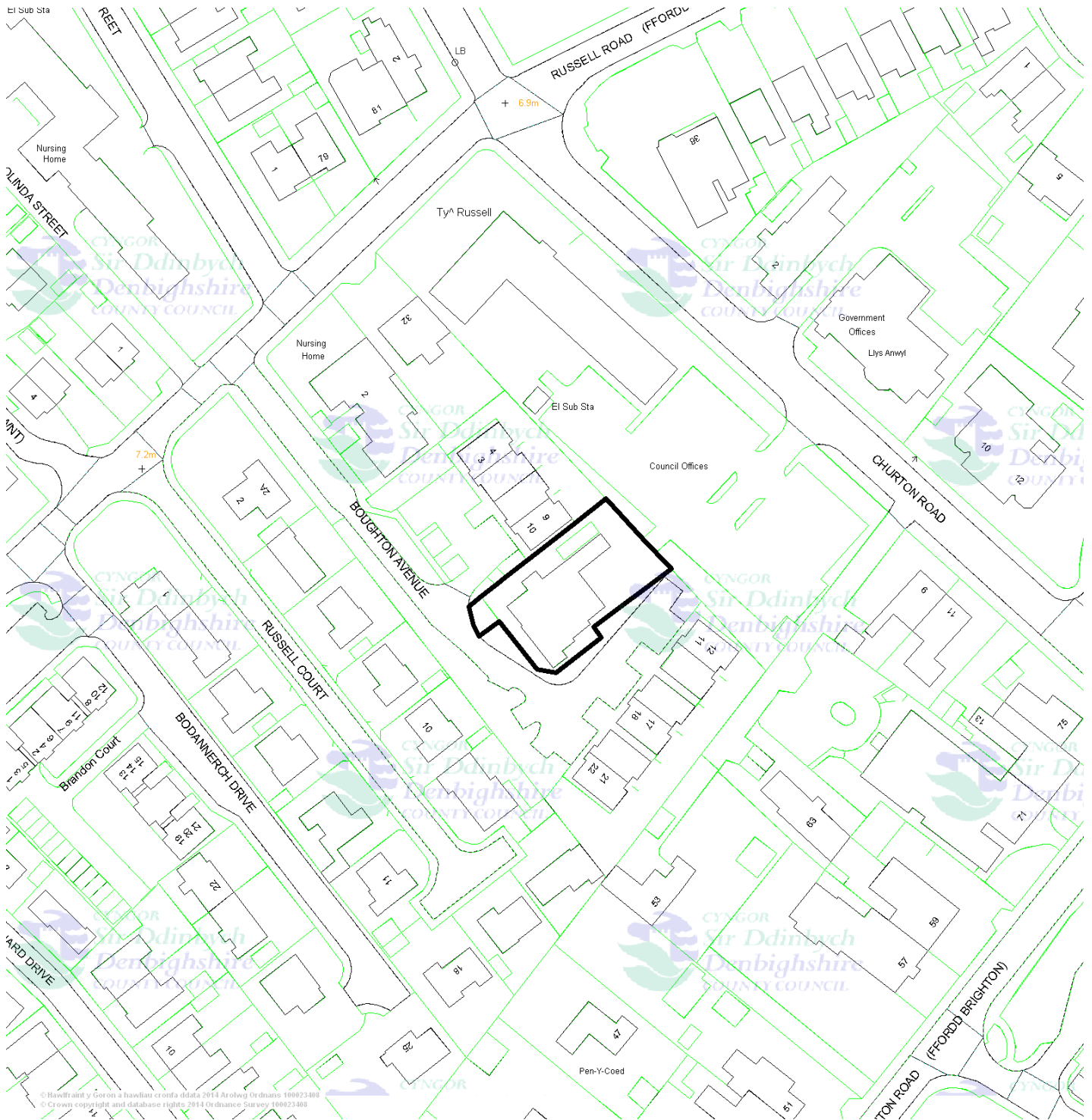


Date 27/8/2014

Scale 1/1250

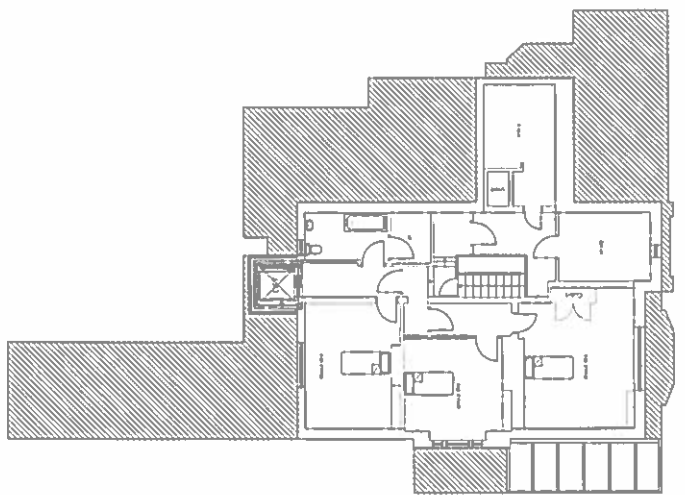
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This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the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

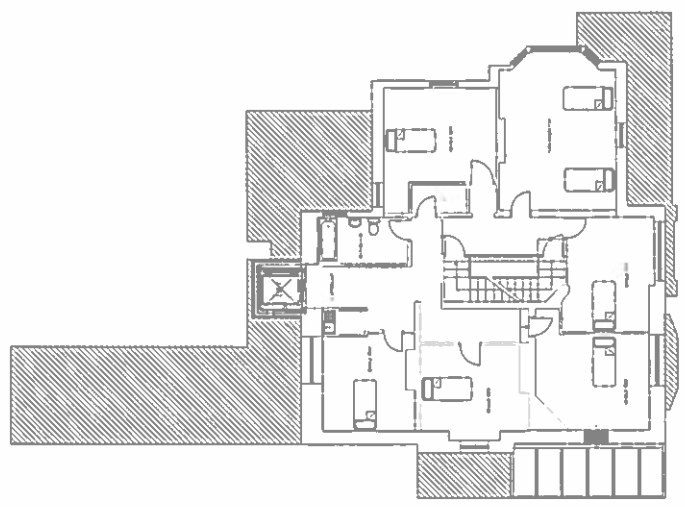


PROJECT NO: P01rev A

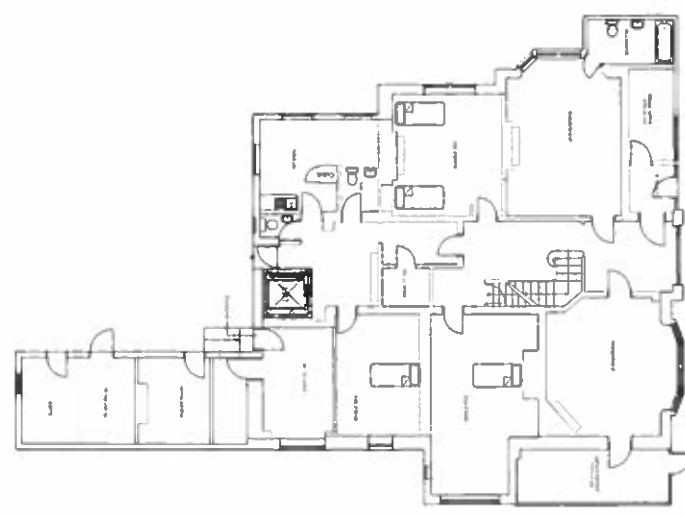
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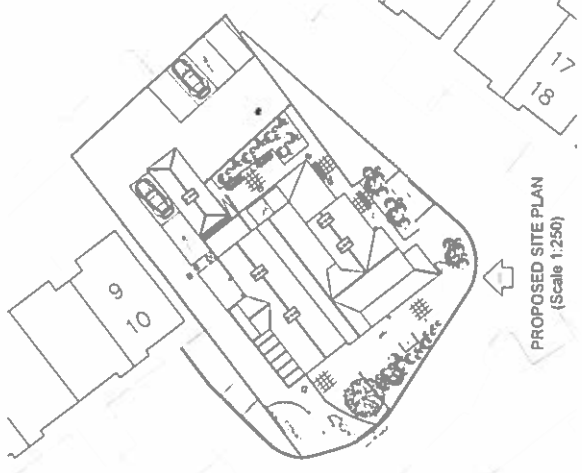
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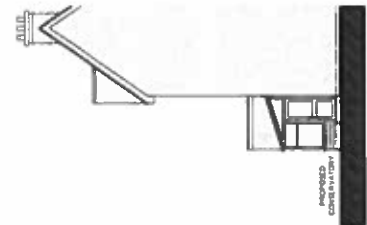
PROPOSED FIRST FLOOR PLAN (Scale 1:100)



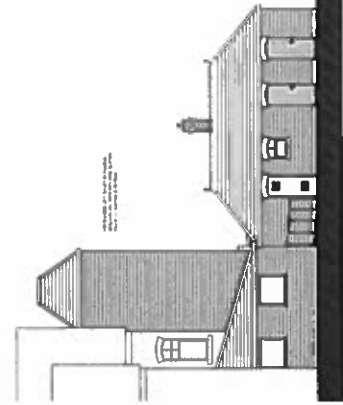
PROPOSED GROUND FLOOR PLAN (Scale 1:100)



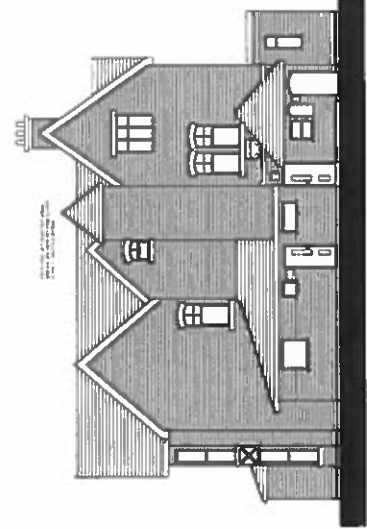
PROPOSED SITE PLAN (Scale 1:250)



NORTH WEST ELEVATION (Scale 1:100)



SOUTH EAST FACING ELEVATION (Scale 1:100)



PROPOSED REAR ELEVATION (Scale 1:100)

AS PROPOSED PLANS & ELEVATIONS

FOR PLANNING PURPOSES ONLY

PROJECT NO: P01 rev A

CLIENT	Huskie Crabs	PROJECT	French Harbour
DATE	15/11/2023	DESIGNED BY	J.P.
SCALE	AS SHOWN	PROPOSED BY	J.P.
DATE	15/11/2023	SCALE	AS SHOWN
CAD FILE NO.	15/11/2023	DATE	15/11/2023
PROJECT NO.	P01 rev A	DATE	15/11/2023

J.P. ARCHITECTS
 15/11/2023
 15/11/2023
 15/11/2023

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.

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Heading:

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

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

Tel: 01824 706800 Fax: 01824 706709

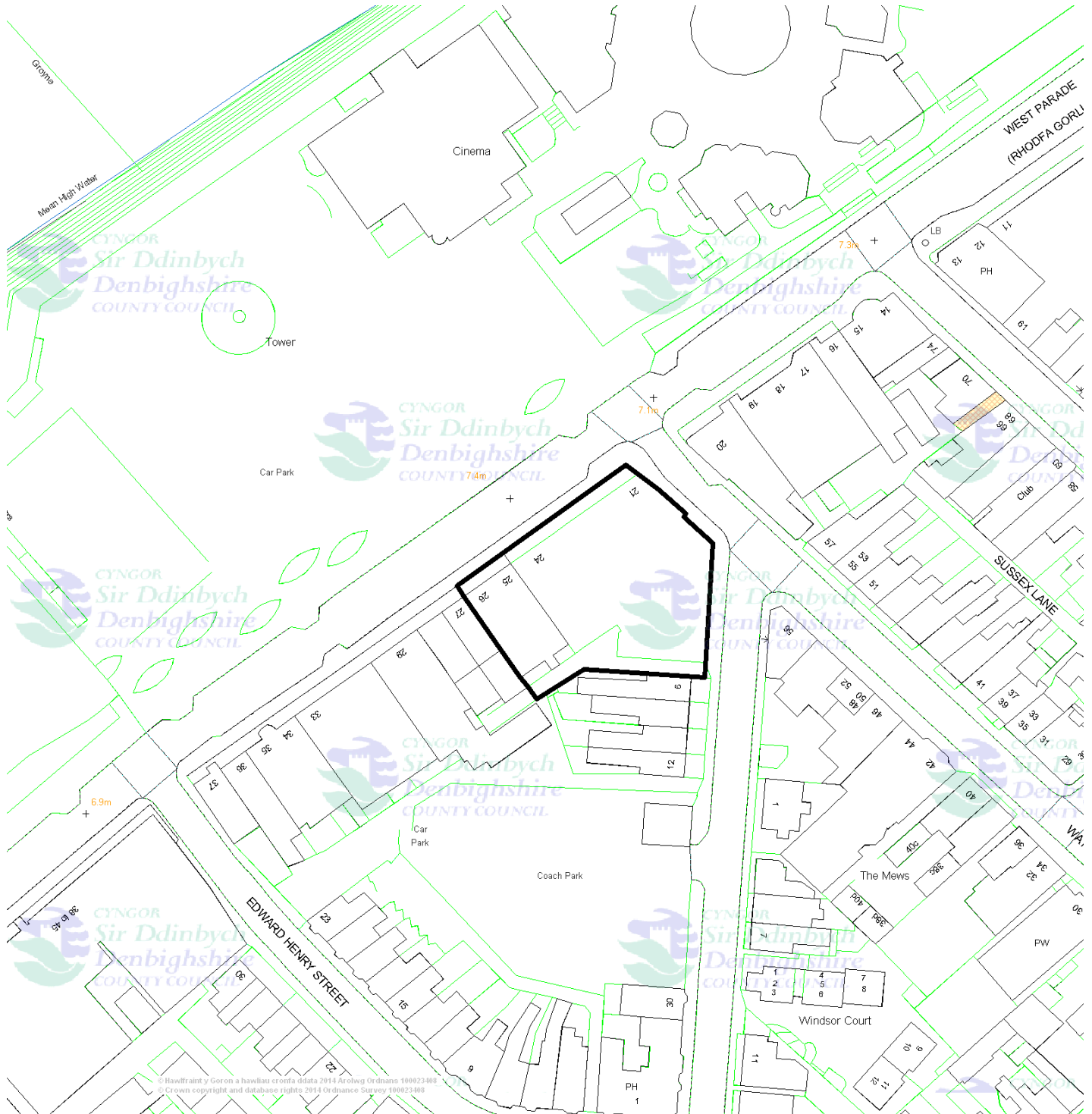
 Application Site



Date 28/8/2014
Centre = 300523 E 381472 N

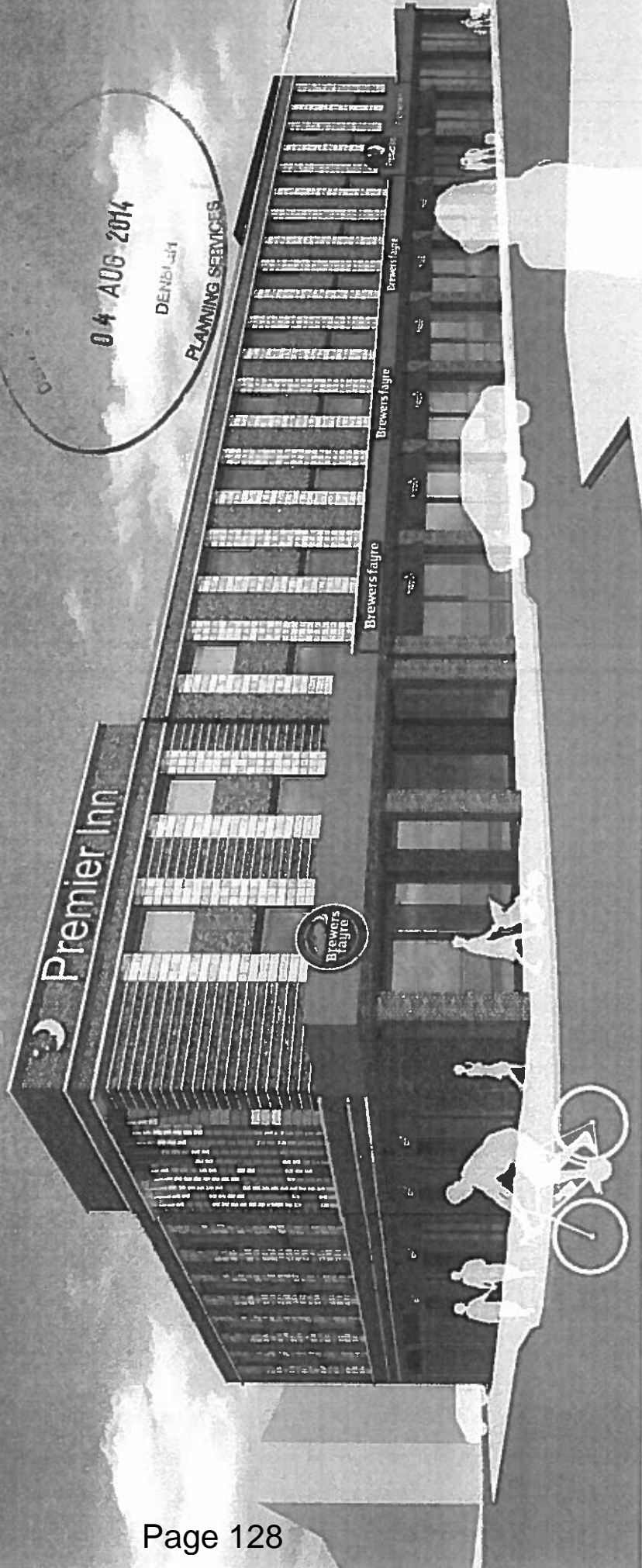
Scale 1/1250

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.



45 2011/100271P0

04 AUG 2014
DENBI-11
PLANNING SERVICES



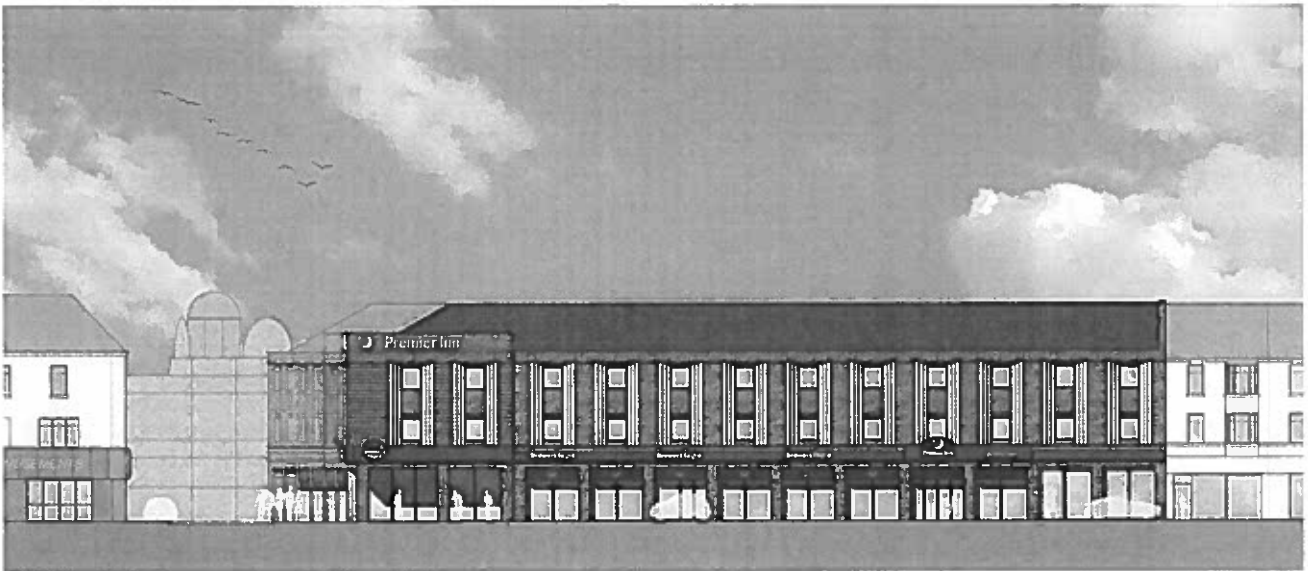
Proposed Premier Inn Hotel on the former Honey Club Site, West Parade, Rhyl
 Design and Access Statement
 Application Drawings

Formation Architects

 CHESHAM ESTATES

ELEVATIONS

7.1 West Parade elevation



*Ad signage indicated

West Parade elevation

7.2 Water Street elevation



*Ad signage indicated

Water Street elevation

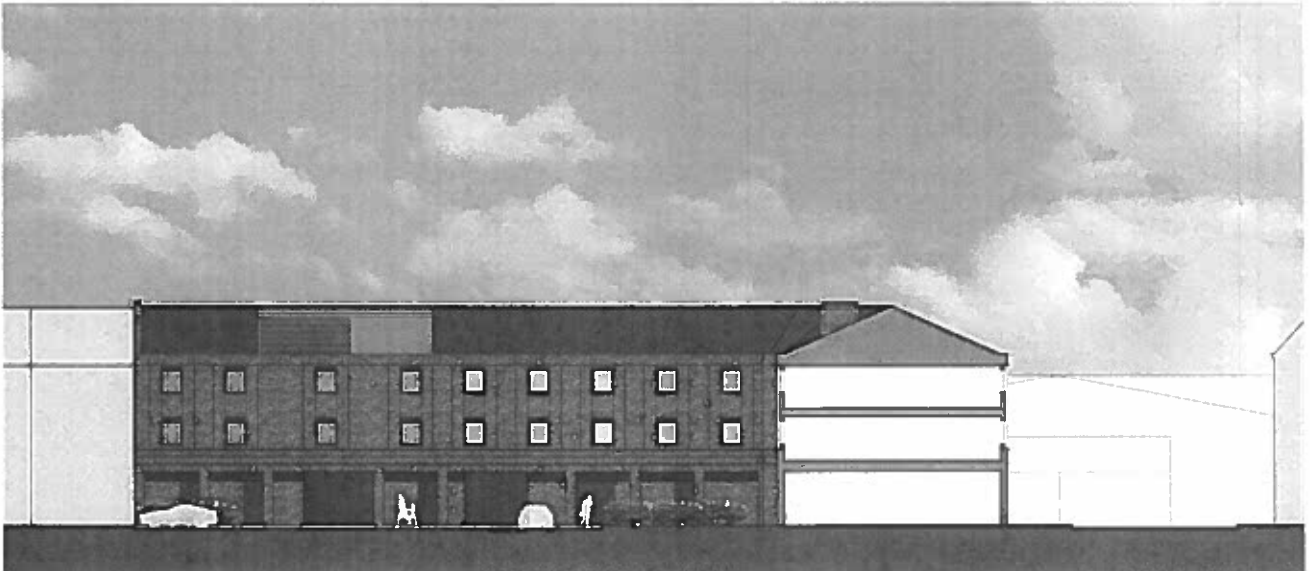
7.3 Crescent Road elevation



*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.

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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

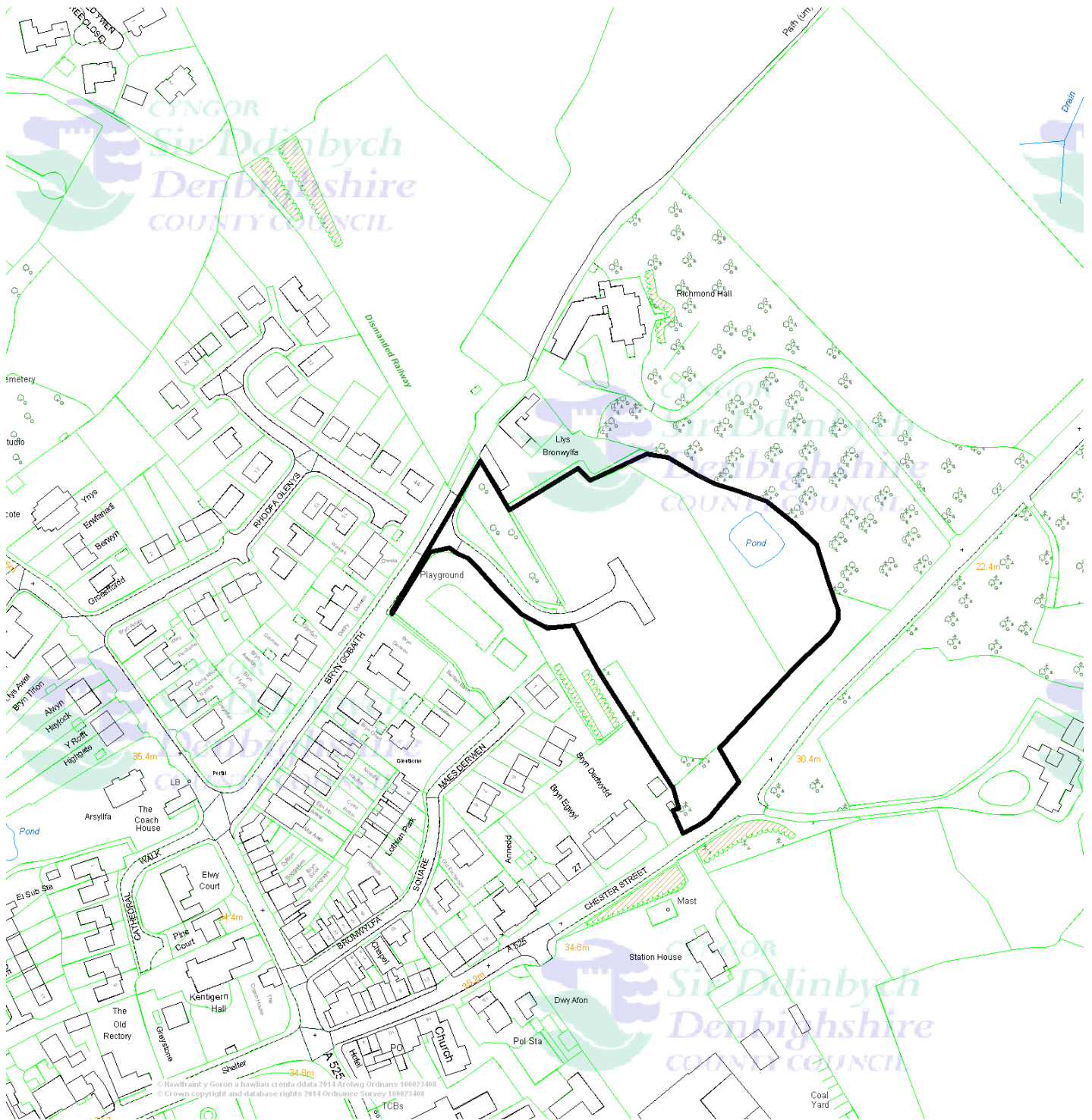
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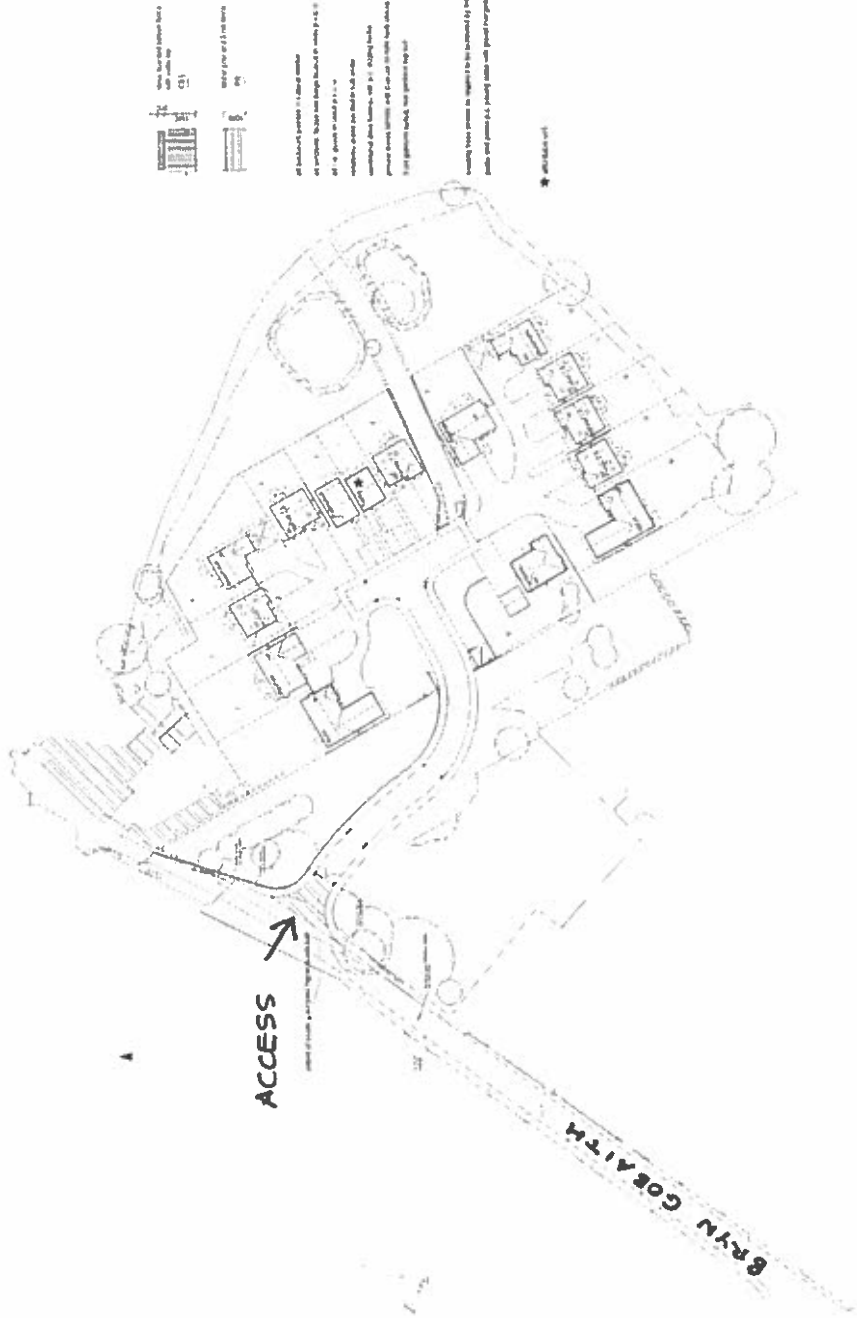
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This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the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



REVISED PLAN



- 1. All building footprints shall be shown with a minimum of 1/4" scale.
- 2. All parking spaces shall be shown with a minimum of 1/4" scale.
- 3. All landscaping shall be shown with a minimum of 1/4" scale.
- 4. All access points shall be shown with a minimum of 1/4" scale.
- 5. All utility lines shall be shown with a minimum of 1/4" scale.
- 6. All other features shall be shown with a minimum of 1/4" scale.

RECEIVED
2 PM 2/28
CONSTRUCTION DEPARTMENT

1	1/4" = 1' Scale	1/4" = 1' Scale
2	1/8" = 1' Scale	1/8" = 1' Scale
3	1/16" = 1' Scale	1/16" = 1' Scale
4	1/32" = 1' Scale	1/32" = 1' Scale
5	1/64" = 1' Scale	1/64" = 1' Scale
6	1/128" = 1' Scale	1/128" = 1' Scale
7	1/256" = 1' Scale	1/256" = 1' Scale
8	1/512" = 1' Scale	1/512" = 1' Scale
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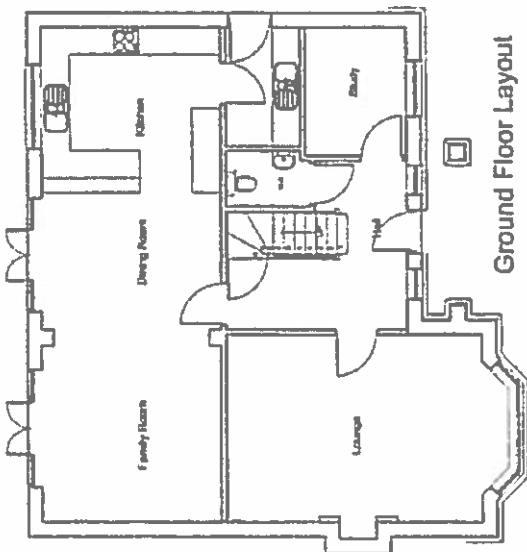
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Draw Site Layout & Elevation Plans
 Date: 1/28/22
 Drawn by: [Name]
 Checked by: [Name]
ANWIL
 Survey & Construction Engineers Ltd.

46 2013/1222/PF

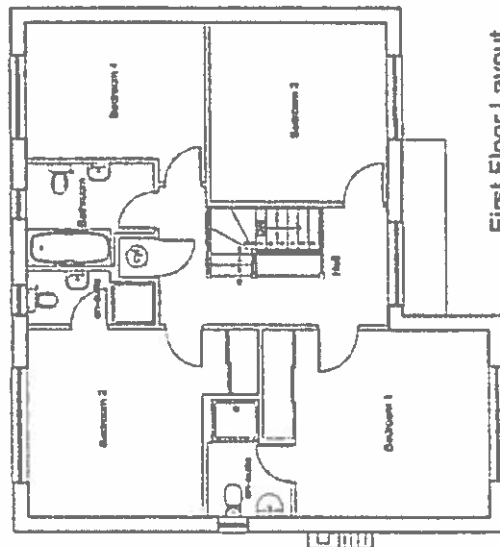
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12 JUL 2014

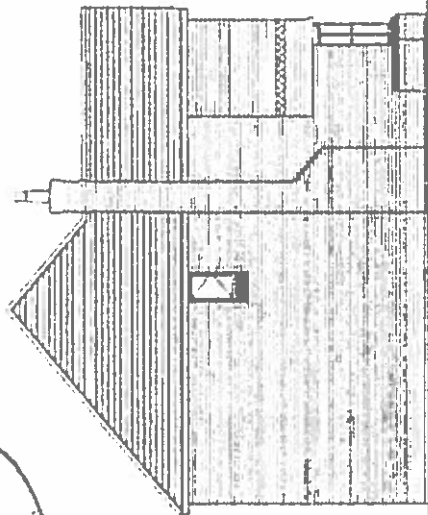
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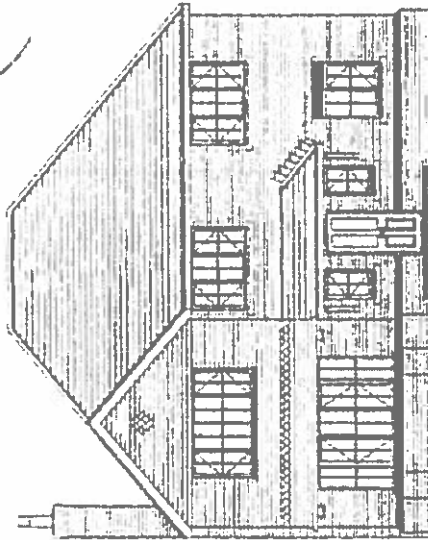
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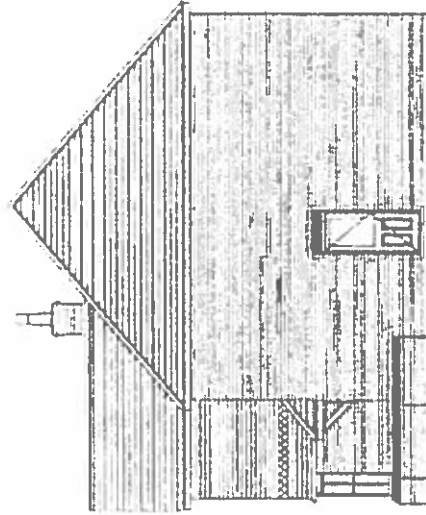
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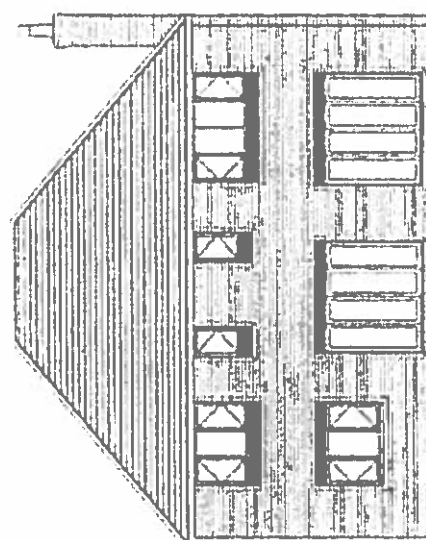
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SIDE



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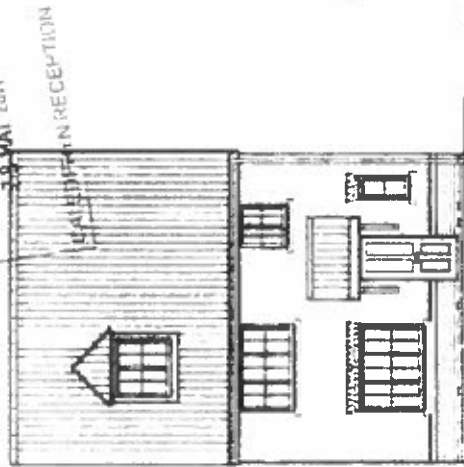
SIDE

ANWYL
 Anwyll Construction Company Ltd
 100, The Old Mill, Llanberis, Gwynedd, LL55 2BN
 Tel: 01824 861111 Fax: 01824 861112
 www.anwyll.co.uk

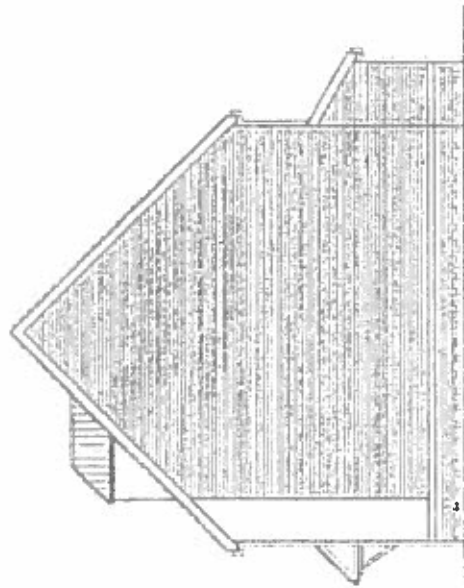
1-800 A3, 14.05.14 Pch 15

THE PORTMEIRION

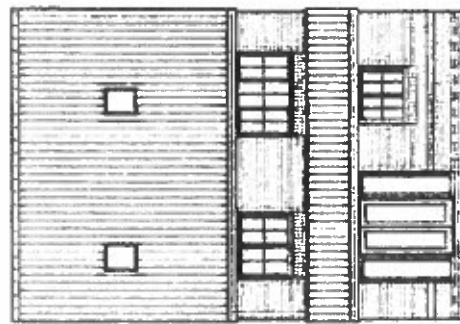
40 2013/1222/PF



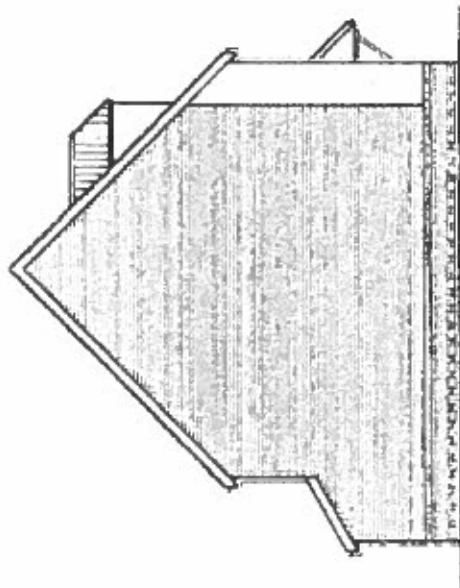
Proposed Front Elevation



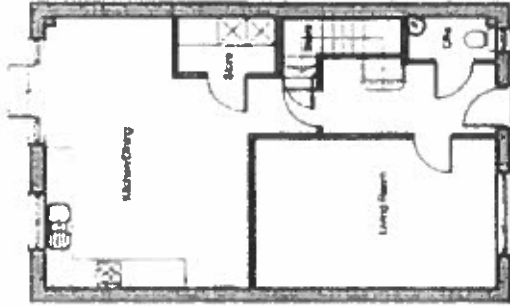
Proposed Side Elevation



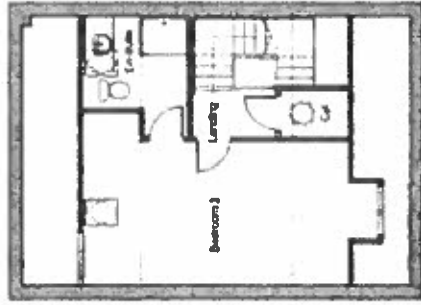
Proposed Rear Elevation



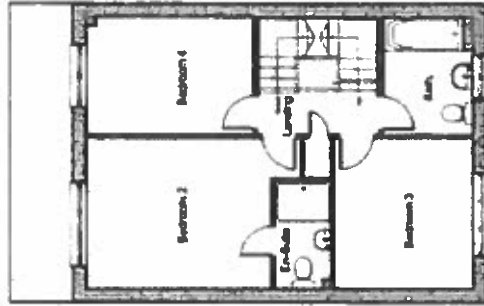
Proposed Side Elevation



Ground Floor layout



Second Floor layout



First Floor layout

ADDITIONAL PLAN

HOUSE TYPES

Plot 6

ANWYL

Anwyl Construction Company Ltd
 Anwyl House, Main Street
 Gwynedd, LL19 6PH
 Tel: 01149 20000 Fax: 01149 20000
 www.anwyl.co.uk

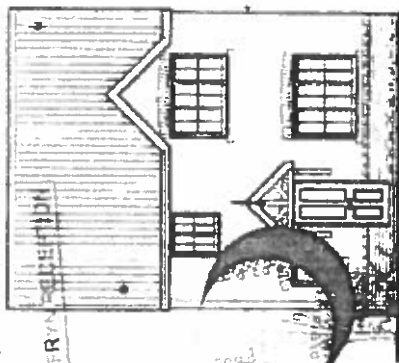
1-100 A3, 27.05.2014

THE TENBY

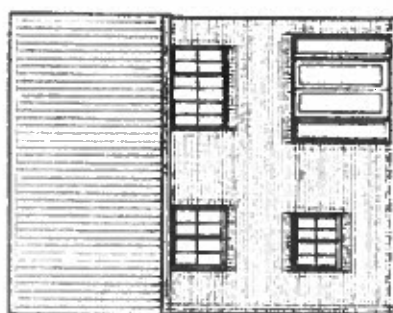
RECEIVED

29 MAY 2014

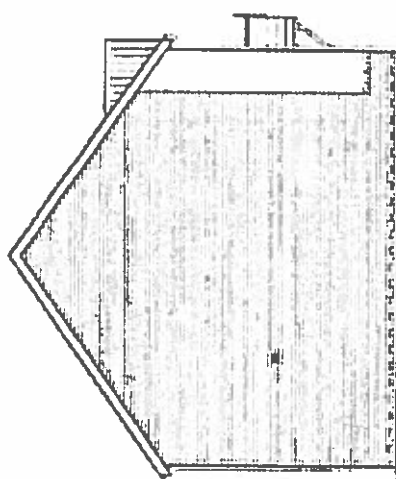
CALEDONIAN ARCHITECTURE



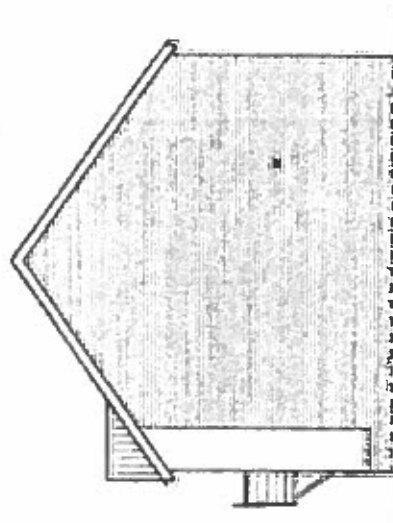
Proposed Front Elevation



Proposed Rear Elevation



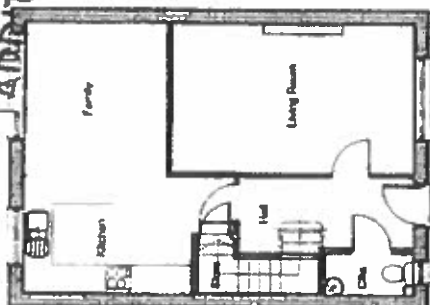
Proposed Side Elevation



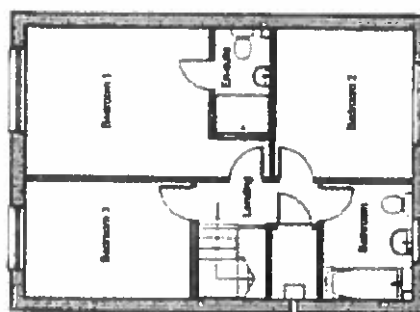
Proposed Side Elevation

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
Merthyr Tydfil, S11 8PT
Tel: 01443 821111
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.

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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

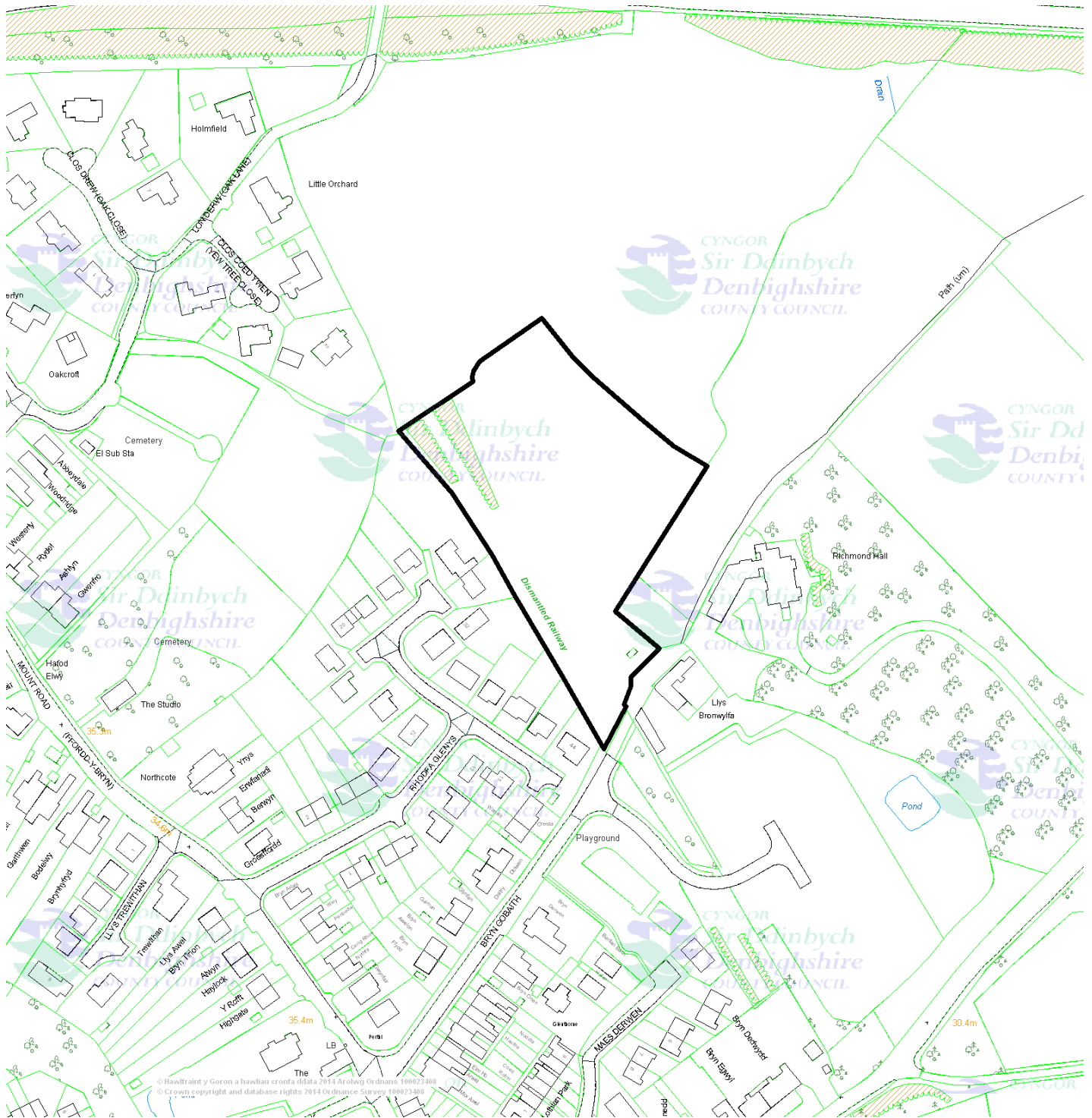
 Application Site



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.

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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

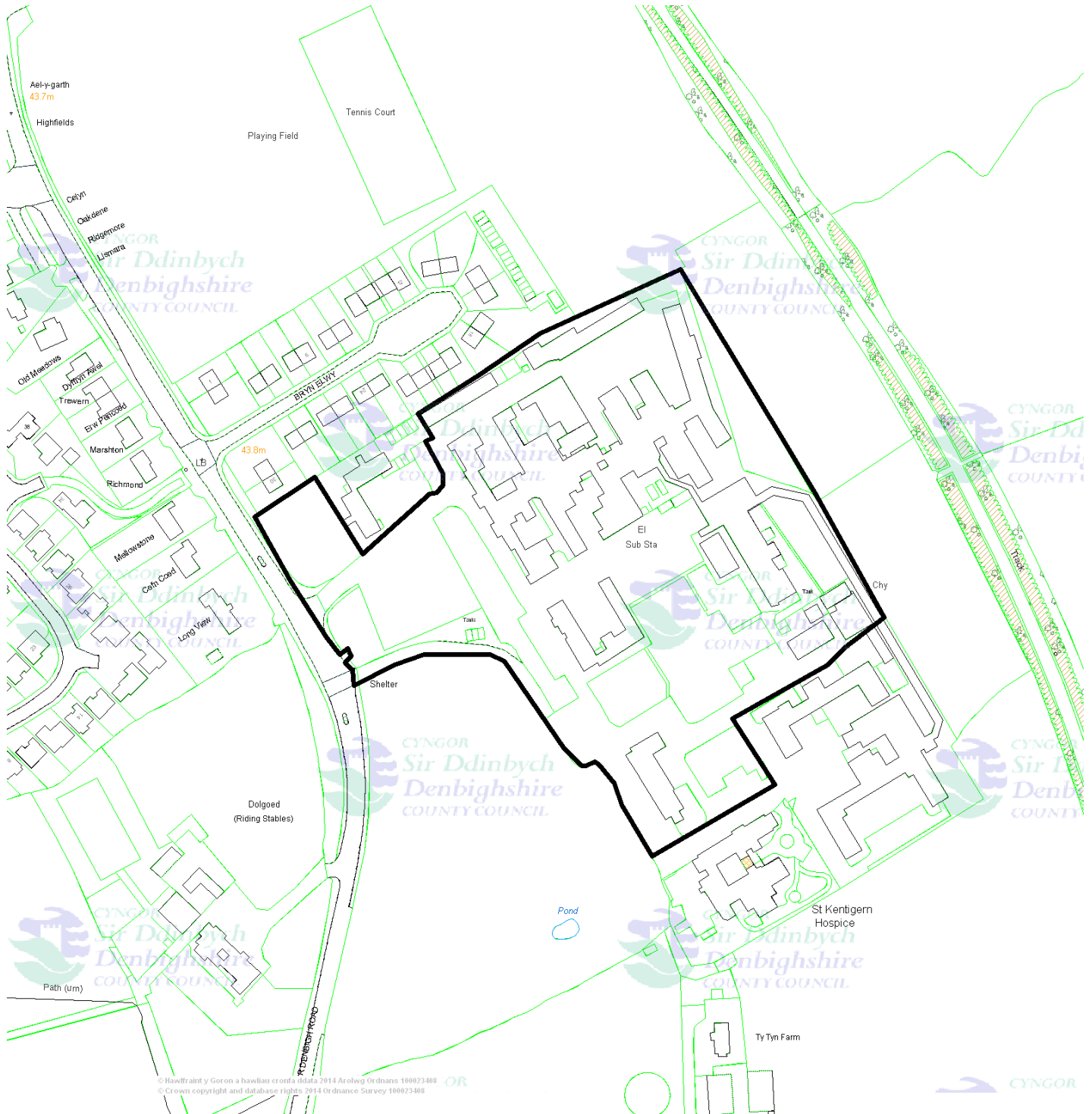


Date 28/8/2014

Scale 1/2500

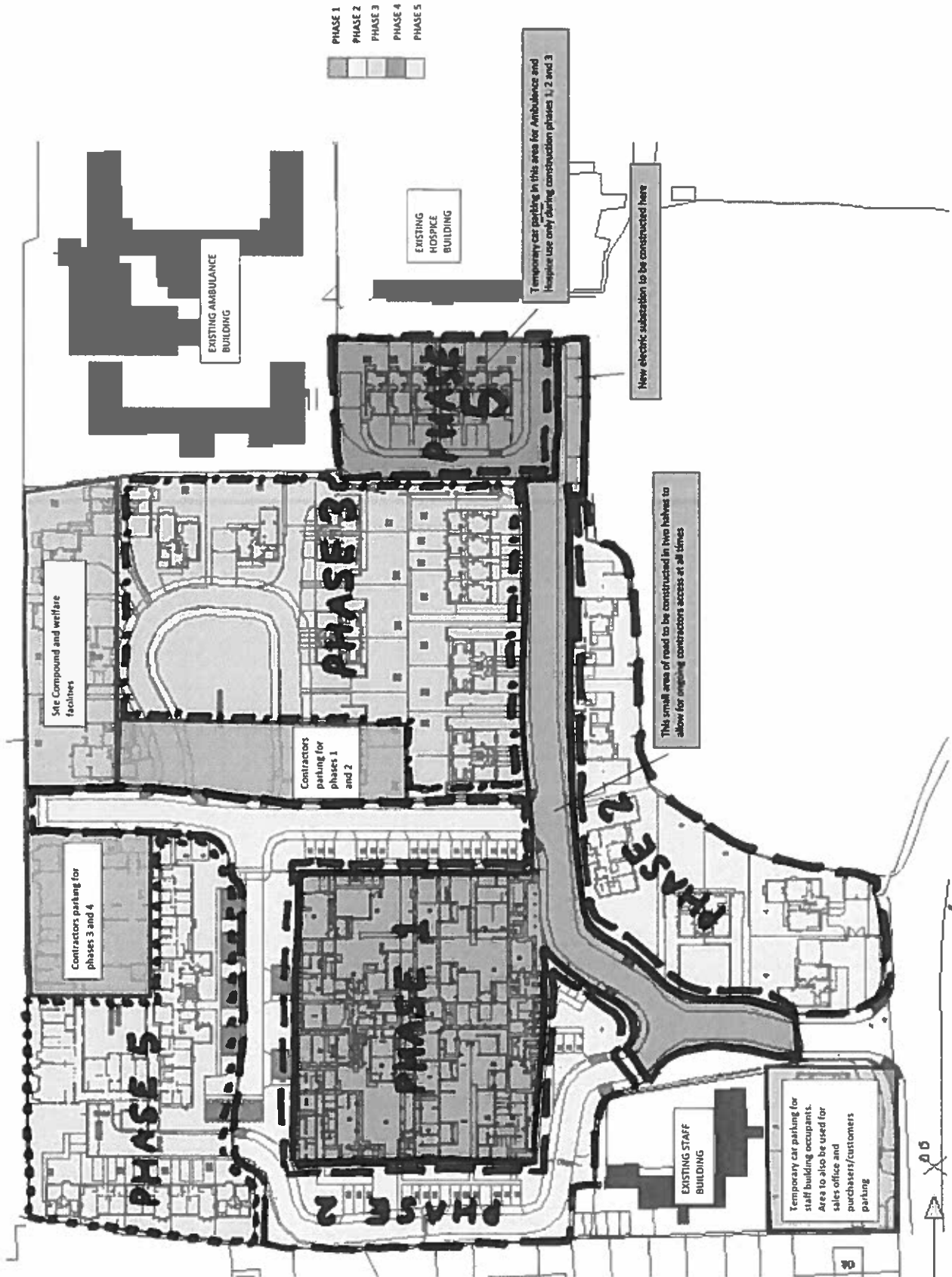
Centre = 304339 E 373771 N

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.



PHASING

PROPOSED CONSTRUCTION PHASING

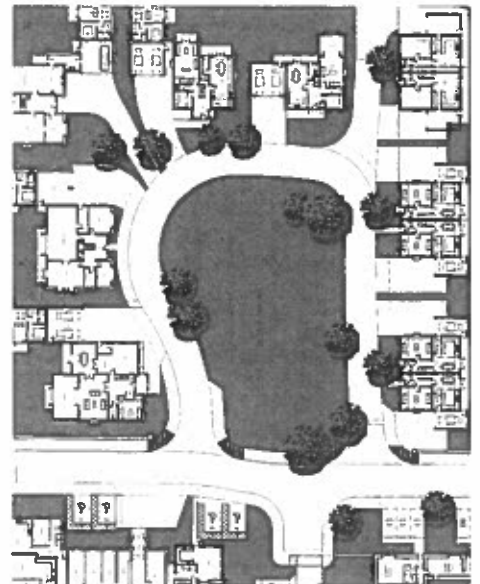


H M Stanley Hospital - Layout

willacyhorsewoodarchitects

www.willacyhorsewood.co.uk info@willacyhorsewood.co.uk Tel.01244 853851

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.



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 -

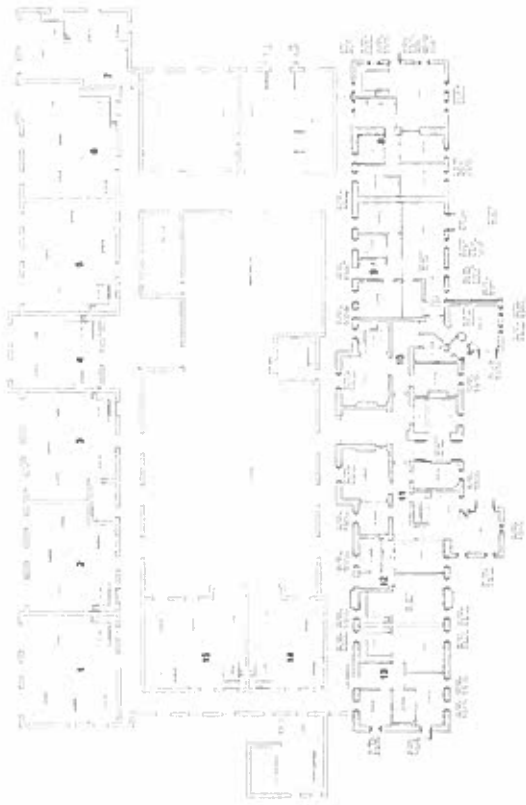
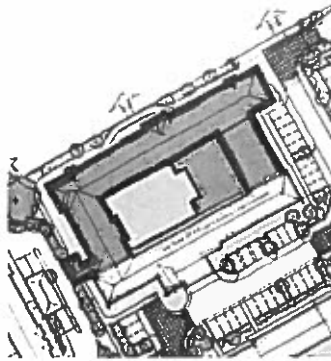
assisted living facility

willacyhorsewoodarchitects

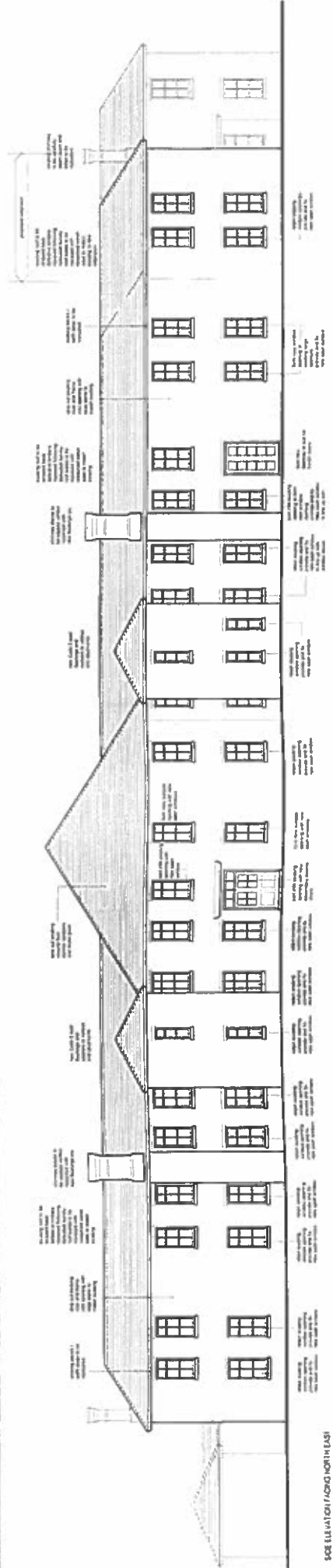
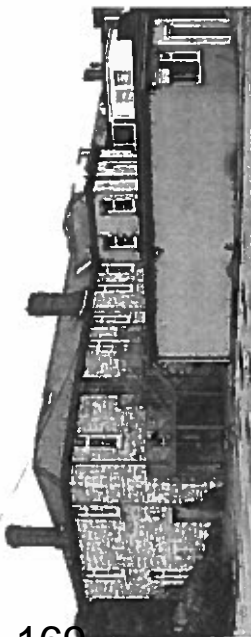
www.willacyhorsewood.co.uk info@willacyhorsewood.co.uk Tel:01244 853891

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.



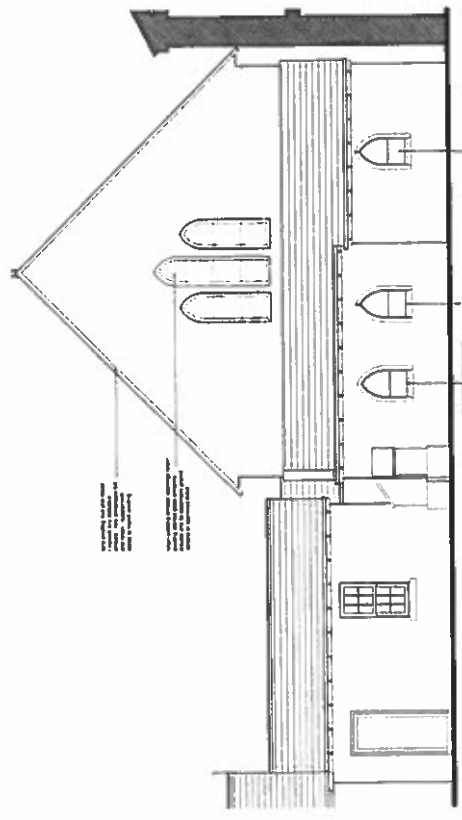
The later additions to the infirmary are unsightly will be removed. The building will be restored and used as part of the proposed assisted living facility. The image (left) was created early in the design process. The extension of the infirmary building is highlighted in red. The idea was to create a courtyard space within its form that residents are able to use as a sociable outdoor area.



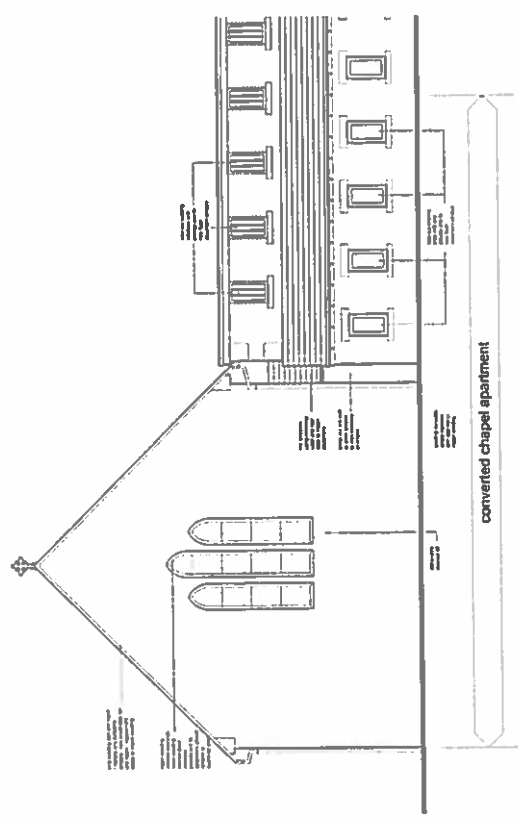
SCALE MATCHING NORTH EAST

H M Stanley Hospital - Chapel

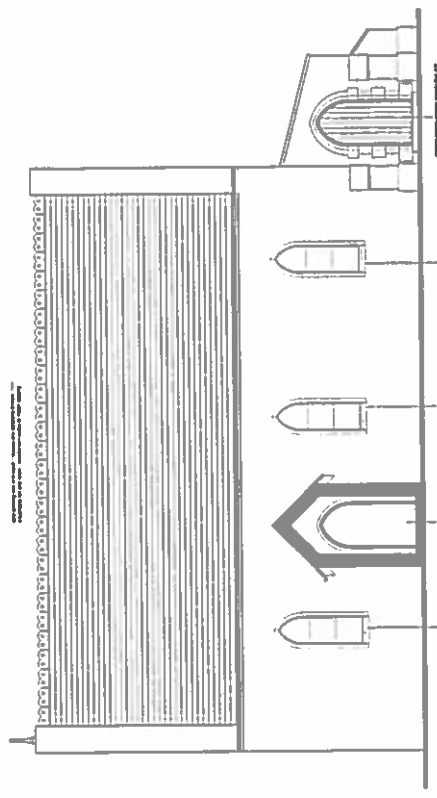
It is proposed that this space is restored as a three bedroom residential unit. It is proposed to insert a mezzanine floor at the western end to accommodate the third bedroom but the three arch braced trusses will be retained and restored, the three light stained glass east window will be retained and restored and the full height will be retained in two of the bays.



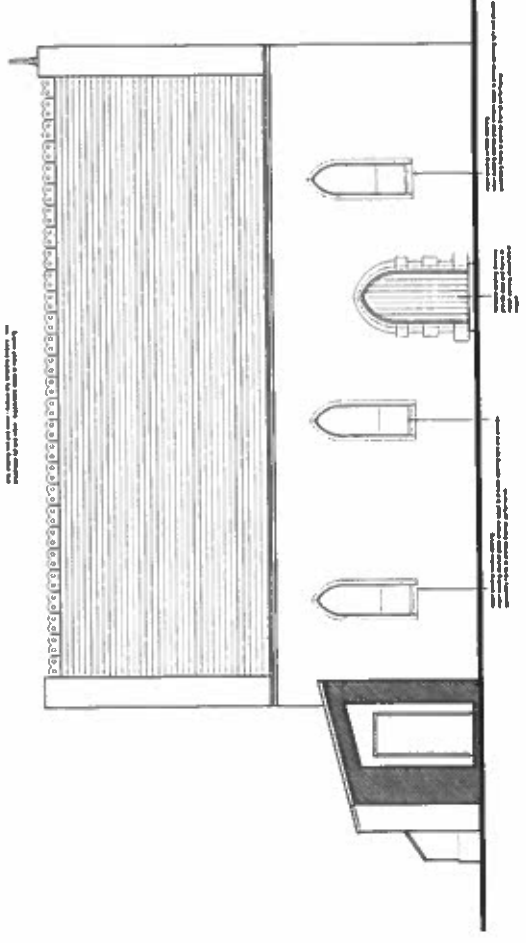
ELEVATION FACING NORTH EAST



converted chapel apartment

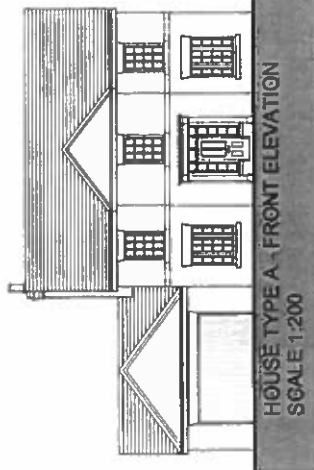


ELEVATION FACING SOUTH EAST



H M Stanley Hospital -

proposed enabling development and house types



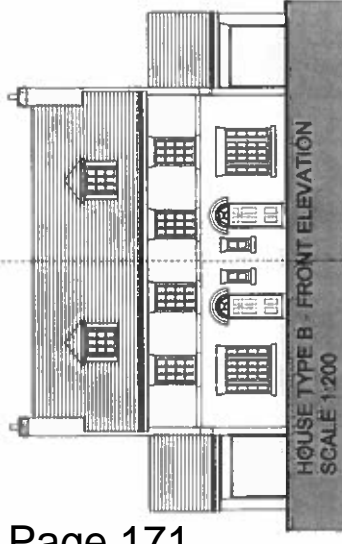
HOUSE TYPE A - FRONT ELEVATION
SCALE 1:200

5 BEDROOM HOUSE DETACHED HOUSE



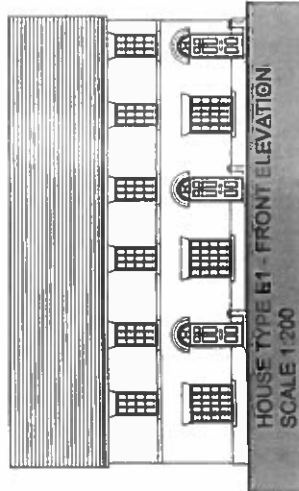
BUNGALOW - FRONT ELEVATION
SCALE 1:200

3 BEDROOM BUNGALOW



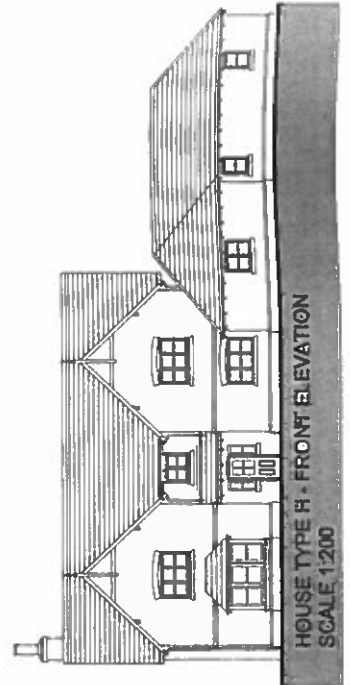
HOUSE TYPE B - FRONT ELEVATION
SCALE 1:200

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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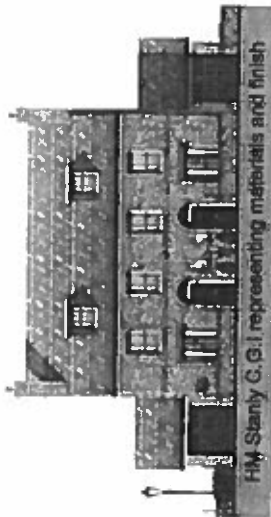
H M Stanley Hospital -

proposed enabling development and house types

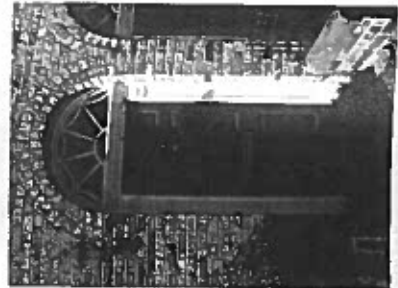
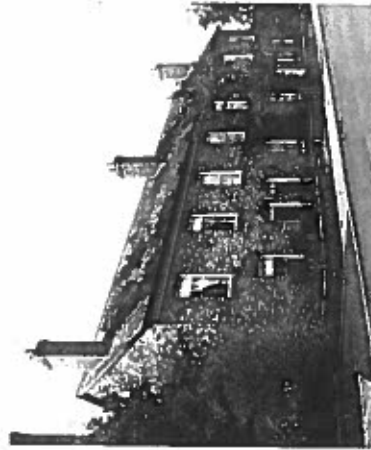
willacyhorsewood

www.willacyhorsewood.co.uk info@willacyhorsewood.co.uk Tel:01244 853891

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.



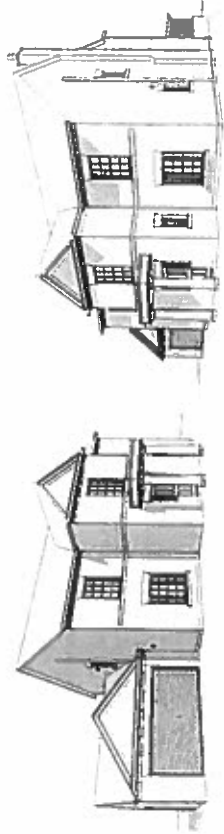
H M Stanley G.O.I representing materials and finish



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 mntic

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.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

RECONSIDERATION OF PLANNING APPLICATION

DEVELOPMENT OF 0.09HA OF LAND BY THE ERECTION OF A DWELLING (OUTLINE APPLICATION - ALL MATTERS RESERVED)

FORMER COACH PARK GRAIGFECHAN RUTHIN

APPLICATION NO. 45/2013/1545/PO

1. PURPOSE OF REPORT

- 1.1 To seek the resolution of Planning Committee on a planning application considered at Committee on 16th April, 2014.
- 2.1 The report will provide Members with the relevant background information and the reason why Officers are presenting the application to Committee for reconsideration.

2. BACKGROUND

- 2.1 The planning application for the erection of a dwelling on land outside the development boundary of Graigfechan village was recommended for refusal by Officers, having regard to the specific circumstances of the case, relevant Local Development Plan policies and Guidance, and to representations received.
- 2.2 A copy of the Officer report to the April Committee is attached as Appendix 1 to this item. The report recommended refusal on two grounds, these being that the need for the dwelling had not been demonstrated, and the unacceptable loss of the parking area for the garage business opposite.
- 2.3 There was lengthy debate at Planning Committee on the item. The applicant spoke in favour of the grant of permission. Members expressed general support for the aspirations of the applicant as a local businessman with family links to the village. Officers drew Members attention to the basis of current Development Plan policies and Supplementary Guidance on development proposals outside settlement boundaries, and in particular the 'eligibility tests' for affordable housing, questioning whether the information provided demonstrated the tests were met to justify the grant of permission.
- 2.4 A proposition was made and seconded to GRANT planning permission, and the majority vote of Committee was in favour of granting permission. The resolution as minuted was subject to :

"...Officers seeking additional information from the applicant on Affordable need / eligibility, the willingness to complete a Section 106 Obligation to tie the occupation of the dwelling to those in affordable need; and alternatively to agree to a condition or legal agreement to tie occupation of the dwelling to persons involved with the running of the garage business opposite. The application to be referred back to Committee for reconsideration if the additional information indicates no affordable need case and there is no willingness to accept the suggested ties to those in affordable need and / or linked to the garage business."

3. DEVELOPMENTS SINCE THE APRIL PLANNING COMMITTEE

- 3.1 Following the deliberations at Committee, the applicants were formally advised of the basis of the resolution and were requested to furnish information to assist the progression of the application.
- 3.2 The applicant duly sought an appraisal of the affordable housing need case from Grwp Cynefin, who in turn confirmed that the applicants were eligible for affordable housing and met the relevant 'local connections' test. The applicant also provided additional information in relation to the proposed parking arrangements, to demonstrate provision could be made for the parking of vehicles associated with the repair garage across the road and for the occupants of the proposed dwelling.
- 3.3 To move matters forwards, Officers then sought to negotiate with the applicants regarding the controls to be attached to any permission on the occupancy of the proposed dwelling and over its future sale price, to ensure it would be retained as an affordable dwelling for local needs in perpetuity, all in line with adopted local and national planning policies.
- 3.4 The applicants have indicated willingness to accept an occupancy condition on any permission, restricting the occupation of the dwelling to those that meet the Supplementary Guidance definition of 'local needs affordable housing'. However, it has not been possible to reach an agreement as to how the future price of the affordable dwelling is to be calculated, which is considered an important component part of any consent, as the principle behind the affordable housing restriction is that the price for subsequent occupiers has to meet with the definition of 'affordability'.
- 3.5 Officers have followed the stance taken in the drafting of other Section 106 Obligations in respect of setting the maximum future price of the dwelling in accordance with the Supplementary Planning Guidance Note on Affordable Housing. This method is based on multiplying the median household income for the area by a factor of 3.3, and then controlling the maximum price through applying a percentage of that total figure depending on the dwelling type. For a 1 bed dwelling the maximum price as a % of the affordable value would be 80%, and for a 4 bed dwelling this would be 110%. The median income in Graigfechan is £28,584, and by applying this to a 4 bedroom dwelling would currently translate to the sale value of the dwelling being capped at £103,759.92. Appendix 2 is an extract from the SPG and sets out the mechanism for the calculation of the maximum price.
- 3.6 The applicants view is that the above mentioned approach is unrealistic as the dwelling would cost them approximately £130,000 to build, meaning the dwelling would be valued at £25,000 below the build cost on first occupation. They have suggested the discount to be applied should be 70% - 80% of the open market value (representing a 20% - 30% reduction). Estimated figures provided by the applicant indicate that a 4 bedroom bungalow in Graigfechan could be worth about £300,000 on the open market, hence a reduction of 20% - 30% would result in a sale price between £210,000 and £240,000.
- 3.7 In respecting the position of the applicants, based on their own figures of a sale price of between £210,000 and £240,000, this would clearly not be 'affordable for local needs' given the value calculated on the median household income for the community of £28,584. As the whole basis of the decision to grant permission for a dwelling in a location outside a development boundary is an exception to normal planning policies, and **may** be justified by providing a benefit for the community in the long term by retaining an affordable dwelling for local needs in perpetuity, this benefit would not be delivered if the applicant's suggested discount were to be accepted. The Legal Officer has advised that all Section 106 Obligations setting out the criteria for establishing future sales prices of affordable dwellings are based on the SPG in place at the time of completing such agreements.
- 3.8 The 'alternative' option referred to by Planning Committee of linking the dwelling to the applicant's motor repair business, which it has been stated is run from the old bus garage building opposite,

has also been explored. In line with national planning policy and guidance on Rural Enterprise dwellings, Officers have sought details of the business from the applicant, so that Committee can be informed on the 'need' case for a dwelling to assist with the operation of that business. This would normally be in the form of a viability assessment indicating the financial standing of a business and supporting information on the need for a dwelling in close proximity. No information has been submitted in response to this approach. Notwithstanding this, even if it were established that there was a viable business involved, and a case was made for a dwelling in close proximity, the guidance in national policy is for Local Planning Authorities to impose a secondary safeguard to retain any dwelling as affordable if the situation arose that the business failed.

- 3.9 In relation to the extent of parking which may be available to the dwelling and any business run from the garage building opposite, Officers accept that the additional information provided demonstrates it would be feasible to provide a level of parking sufficient to address the previous objection on this ground.

4. CONCLUSIONS

- 4.1 The resolution of the April Planning Committee was to grant permission subject to clarification of the affordable need / eligibility case and the willingness of the applicants to accept the relevant ties on any permission to those in affordable need and / or ties to the garage business.
- 4.2 Grwp Cyefin have concluded the applicants are eligible for affordable housing and meet the 'local connections' tests for eligibility. The applicants are willing to accept a planning condition restricting occupancy of the dwelling to local needs affordable housing. However, it has not been possible to agree terms for the mechanism for discounting the price of the dwelling for the next occupiers, to meet the Council's Supplementary Guidance definition of 'affordability', which Officers believe is fundamental to the grant of permission in the circumstances.
- 4.3 Having due regard to the above, Officers consider this is a case where the reasonable aspirations of Members to grant planning permission on the basis of providing a local needs affordable dwelling would not be delivered given the applicants refusal to enter into an agreement that would limit the future sale price of the dwelling to what would be affordable as defined in the Council's Affordable Housing Supplementary Planning Guidance.

5. RECOMMENDATION

- 5.1 Taking the above into account, and in acknowledging the previous resolution of the Committee, it is recommended that Planning Committee adopt the original recommendation of the Planning Officer and REFUSE planning permission for the development, without the suggested reason for refusal which related to highway impact.

The revised reason for refusal being recommended is:

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 may only be permitted where it is demonstrated that there is an essential need for the development for either local affordable housing needs purposes or to support a rural enterprise, and where such need is established, there is a suitable mechanism in place for retaining the dwelling in perpetuity for those purposes. It is the opinion of the Local Planning Authority that there is no case presented to demonstrate the need for a rural enterprise dwelling, and that whilst the applicants may meet the Council's affordable housing need and local connections tests, in the absence of agreement on the mechanism to

ensure the future sale price of the dwelling meets the Council's definition of affordability, the development is not in accordance with Denbighshire Local Development Plan Policies BSC 4 Affordable Housing, BSC 8 Rural Exceptions Sites, Planning Policy Wales 7, and Technical Advice Note 6 Planning for Sustainable Rural Communities.

Attached are :

APPENDIX 1 – Officer report to April 2014 Planning Committee

APPENDIX 2 – Supplementary Planning Guidance methodology for calculating the sale price of an affordable dwelling

GRAHAM H. BOASE
HEAD OF PLANNING & PUBLIC PROTECTION



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Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

20/2013/1545
Former Coach Park
Graigfechan

2



Application Site

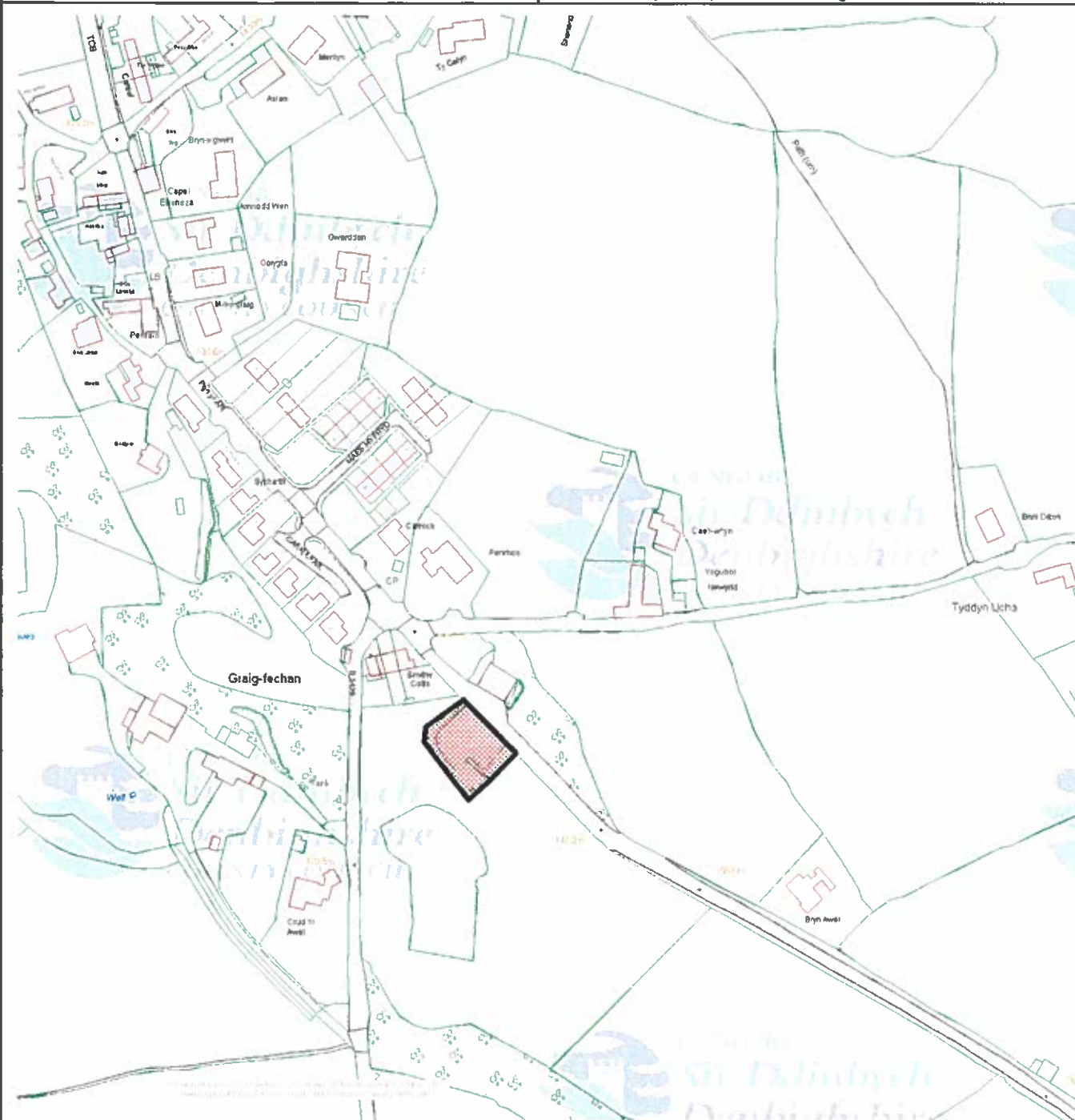


Date 3/4/2014

Scale 1/2500

Centre = 314977 E 354043 N

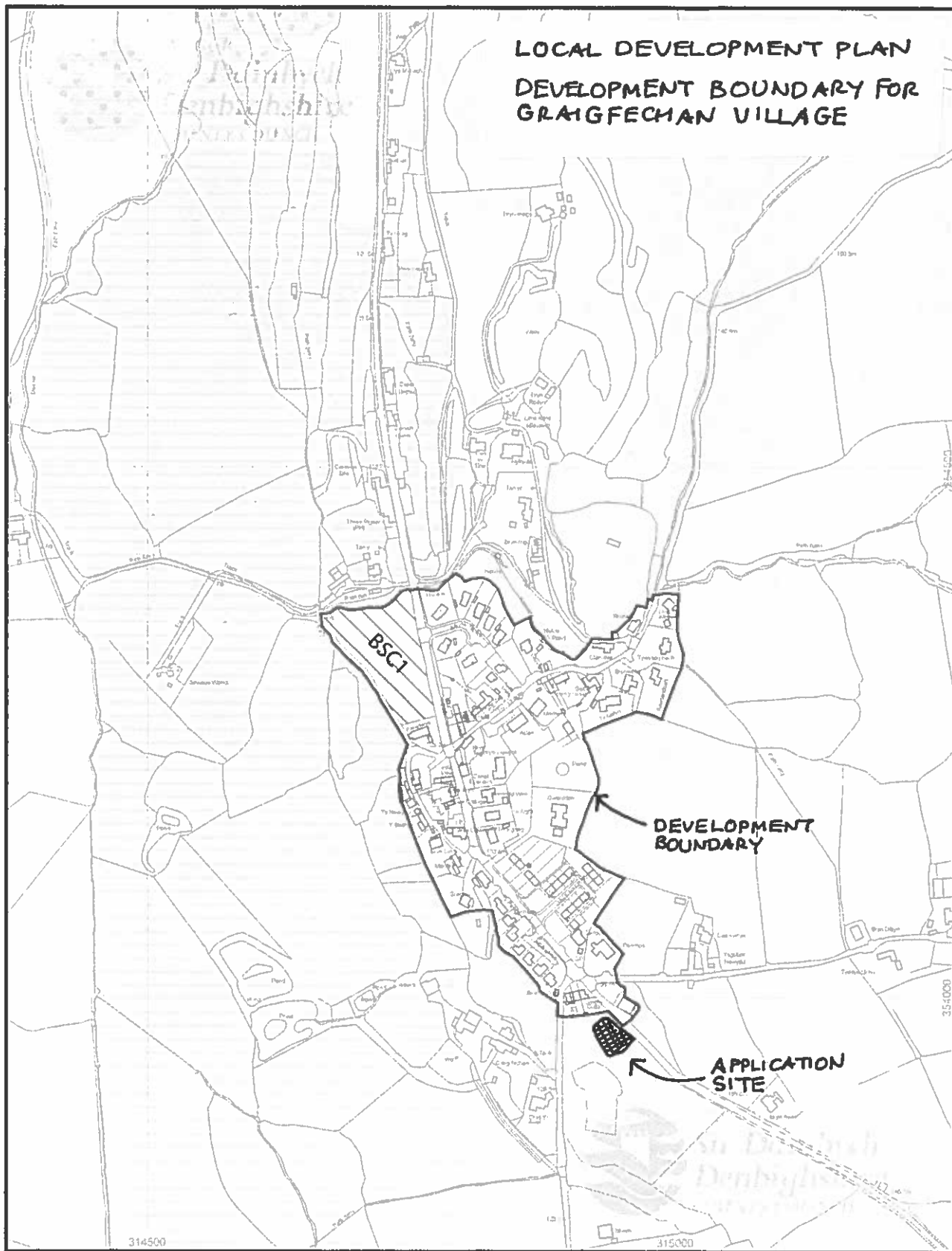
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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Aitgynhyrchir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi
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MAP 20B - PENTREF GRAIGFECHAN VILLAGE



Graddfa/Scale 1:5000
 0 50 100 150 200
 Medrau/Metres

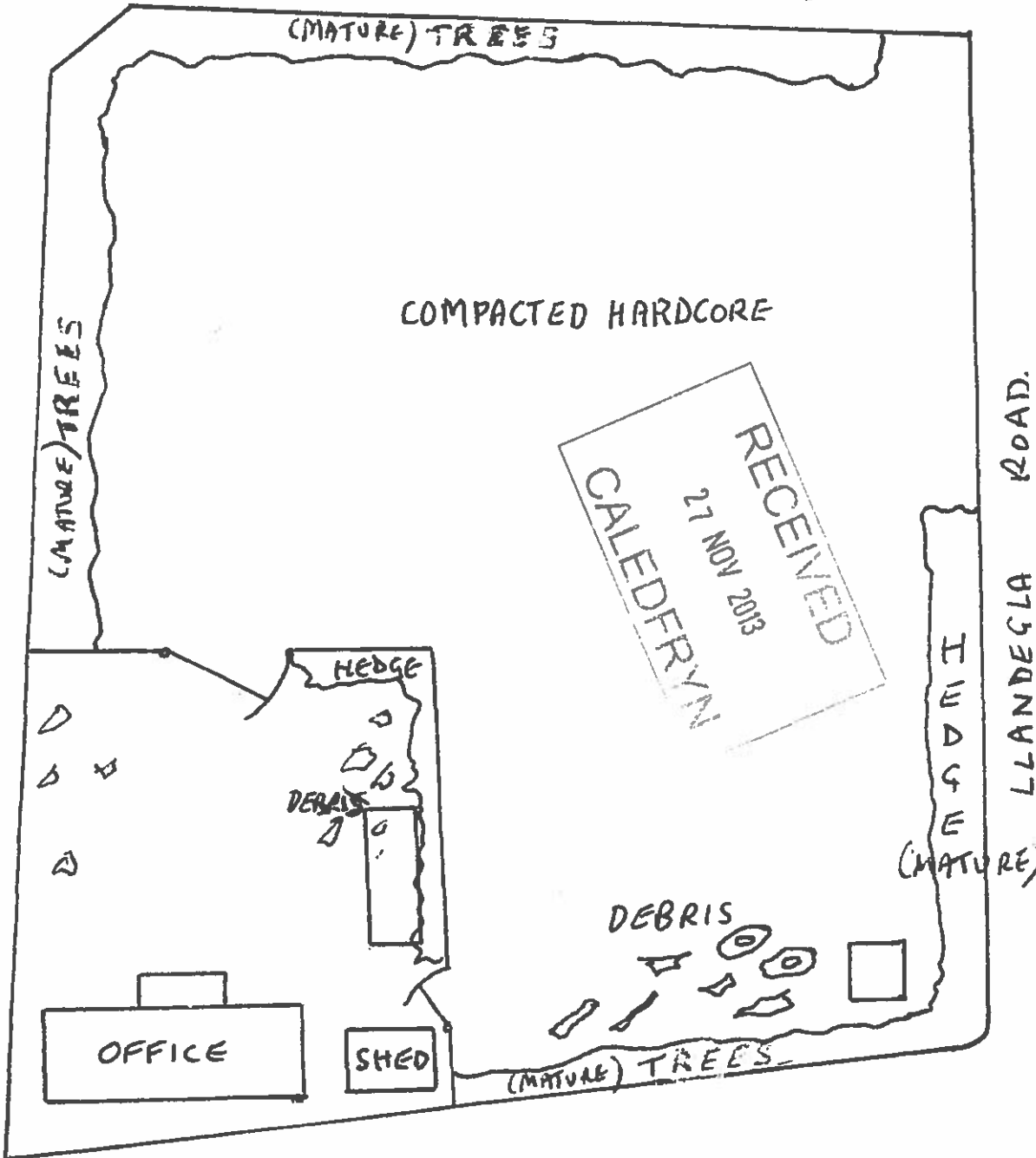


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ACCESS TO CRAIGFECHAN GROWING CLUB

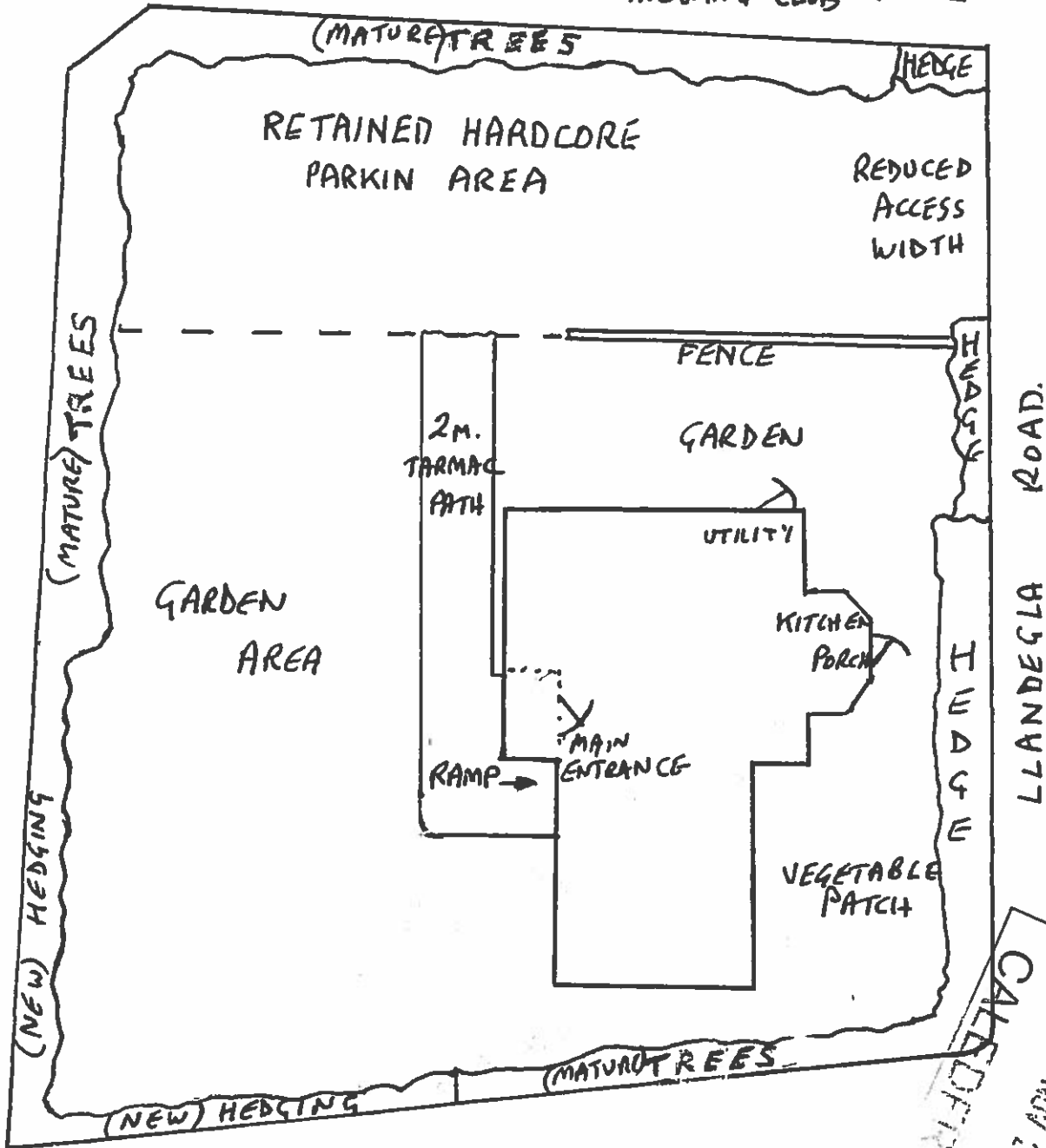


0 2 4 6 8 10
METRES

EXISTING COACH YARD
CRAIGFECHAN



ACCESS TO CRAIGFECHAN GROWING CLUB



RECEIVED
 27 NOV 2013
 CALDWELL

PROPOSED EX-COACH PARK DEVELOPMENT

CRAIGFECHAN

ATT. N°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.

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d) Calculation for the value of affordable units:

This calculation is based on median household income for the local area multiplied by 3.3. The resultant value is then discounted according to the table below:

$$(H \times 3.3) \times P = \text{£}V$$

H is the median household income for the local area

P is the percentage specified in the table below

V is the value of the affordable unit.

Type of property	Maximum price as a % of the affordable value
1 bedroom	80%
2 bedroom	90%
3 bedroom	100%
4 bedroom	110%

Information relating to household incomes is provided via CACI Paycheck data and can be provided by the Council. This figure will be updated on a regular basis.

Example

For a 2 bedroom flat in Prestatyn Central, assuming the median household income is £23,445 (available on request from the Council), the value would be:

$$(\text{£}23,445 \times 3.3) \times 90\% = \text{£}69,632$$

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