

To: Members of the Planning Committee Date: 4 December 2014
Direct Dial: 01824 712568
e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

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

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 the 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 11 - 18)

To confirm the accuracy of the minutes of the Planning Committee meeting held on 12 November 2014 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 18) -

5 APPLICATION NO. 01/2013/1599/PF - THE FORUM, 27 - 29 HIGH STREET, DENBIGH (Pages 19 - 36)

To consider an application for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh (copy attached).

6 APPLICATION NO. 01/2013/1601/LB - THE FORUM, 27 - 29 HIGH STREET, DENBIGH (Pages 37 - 52)

To consider a listed building application for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh (copy attached).

7 APPLICATION NO. 08/2014/1139/PF - LAND ADJACENT TO IFOR WILLIAMS TRAILERS LTD, CYNWYD, CORWEN (Pages 53 - 66)

To consider an application for demolition of existing dwelling and construction of car parking area to serve adjacent factory, involving alterations to existing access, changes to levels, landscaping and associated works at land adjacent to Ifor Williams Trailers Ltd, Cynwyd, Corwen (copy attached).

8 APPLICATION NO. 18/2014/1133/PS - LAND REAR OF GOLDEN LION INN, LLANDYRNOG, DENBIGH (Pages 67 - 76)

To consider an application for removal of condition nos 6, 7 and 8 of outline planning permission code no. 18/2010/1503 relating to Code for Sustainable Homes requirements at land rear of Golden Lion Inn, Llandyrnog, Denbigh (copy attached).

9 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH (Pages 77 - 104)

To consider an application for installation of micro hydro electric scheme at land at Elwy Meadows, Lower Denbigh Road, St. Asaph (copy attached).

10 APPLICATION NO. 41/2014/0757/PF - YEW TREE, BODFARI, DENBIGH (Pages 105 - 120)

To consider an application for erection of replacement two-storey dwelling and garage (amendment to previously approved scheme under ref no. 41/2013/1498/PF) at Yew Tree, Bodfari, Denbigh (copy attached).

11 APPLICATION NO. 43/2014/0905/PF - ICELAND FOODS AND BEVANS HOMEWARES, NANT HALL ROAD, PRESTATYN (Pages 121 - 142)

To consider an application for demolition of existing retail units, construction of a terrace of 4 no. new retail units, reconfiguration of existing customer car park, extension to existing staff car parking to north-east of site and associated landscaping and pedestrian / cycle / vehicle access works (Phase 2 Prestatyn Shopping Park) at Iceland Foods and Bevans Homewares, Nant Hall Road, Prestatyn (copy attached).

12 APPLICATION NO. 44/2014/0830/PC - CIET(UK) LTD, OLD WATER WORKS, ABERGELE ROAD, RHUDDLAN, RHYL (Pages 143 - 158)

To consider an application for continuation of use of land and buildings for the receipting, storage and issue of electricity power line materials, equipment and light vehicles (retrospective application) at CIET(UK) Ltd., Old Water Works, Abergele Road, Rhuddlan, Rhyl (copy attached).

13 APPLICATION NO. 44/2014/0953/PF - 6 GROVE TERRACE, PRINCES ROAD, RHUDDLAN, RHYL (Pages 159 - 168)

To consider an application for construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle at 6 Grove Terrace, Princes Road, Rhuddlan, Rhyl (copy attached).

14 APPLICATION NO. 45/2014/0388/PF - GRANGE HOTEL SITE, 41 - 42 EAST PARADE, RHYL (Pages 169 - 202)

To consider an application for demolition of easterly villa and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works at Grange Hotel Site, 41 – 42 East Parade, Rhyl (copy attached).

15 APPLICATION NO. 45/2014/0389/LB - GRANGE HOTEL SITE, 41 - 42 EAST PARADE, RHYL (Pages 203 - 230)

To consider a listed building application for demolition of easterly villa and westerly annex, and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works at Grange Hotel Site, 41 – 42 East Parade, Rhyl (copy attached).

16 APPLICATION NO. 45/2014/0875/PF - 56 ST. MARGARETS DRIVE, RHYL (Pages 231 - 244)

To consider an application for erection of conservatory to side of dwelling at 6 St. Margarets Drive, Rhyl (copy attached).

17 APPLICATION NO. 45/2014/0908/PF - PLAYGROUND OFF CRESCENT ROAD/GORDON AVENUE, RHYL (Pages 245 - 256)

To consider an application for change of use of former MUGA to a community food growing project consisting of raised bed allotments at Playground off Crescent Road/Gordon Avenue, Rhyl (copy attached).

18 APPLICATION NO. 45/2014/1132/PF - 11 - 33 ABBEY STREET, RHYL (Pages 257 - 284)

To consider an application for demolition of nos 11-25 Abbey Street and erection of 7 no. dwellings with associated gardens, parking and landscaping; and refurbishment of 4 flats and 2 ground floor shop units at 27-33 Abbey Street (copy attached).

19 NORTH WALES WIND FARMS CONNECTIONS MAJOR INFRASTRUCTURE PROJECT - PARTICIPATION IN THE PLANNING PROCESS (Pages 285 - 288)

To consider a report (copy enclosed) seeking members' views on whether the Council should participate in the planning process relating to the North Wales Wind Farms Connections Major Infrastructure Project.

20 PROTOCOL FOR SITE INSPECTION PANELS (Pages 289 - 294)

To consider a report (copy attached) presenting for adoption a revised protocol for the staging of Site Inspection Panels.

MEMBERSHIP

Councillors

Raymond Bartley (Chair)

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
Rhys Hughes
Alice Jones
Pat Jones
Margaret McCarroll

Barry Mellor
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

COPIES TO:

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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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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-
*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 12 November 2014 at 9.30 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley (Chair), Joan Butterfield, Bill Cowie, Ann Davies, Meirick Davies, Richard Davies, Stuart Davies, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Margaret McCarroll, Barry Mellor, Win Mullen-James (Vice-Chair), Bob Murray, Peter Owen, Dewi Owens, Merfyn Parry, Paul Penlington, Arwel Roberts, David Simmons, Joe Welch, Cefyn Williams and Huw Williams

Local Members – Councillor Martyn Holland attended for agenda item 10

Councillor David Smith, Lead Member for Public Realm attended for agenda items 5 – 8

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principal Planning Officer (IW); Development Planning & Policy Manager (AL); Conservation Project Officer (KH); Planning Policy Officer (KB) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Jeanette Chamberlain-Jones, Bill Tasker and Julian Thompson-Hill

2 DECLARATIONS OF INTEREST

No declaration of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee's meeting held on 15 October 2014 were submitted.

RESOLVED that the minutes of the meeting held on 15 October 2014 be approved as a correct record.

5 ADVERTISEMENTS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT

Councillor David Smith, Lead Member for Public Realm and the Development Planning and Policy Manager (DPPM) submitted a report presenting the draft Advertisements Supplementary Planning Guidance (SPG) as a basis for public consultation. Councillor Smith explained the different stages in the process before final adoption of SPG documents by the Planning Committee.

Members were advised of the need to update SPG documents in light of legislative changes and adoption of the Local Development Plan (LDP). This SPG provided guidance on the various types of advertisements requiring consent together with other aspects such as bilingual signage and appropriate lighting. Members sought assurances that adequate measures were in place to deal with forecourt trading and the DPPM referred to paragraph 5.6 within the draft document relating to forecourt signage. She reminded members they would have further opportunity to comment on the SPG during the public consultation period before the matter was brought back to the committee for adoption.

Proposal – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Win Mullen-James. It was unanimously –

RESOLVED that members agree the draft Supplementary Planning Guidance on Advertisements as a basis for public consultation.

6 LISTED BUILDINGS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT

Councillor David Smith, Lead Member for Public Realm and the Conservation Project Officer submitted a report presenting the draft Supplementary Planning Guidance (SPG) document on listed buildings as a basis for public consultation.

The draft SPG provided clear and concise guidance based on up-to-date national policy on listed buildings and would be a material planning consideration when assessing listed building consent applications and planning applications affecting listed buildings and their setting.

Proposal – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Bill Cowie. It was unanimously –

RESOLVED that members agree the draft Supplementary Planning Guidance on listed buildings as a basis for public consultation.

7 CONSERVATION AREAS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT

Councillor David Smith, Lead Member for Public Realm and Conservation Project Officer submitted a report presenting the draft Supplementary Planning Guidance (SPG) document on conservation areas as a basis for public consultation. The SPG would assist in the proactive management of conservation areas and the determination of planning applications affecting conservation areas.

During discussion the following points were raised –

- trees in conservation areas were generally protected and officers agreed to amend paragraph 5.2 of the document to clarify that consent was required to cut down a tree or to carry out tree pruning work in a conservation area, even if the tree was not subject of a Tree Preservation Order (TPO) – reference should also be made to the possibility that a tree may already be subject of a TPO
- controls over landscaping issues would be covered as part of the planning application
- it would not be possible to amalgamate guidance covering conservation areas, areas of outstanding natural beauty and world heritage sites because each was subject to different statutory requirements and national policies – the different authorities responsible for those areas worked together to try and ensure aspirations and management were complementary
- Councillor Cefyn Williams highlighted reference to The Terrace, London Road, Corwen within the document and expressed his disappointment that permission had been granted for a parking space outside the terrace which he believed was not in keeping with character. Officers confirmed listed building consent had been granted in that case and due regard had been given to conservation area status alongside other planning issues as part of that process.

Proposal – Councillor Cefyn Williams proposed the officer recommendation, seconded by Councillor Dewi Owens. It was unanimously –

RESOLVED that members agree the draft Supplementary Planning Guidance on conservation areas as a basis for public consultation.

8 DRAFT SITE DEVELOPMENT BRIEF: RHUDDLAN TRIANGLE

Councillor David Smith, Lead Member for Public Realm and the Planning Officer (KB) submitted a report recommending members agree the draft Site Development Brief (SDB) for the 'Rhuddlan Triangle' site and the accompanying Strategic Environmental Assessment Screening document for public consultation. An exhibition would be held at Rhuddlan Library on 10 December and 17 January as part of the consultation process and members were encouraged to attend.

Councillor Ann Davies (Local Member) spoke in favour of the SDB to attract potential business and employment to the area and supported the exhibition as a means of involving local people. She proposed the officer recommendation as detailed within the report which was seconded by Councillor Arwel Roberts (Local Member). In welcoming the SDB Councillor Roberts put forward a number of ideas including the establishment of a tourist centre, retail and souvenir shops in order to attract visitors into the town together with landscaping measures near the riverside and a jetty. He also questioned residential provision and mitigation measures to manage flood risk. Members discussed those issues further during general debate and sought clarification in that regard. Councillor Alice Jones expressed concern about the increase of traffic and sought assurances that existing problems experienced by agricultural workers would be addressed as part of the process.

In response to issues raised the Planning Officer advised that –

- raising individual land levels on site had not been considered an acceptable option to address flooding due to the potential to displace flood waters and cause adverse flood risk impacts on adjoining landowners – he agreed to consult further with Natural Resources Wales regarding this issue and the suggestion to raise the building level to a specific height to mitigate risk
- in light of contradictory advice provided regarding the potential for tidal flooding from the Clwyd estuary he agreed to consult with the Flood Risk Officer to ensure paragraph 5.6 of the SDB was factually correct prior to consultation
- TAN 15 – Development and Flood Risk set out certain types of development criteria for flood risk and the Strategic Flood Consequence Assessment undertaken had shown that residential development would not be an option for the site, this view was supported by Natural Resources Wales who had advised that the site would be suitable for light industrial use
- the Council did not own any of the land on the site but would assist in discussing development proposals and in the planning process
- the nature of future development was dependent upon submissions put forward by potential developers which would be subject to justification tests and acceptability of consequences for particular types; landscaping measures to enhance the area could also be discussed with applicants during that process
- due to the Rhuddlan Bridge weight restriction it may not be suitable for use by heavy goods and business vehicles entering Station Road from the town centre – he agreed to look jointly with Highways into road use by agricultural vehicles
- the necessary information would be made available at the exhibition event and Planning Officers could also be contacted at the office for consultation.

Proposal – Councillor Ann Davies proposed the officer recommendation, seconded by Councillor Arwel Roberts. It was unanimously –

RESOLVED that members agree the draft Site Development Brief for the ‘Rhuddlan Triangle’ site and the accompanying Strategic Environmental Assessment screening document (as attached to the report) for public consultation.

At this juncture (10.25 a.m.) the meeting adjourned and reconvened at 11.00 a.m.

9 APPLICATION NO. 02/2014/0990/PF - RUTHIN SCHOOL, MOLD ROAD, RUTHIN

An application was submitted for siting of 1 no. temporary classroom unit (retrospective application) at Ruthin School, Mold Road, Ruthin.

Public Speakers –

Mr. D. Fitzsimon (**For**) – endorsed officers’ written report to committee and responded to the concerns raised advising that the mobile unit had a modest footprint and would be located close to the main school. The siting of the unit was temporary pending completion of school refurbishment works.

General Debate – Councillor Huw Hilditch-Roberts (Local Member) advised he had not personally received any objection to the application. The Planning Officer responded to questions confirming it was a retrospective planning application for a

recently sited mobile unit and granting the application for a two year period was considered reasonable.

Proposal – Councillor Huw Hilditch-Roberts proposed the officer recommendation to grant the application, seconded by Councillor Stuart Davies.

VOTE:

GRANT – 23

REFUSE – 1

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.*

10 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH

An application had been submitted for installation of micro hydro electric scheme at land at Elwy Meadows, Lower Denbigh Road, St. Asaph.

Councillor Dewi Owens referred to the complaint made to Natural Resources Wales by Rhyl and St. Asaph Angling Association regarding their response to hydro proposals at Elwy Weir. He proposed that the application be deferred pending investigation of the complaint. In seconding the proposition Councillor Meirick Davies expressed his regret over the delay in determining the application which had been ongoing for some time.

Proposal – Councillor Dewi Owens proposed, seconded by Councillor Meirick Davies, that the application be deferred pending investigation of the complaint.

VOTE:

FOR DEFERRAL – 22

AGAINST DEFERRAL – 2

ABSTAIN – 0

***RESOLVED** that the application be **DEFERRED** pending investigation of the complaint made to Natural Resources Wales.*

11 APPLICATION NO. 45/2013/1510/PO - OCEAN BEACH SITE, WELLINGTON ROAD, RHYL

An application for development of 5.3 hectares of land for mixed-use re-development to include provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping (outline application including access - all other matters reserved) at Ocean Beach Site, Wellington Road, Rhyl.

Public Speakers –

Mr. M. Ralph (**For**) – elaborated upon the complex nature of the application and recent measures to address areas of concern. The Applicant was committed to the scheme and had agreed the conditions put forward by Planning Officers.

General Debate – The Planning Officer provided some background information and context to the application and detailed the reasons behind the officer recommendation to grant the application.

Councillor Joan Butterfield (Local Member) referred to the history of the site and previous lack of action by the Applicant leading to a loss of confidence that the development would proceed. She felt there should be greater ambition for such a key development site and expressed concern regarding the retail impact on the town centre's viability and sustainability of transport links. Consequently she proposed that the application be refused. Councillor Peter Owen seconded the proposition highlighting Rhyl as a holiday resort which required a development to enhance tourism rather than retail provision.

During a detailed debate members considered the history of the site and discussed the merits of the current application, noting extant planning permission for a mixed use development similar to the one now proposed and the main differences between the two. Whilst the previous lack of action was concerning to note members did not wish to see the site remain derelict and undeveloped and it was generally accepted that granting the application would give rise to further opportunity to attract developer interest and investment and enable the poor appearance of the site to be addressed sooner. To help expedite delivery of the scheme officers had recommended the timescale to start development be shortened to three years but implementation of the scheme could not be enforced. Assurances were sought regarding the electricity supply and the Planning Officer confirmed a new substation formed part of the planning application which would generate sufficient electricity for phase 1 of the development. Members discussed the economic benefits of allowing the scheme, potential impact on the viability of Rhyl Town Centre, and considered whether concerns regarding transport links could be effectively addressed via planning condition. Reference was made to the Welsh Language Policy and it was agreed that, if the application was granted, a further condition be imposed regarding the use of Welsh Language and bilingualism for street naming and signage.

Proposal – Councillor Joan Butterfield proposed, seconded by Councillor Peter Owen that the application be refused, contrary to officer recommendation, based on the potential retail impact of the development on Rhyl Town Centre and sustainability in terms of vehicle, pedestrian and cycle links.

VOTE:

GRANT – 18

REFUSE – 5

ABSTAIN – 1

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers together with the requirement for a Welsh Language Strategy approved by the Council.

12 APPLICATION NO. 15/2014/0969/PF - LLYS ARMON, LLANARMON YN IAL, MOLD

An application was submitted for conversion of existing terraced house to form two separate one bedroom terraced houses and associated works at Llys Armon, Llanarmon Yn Ial, Mold.

General Debate – Councillor Martyn Holland (Local Member) raised no objection to the application believing there was a demand for small one bedroom properties in the area and bearing in mind the alterations would be in keeping with the property.

In response to questions the Planning Officer advised that the proposed new condition stipulated that painted timber would be used in the frames of the new windows and doors. To insist on particular colour paint would be unreasonable considering that the building was not listed.

Proposal – Councillor Huw Williams proposed the officer recommendation to grant, seconded by Councillor Arwel Roberts.

VOTE:

GRANT – 22

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

13 APPLICATION NO. 45/2014/1079/PF - 10 - 24 ABBEY STREET AND 3 - 29 GRONANT STREET, RHYL

An application was submitted for demolition of Nos 10 – 24 Abbey Street and 3 – 29 Gronant Street and erection of 11 2-bed houses and 9 3-bed houses with associated gardens, parking and hard landscaping.

General Debate – Councillor Joan Butterfield (Local Member) spoke in favour of the application highlighting the regeneration ambitions for West Rhyl in terms of providing better quality living accommodation. She referred to condition 9 highlighting concerns raised by residents of both 7 & 8 Gordon Avenue and asked that she be involved in ensuring those concerns were addressed satisfactorily. The Planning Officer indicated that he was happy to incorporate the wishes of the Local Member when considering the impact on those neighbouring properties. He also confirmed that a new condition had been proposed in order to protect the interests of nature conservation in the event that bats were found during the works.

Proposal – Councillor Joan Butterfield proposed the officer recommendations to grant the application, seconded by Councillor Ian Armstrong.

VOTE:

GRANT – 20

REFUSE – 0

ABSTAIN – 1

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

The meeting concluded at 12.10 p.m.

Agenda Item 5

WARD: Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1599/ PF

PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats

LOCATION: The Forum 27-29 High Street Denbigh

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Heading:

REFERENCE NO. 01/2013/1599/PF & 01/2013/1601/LB
27-29 HIGH STREET
DENBIGH

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

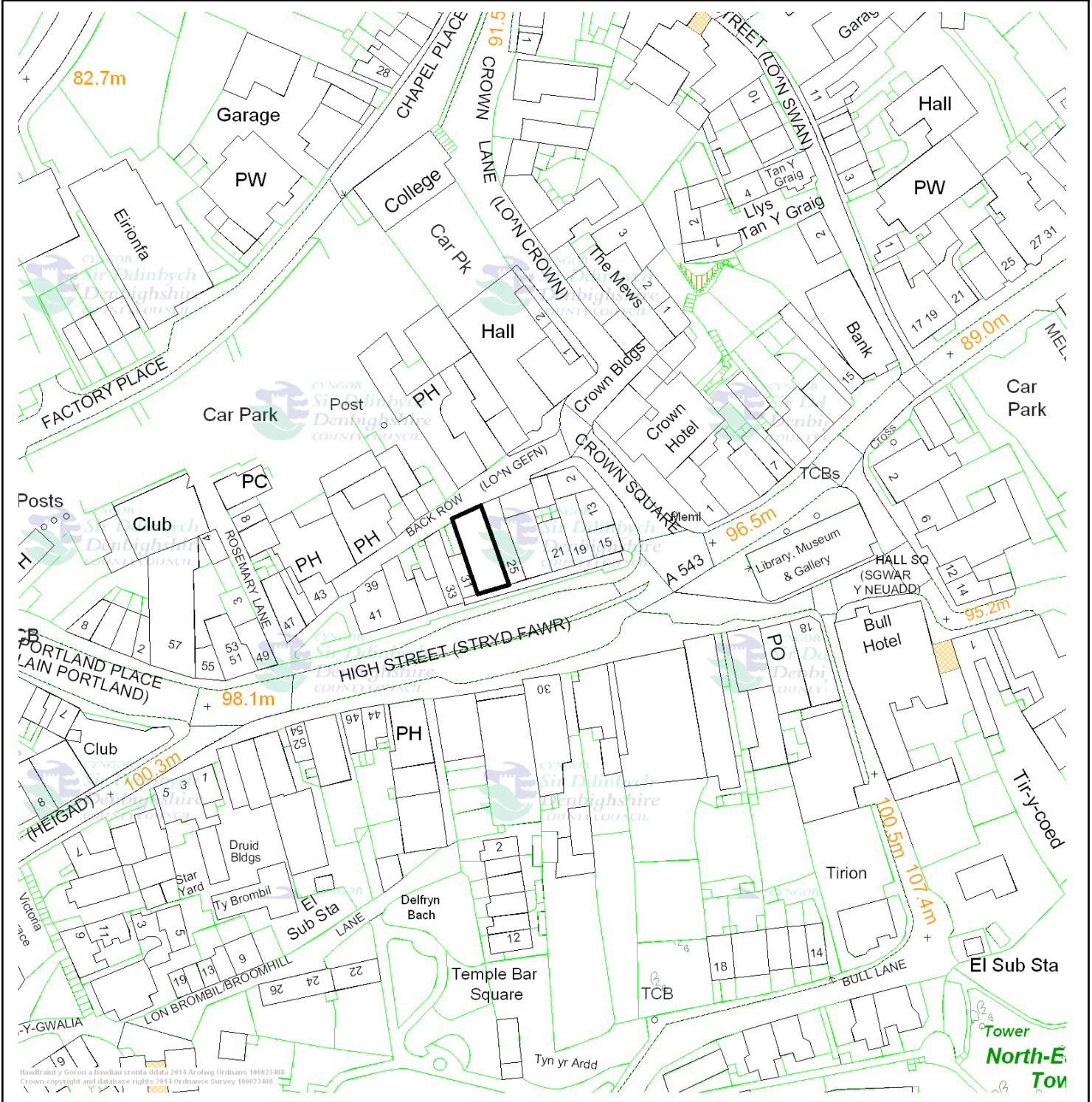


Date 26/11/2014

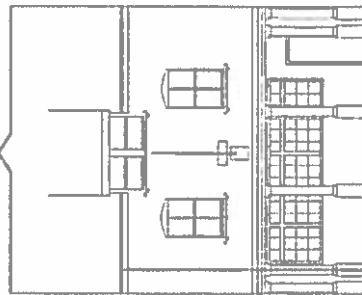
Scale 1/1250

Centre = 305234 E 366111 N

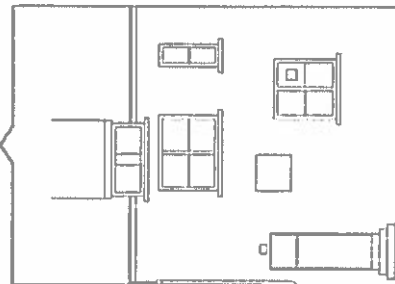
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



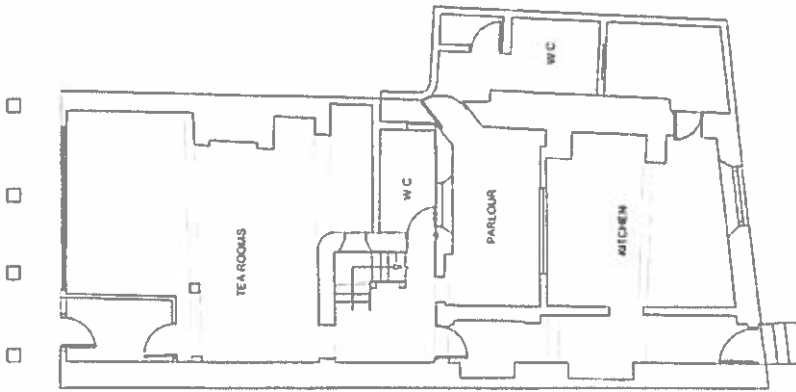
PLANS AS EXISTING



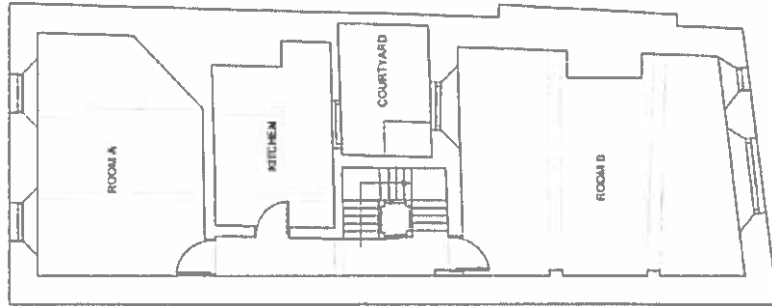
FRONT ELEVATION



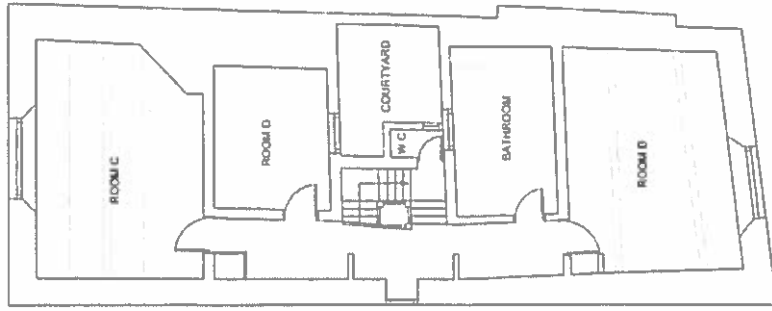
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Project
DENBIGH HIGH STREET

Drawing
SURVEY DRAWINGS

Job Number 411	Drawing Number 01	Revision
Scale 1:100-BA3	Date 03/12/2013	Drawn FN

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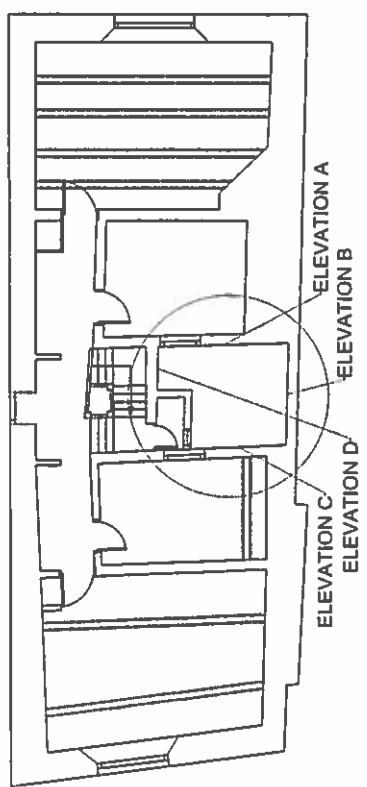
Scale: 1:100 @ A4	Date: 24/07/2016	Drawn By: FM	Project Status: Planning
411	004	Project: ATRIUM ELEVATIONS	
Client: MHC LIMITED			
Project: THE FORUM, DENBIGH			

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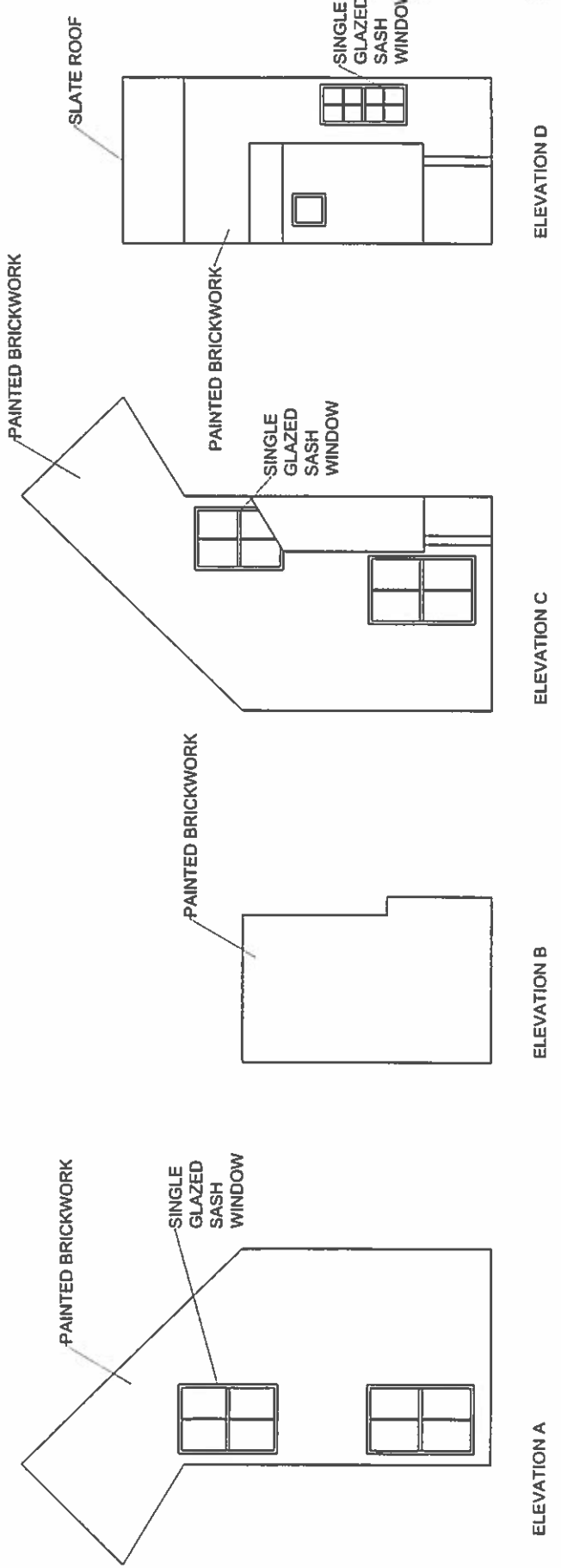
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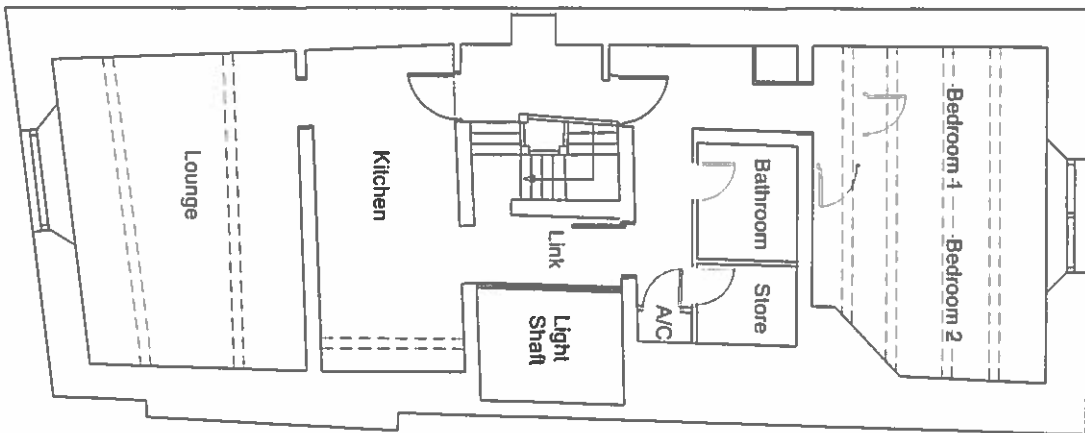
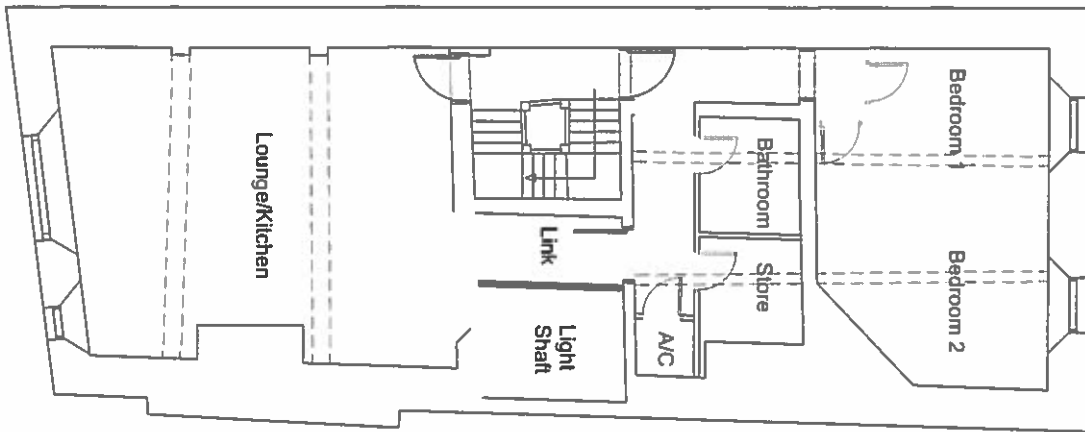
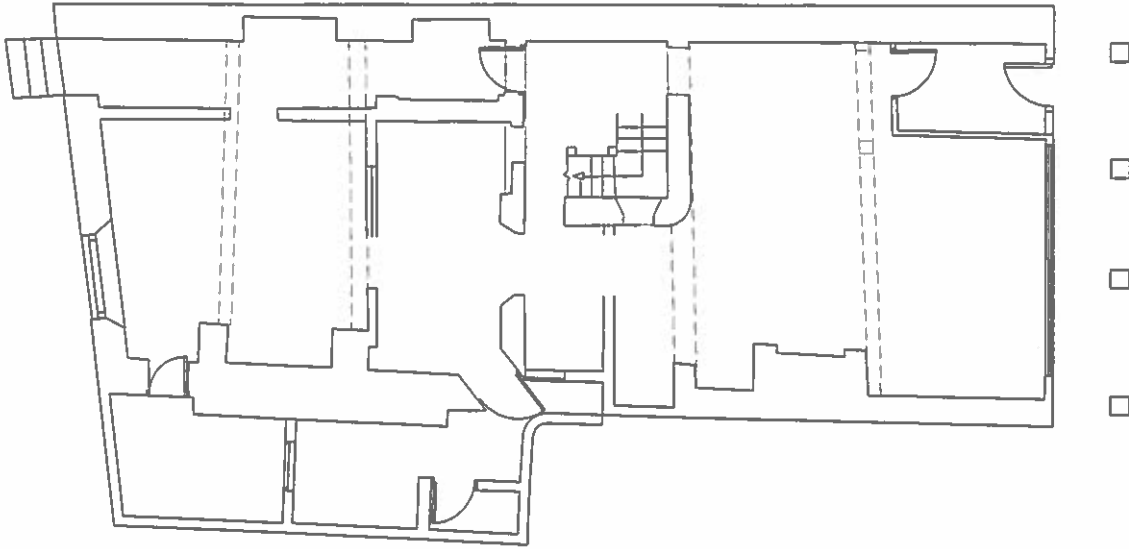
EXISTING ELEVATIONS




REFERENCE PLAN (Scale: NTS)



FLOOR PLANS



Job Reference: 411	Drawing Reference: 006	Revised:	Drawing: FLOOR PLANS FOR PLANNING	Notes: Do not scale from this drawing. All dimensions to be checked and verified on site. Report any discrepancies to the Architect. This drawing is the copyright of Garry Underwood Associates Limited and may not be used, copied or duplicated unless authorised by Garry Underwood Associates Limited.
Scale: 1:100@a3	Issue Date: 01/08/2014	Drawn By: FH	Project Status: Planning	Client: MHC LIMITED
			 <p>Garry Underwood Associates Limited The Old Barn 59 Houlbroke Road Wallasey CH45 6LQ T 0191 536344 E info@guad.co.uk</p>	

WARD: Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1599/ PF

PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats

LOCATION: The Forum 27-29 High Street Denbigh

APPLICANT: Mr John Felton The Old Palace (Chester) Ltd.

CONSTRAINTS: Article 4 Direction
Town Heritage Area
Listed Building
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:

DENBIGH TOWN COUNCIL

"I am instructed to inform you that the council would wish to object to the application.

The objection is based on concerns on the viability of use of the ground floor area for café/restaurant/commercial use following conversion of the first and second floors to self-contained flats.

I would be grateful if you would bring the above objection to the notice of the planning committee."

CLWYD POWYS ARCHAEOLOGICAL TRUST

Suggest photographic survey prior to works being undertaken

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

Highways Officer

No objection

Conservation Architect

No objection following submission of amended scheme and submission of additional justification of alterations.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 04/03/2014

REASONS FOR DELAY IN DECISION (where applicable):

- 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 The proposal is for the conversion of the upper floors of an existing property to form 2 self-contained flats.
- 1.1.2 A 4m x 2.5m infill two storey extension is proposed to provide a link corridor for both flats.
- 1.1.3 Both units would be 2 bedroom flats. Both flats would have approximately 95m² of internal floorspace.
- 1.1.4 Various internal alterations are proposed to facilitate the conversions including blocking up of existing openings, forming new door openings and hanging new doors within existing openings.

1.2 Description of site and surroundings

- 1.2.1 The application property is a three storey building located on the High Street of Denbigh. The ground floor has most recently been used as a tearoom and is currently vacant.
- 1.2.2 The second floor of the flat has previously been used as a residential flat.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application property is a grade II listed building.
- 1.3.2 The site is located within the town centre and development boundary of Denbigh as defined in the Local Development Plan.
- 1.3.3 The site is within the Denbigh Conservation Area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The scheme has been altered from 4no. self contained flats to 2no. self contained flats.
- 1.5.2 The link corridor was added to the proposals to facilitate the change from 4 units to 2 units.
- 1.5.3 Additional justification for physical alterations has been submitted following discussions with the conservation officer.

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 VOE1 – 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 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, 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 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
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 the assessment of detailed criteria.

The Town Council have raised concerns over the impact of the proposals on the viability of the commercial use of the ground floor.

The concerns of the Town Council are duly noted; however it is not considered that the potential impact on the commercial use of the ground floor would be a sufficient reason to resist the proposals. The proposals are therefore not considered to be unacceptable in principle.

- 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. 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.

Having regard to the above and the detailing of the scheme, 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.

4.2.3 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 65m² will be the minimum required floor space for 2 bed residential units.

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.

Both of the proposed flats exceed the internal floor space standards set out in SPG 7.

Having regard to the nature of development in the area and the policy issues above it is considered that the proposed flats would be acceptable in relation to the residential amenity of future occupiers, and would not give rise to an over intensification of such development.

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 is would lead to the net gain of 1 residential unit.

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 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.

The Highways Officer has raised no objection.

As the site is in a town centre location with good access to public transport and access to on street parking and car parks, it is considered acceptable that no on site parking can be provided.

4.2.6 Other Matters

The detailed impact of the proposals on the character and appearance of the listed building are subject of a separate application for listed building consent (01/2013/1601/LB).

5. SUMMARY AND CONCLUSIONS:

It is considered that the proposals would be acceptable in relation to the relevant policy tests and 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. None of the flats hereby approved shall be occupied until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's policies and Supplementary Planning Guidance in relation to the provision of Open Space

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.

NOTES TO APPLICANT:

None

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Agenda Item 6

WARD : Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1601/ LB

PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats (Listed Building application)

LOCATION: The Forum 27-29 High Street Denbigh

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Heading:

REFERENCE NO. 01/2013/1599/PF & 01/2013/1601/LB
27-29 HIGH STREET
DENBIGH

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

Tel: 01824 706800 Fax: 01824 706709

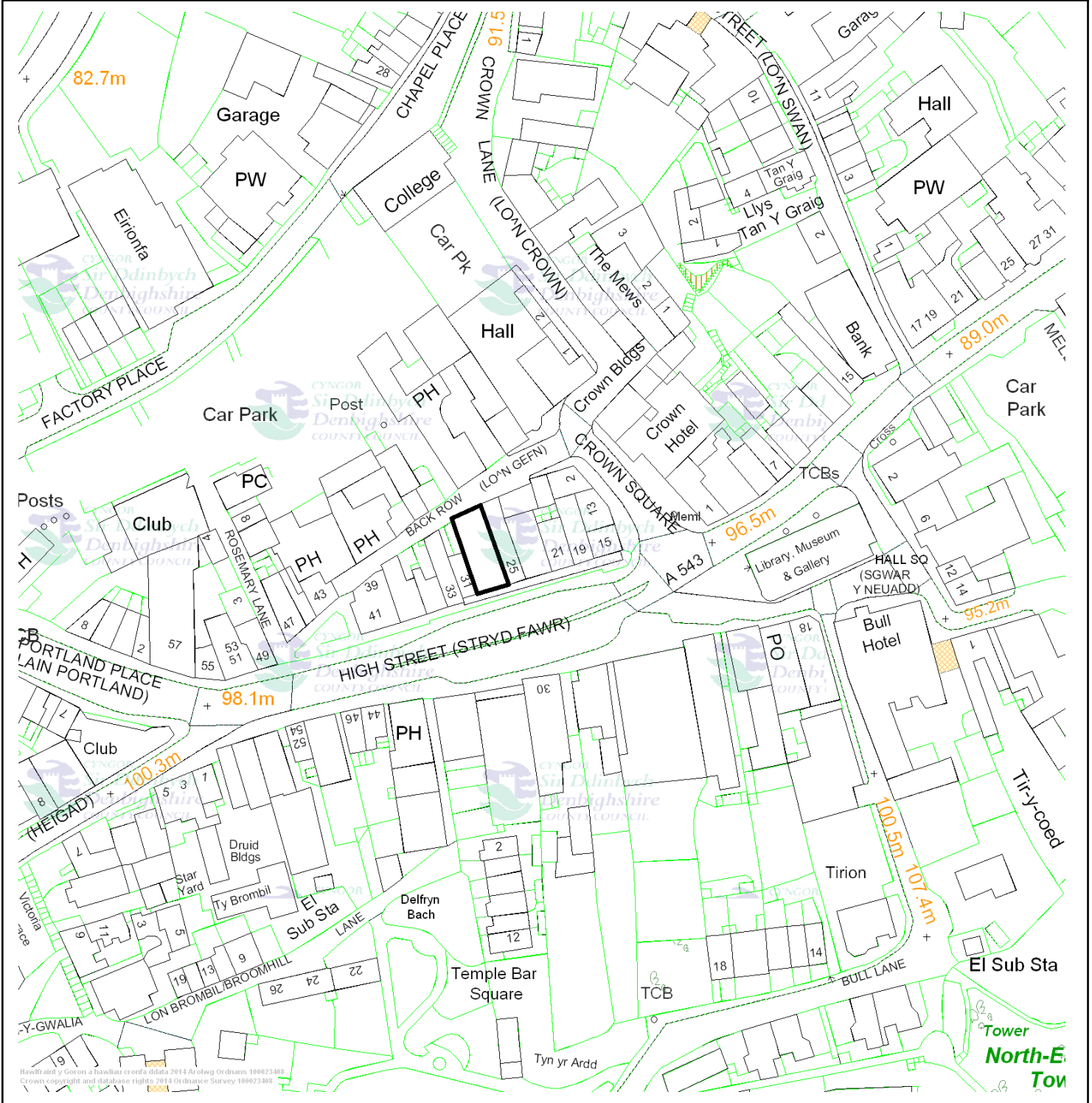
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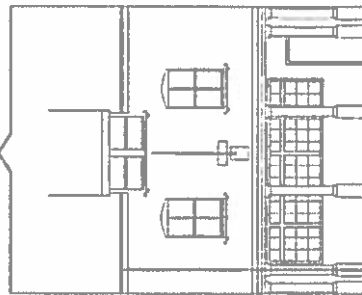
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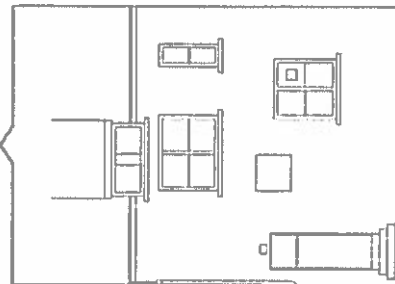
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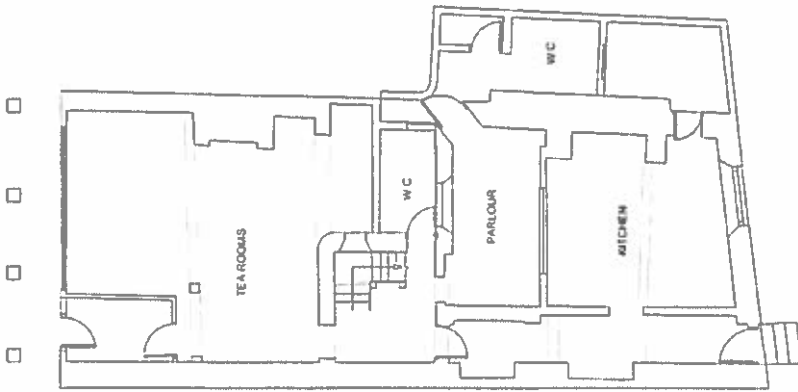
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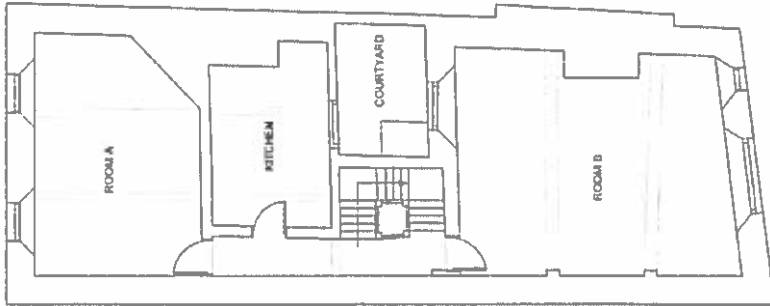
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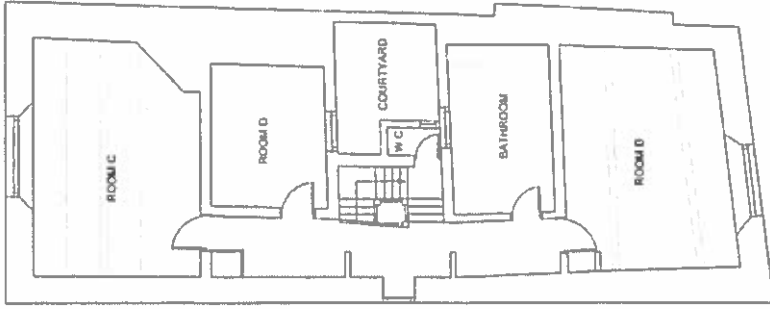
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Project
DENBIGH HIGH STREET

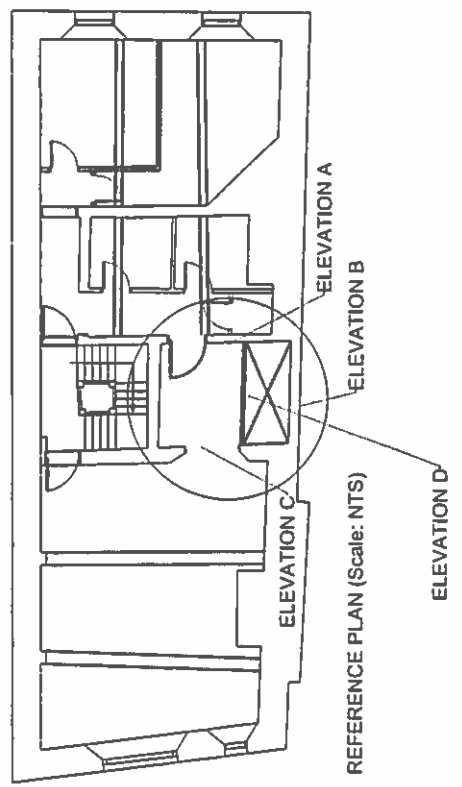
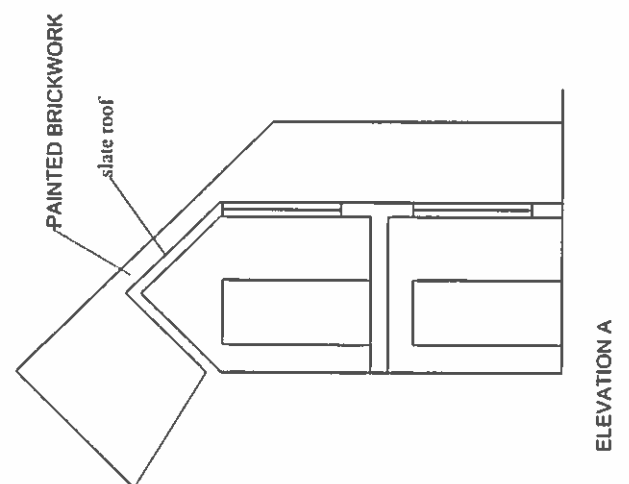
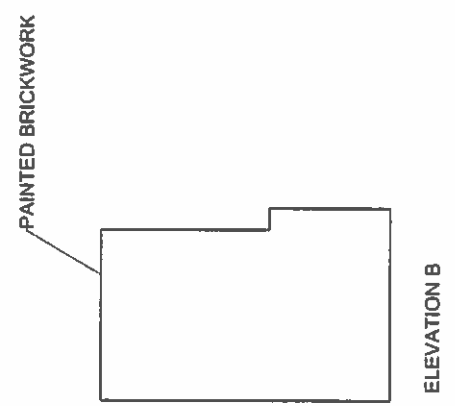
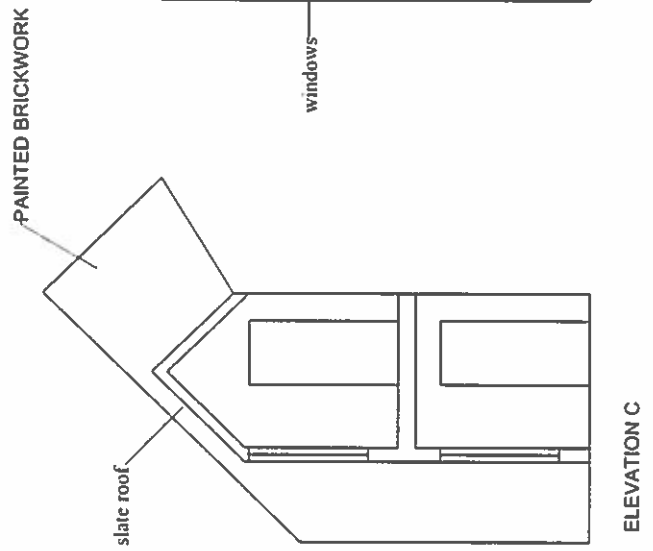
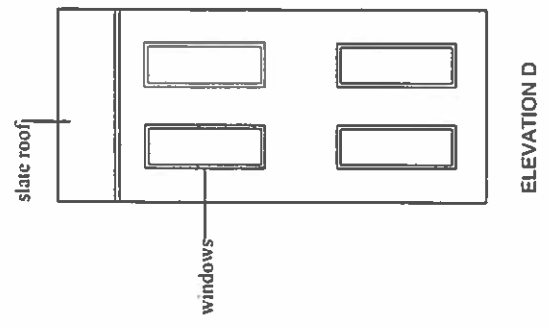
Drawing
SURVEY DRAWINGS

Job Number 411	Drawing Number 01	Revision
Scale 1:100-BA3	Date 03/12/2013	Drawn FN

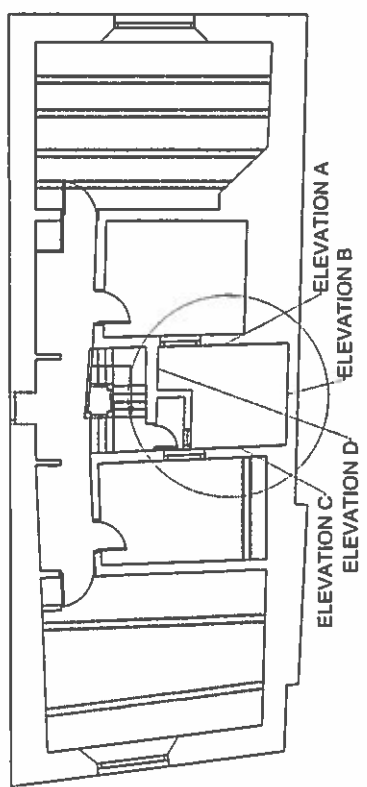
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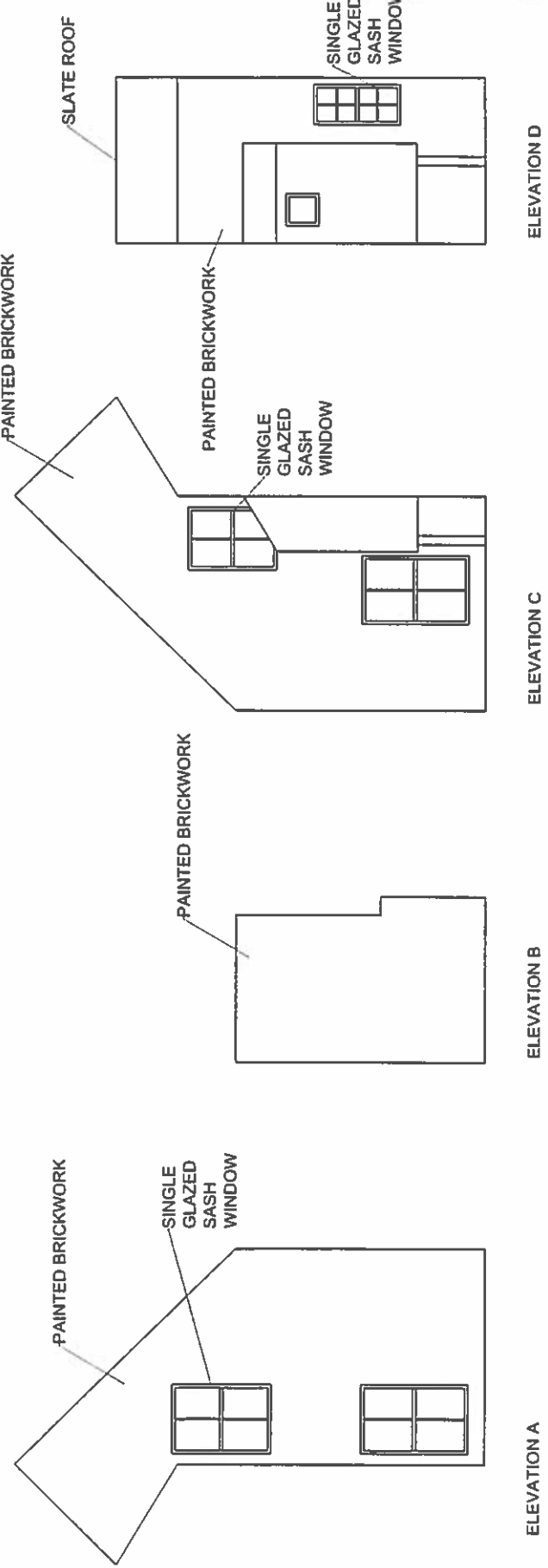
PROPOSED ELEVATIONS



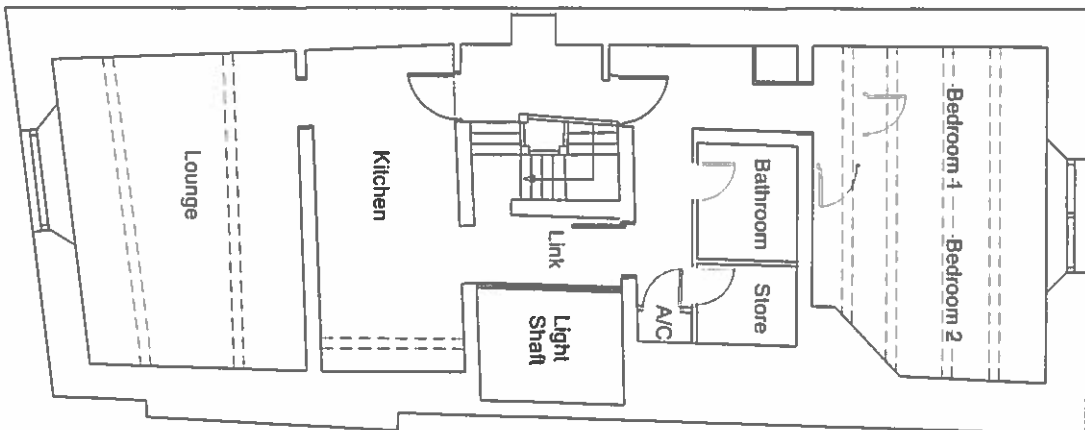
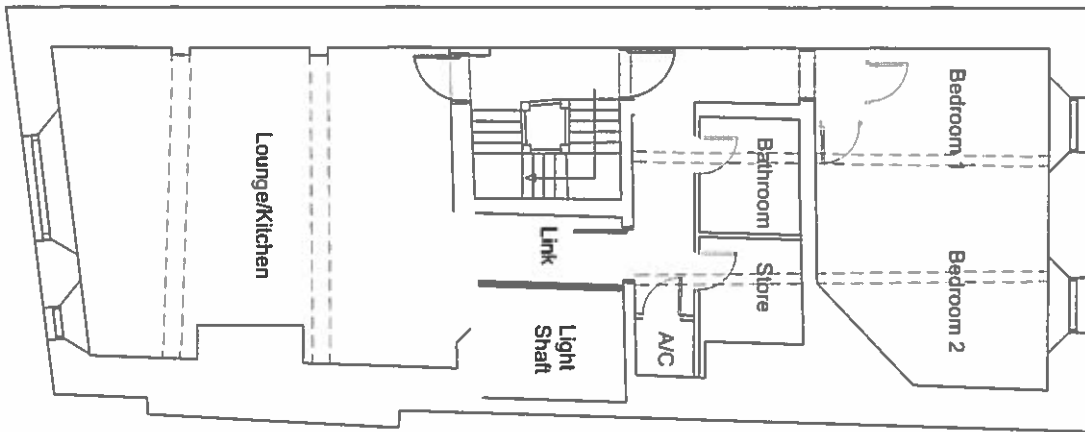
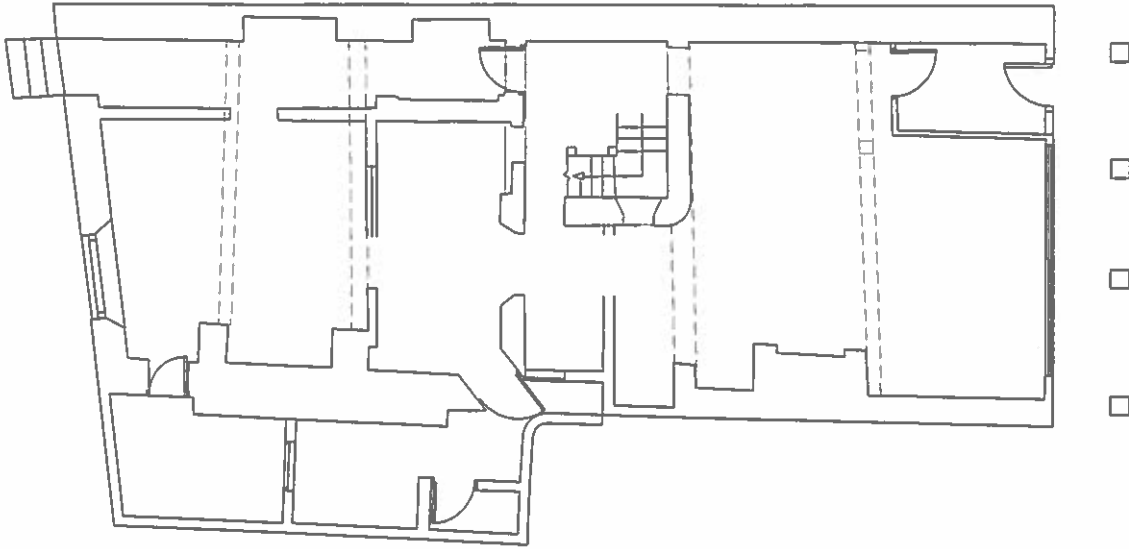
EXISTING ELEVATIONS




REFERENCE PLAN (Scale: NTS)



FLOOR PLANS



Job Reference: 411	Drawing Reference: 006	Revised:	Drawing: FLOOR PLANS FOR PLANNING	Notes: Do not scale from this drawing. All dimensions to be checked and verified on site. Report any discrepancies to the Architect. This drawing is the copyright of Garry Usherwood Associates Limited and may not be used, copied or duplicated unless authorised by Garry Usherwood Associates Limited.
Scale: 1:100@a3	Issue Date: 01/08/2014	Drawn By: FH	Project Status: Planning	Client: MHC LIMITED
			 <p>Garry Usherwood Associates Limited The Old Barn 59 Houlbroke Road Wallasey CH45 6LQ T 0151 536344 E office@gushawood.co.uk</p>	

WARD : Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1601/ LB

PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats (Listed Building application)

LOCATION: The Forum 27-29 High Street Denbigh

APPLICANT: Mr John Felton The Old Palace (Chester) Ltd.

CONSTRAINTS: Listed Building
Town Heritage Area

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

"I am instructed to inform you that the council would wish to object to the application.

The objection is based on concerns on the viability of use of the ground floor area for café/restaurant/commercial use following conversion of the first and second floors to self-contained flats.

I would be grateful if you would bring the above objection to the notice of the planning committee."

CLWYD POWYS ARCHAEOLOGICAL TRUST
Suggest photographic survey prior to works being undertaken

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer
No objection

Conservation Architect
No objection following submission of amended scheme and submission of additional justification of alterations.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 04/03/2014

REASONS FOR DELAY IN DECISION (where applicable):

- 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 The proposal is for the conversion of the upper floors of an existing property to form 2no. self-contained flats.
- 1.1.2 A two storey extension is proposed to provide a link corridor for both flats.
- 1.1.3 Both units would be 2 bedroom flats. Both flats would have approximately 95m² of internal floorspace.
- 1.1.4 Various internal alterations are proposed to facilitate the conversions including blocking up of existing openings, forming new door openings and hanging new doors within existing openings.

1.2 Description of site and surroundings

- 1.2.1 The application property is a three storey building located on the High Street of Denbigh. The ground floor has most recently been used as tearooms and is currently vacant.
- 1.2.2 The second floor of the flat has previously been used as a residential flat.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application property is a grade II listed building.
- 1.3.2 The site is located within the town centre and development boundary of Denbigh as defined by the Local Development Plan.
- 1.3.3 The site is within the Denbigh Conservation Area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The scheme has been altered from 4no. self contained flats to 2no. self contained flats.
- 1.5.2 Link corridor added to the proposals to facilitate change from 4no. units to 2no. units.
- 1.5.3 Additional justification for physical alterations submitted following discussions with the conservation officer.

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:

- 3.1 Supplementary Planning Guidance
SPG 14 - Listed Buildings

3.2 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

Circulars

Welsh Office 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 in relation to the application are considered to be:

4.1.1 Impact on Listed Building

4.2 In relation to the main planning considerations:

4.2.1 Impact on Listed Building

In terms of general guidance on matters relevant to the consideration of a Listed Building Consent, Planning Policy Wales Edition 5, 2012 (PPW) confirms that there is no statutory requirement to have regard to the Local Development Plan when considering applications for listed building consent. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

The Conservation Officer is satisfied that the proposals would not have an unacceptable impact on the Listed Building.

Having regard to the design and materials of the proposed alterations and extension it is considered that the proposal would preserve the setting, features of special architectural merit and historic interest of the building. The proposals are not therefore considered to have an unacceptable impact in relation to the Listed Building and are recommended for Grant.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposals would not have an unacceptable impact in relation to the Listed Building and are recommended for grant and referral to Cadw to determine whether to authorise the County Council permission to grant consent.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. **PRE-COMMENCEMENT**
Prior to the commencement of development a window repair statement and staircase protection method statement shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the details thereby approved
3. Prior to the installation of doors or windows details at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority and any installation shall be completed in accordance with the details thereby approved

The reasons for the conditions are:-

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interest of protecting character and appearance of the listed building
3. In the interest of protecting character and appearance of the listed building.

NOTES TO APPLICANT:

None

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Agenda Item 7

WARD : Llandrillo

WARD MEMBER(S): Cllr Cefyn Williams

APPLICATION NO: 08/2014/1139/ PF

PROPOSAL: Demolition of existing dwelling and construction of car parking area to serve adjacent factory, involving alterations to existing access, changes to levels, landscaping and associated works

LOCATION: Land adjacent to Ifor Williams Trailers Ltd Cynwyd Corwen

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Heading:

REFERENCE NO. 08/2014/1139/PF
IFOR WILLIAMS TRAILERS LTD
CYNWYD

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

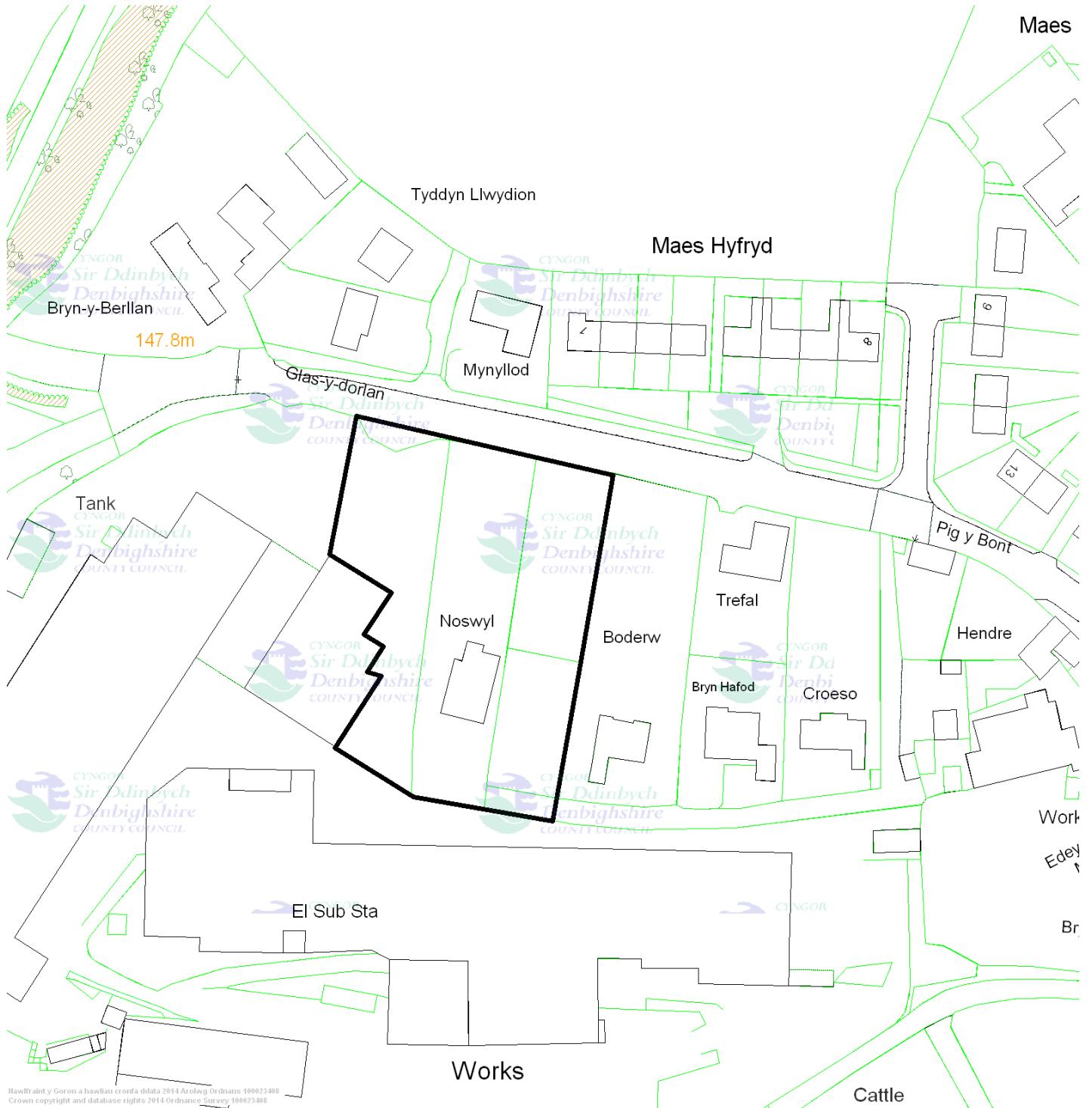


Date 26/11/2014

Scale 1/1250

Centre = 305495 E 341170 N

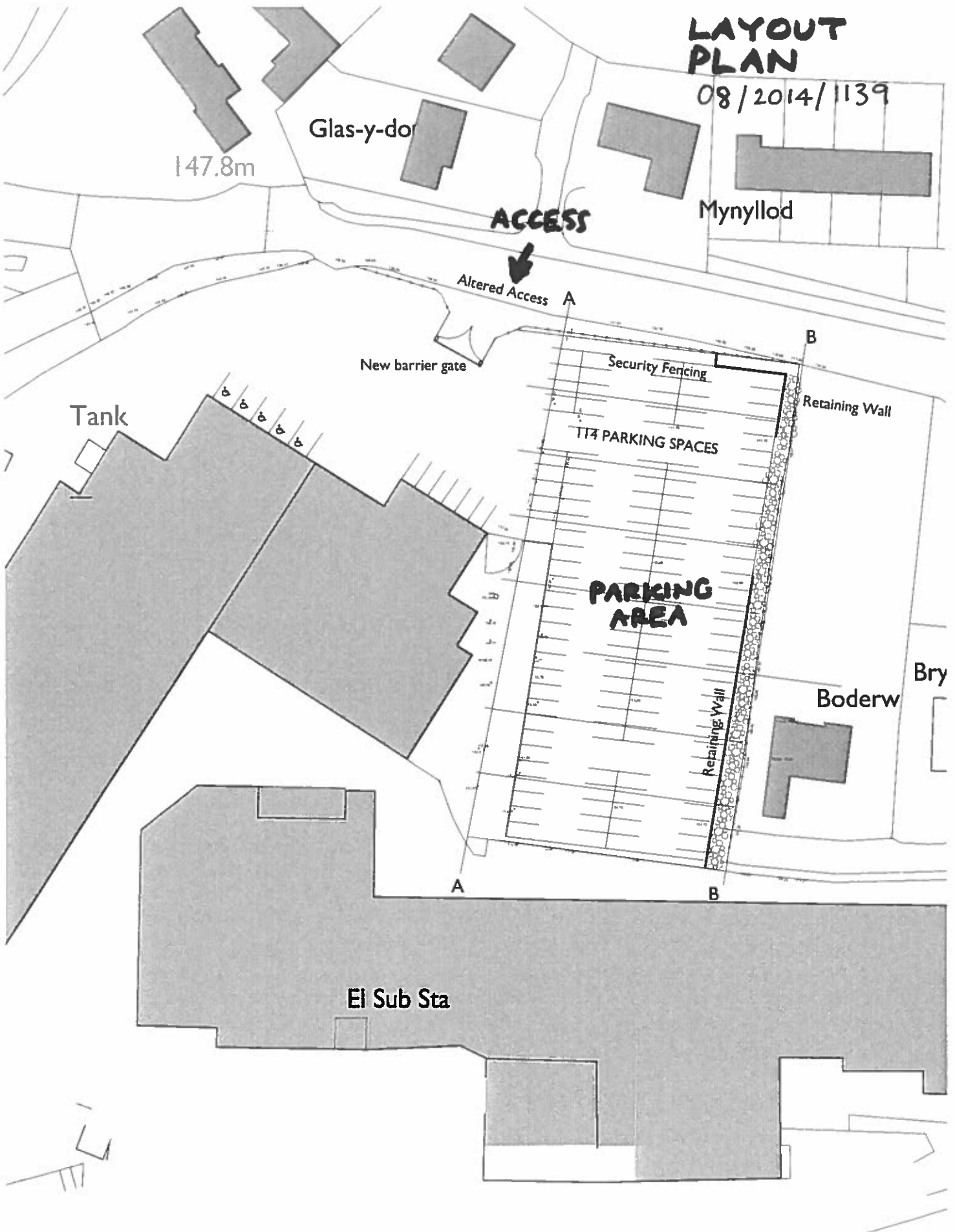
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



Hawffraint y Goron a hawffraint o'r cofrestr ddiadau 2013 Arolwg Ordnance 100023408
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LAYOUT PLAN

08/2014/1139



Peirwch a chymryd mesurau graffig oddi ar y ddiagram hwn
Os yn amau - golyfwrch
Do not scale from this drawing
If in doubt - ask

Plan i ddiagram hwn yn parhannu Permet Russell-Hughes ac ni chofrestrir ei gopïo heb eiddo Russell-Hughes
This drawing is the copyright of Russell-Hughes architects and must not be copied or reproduced without permission

Cynllun - Job

**IFOR WILLIAMS TRAILERS,
CYNWYD**

Dyluniad - Drawing

PROPOSED SITE PLAN | 14 SPACES

Ym 14 Ionawr

2218:14:3A

Creadu - Scale
1:500

Dyddiad - Date

July 2014

russell-hughes cyf
persewr o architect

56 Bridge Street,
Ungelne,
Ynys Mon
LL77 7HH

Tel: 01248 722333

Fax: 01248 750600

E-mail: info@russellhughes.co.uk

WARD : Llandrillo

WARD MEMBER(S): Cllr Cefyn Williams

APPLICATION NO: 08/2014/1139/ PF

PROPOSAL: Demolition of existing dwelling and construction of car parking area to serve adjacent factory, involving alterations to existing access, changes to levels, landscaping and associated works

LOCATION: Land adjacent to Ifor Williams Trailers Ltd Cynwyd Corwen

APPLICANT: Mr Gordon Burns Ifor Williams Trailers Ltd

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

CONSULTATION RESPONSES:

CYNWYD COMMUNITY COUNCIL

“Our Council recently considered the above:

We have no objection in principal to this application.

However, a number of concerns were raised,

Immediate neighbours are totally against the project (7/8)

The local Primary School (recently renovated and extended by Denbighshire County Council) were not informed of the application. Their only approach road to the School is very near to the proposed project. It is anticipated that this proposal could increase the volume of traffic in the area.

The village of Cynwyd will shortly become a 20 mph zone.

We have had no complaints about parking in Cynwyd for a couple of years.

There is a possibility that minor works by the Gotel could take the traffic off the road from the post Office to the proposed development.

Our concern is for the safety of the Children as well as others and serious consideration should be given to this.

Our Council also felt that should the application be allowed, the applicant should be asked to erect a 20mph flashing light on the road towards the school. This would hopefully slow down the traffic and make it safer.”

NATURAL RESOURCES WALES

No response at time of preparing report

DWR CYMRU / WELSH WATER

Request inclusion of conditions on any permission to ensure no detriment to existing residents, the environment and Dwr Cymru Welsh Water assets.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

Detailed comments awaited, but are supportive of the proposal in principle.

Pollution Control Officer

Has no objection in principle to the development but needs information on hours of operation during the demolition and construction phases, dust mitigation measures, noise mitigation plans for both the demolition, construction and the operational use of the scheme (to cover shift change events), the lighting scheme (showing the levels of overspill light and how they impact on nearby residential properties, as the site is in an E2 Environmental Zone and so the lighting will need to be designed and cowled / orientated appropriately) Has concerns over the removal of the noise attenuating barrier from the scheme, which appears to have been done in response to a request from local residents, so would wish this to be reconsidered.

Biodiversity Officer

Detailed comments awaited following submission of ecological reports.

RESPONSE TO PUBLICITY:

Alwenna Joyce, Trefal, Station Road, Cynwyd

B. Williams, Bod Erw, Station Road, Cynwyd

L.E. Davies, 4 Maeshyfryd, Cynwyd

D.R. and D.G. Williams, 7 Maeshyfryd, Cynwyd

N.L. Willis, 1 Maeshyfryd, Cynwyd

Owner/ Occupier, 6 Maeshyfryd, Cynwyd

A.T.Jones, 2 Maeshyfryd, Cynwyd

P.E. Williams, 3 Maeshyfryd, Cynwyd

G.E. Wynne, 8 Maeshyfryd, Cynwyd

Maeshyfryd, Cynwyd

Summary of planning based representations in objection:

Use of parking area

Concerns if articulated lorries use the parking area overnight

Highways issues

Concerns over location of entrance / exit as this on the same road as the school and there may be conflicts on Friday afternoons when staff leave the site when the school closes / impact on the free flow of traffic for local residents/ suggestion for improvements to parking space close to B4401 junction / concerns over pedestrian safety for children and elderly from additional traffic

Visual amenity issues

No detail of retaining walls or fencing adjacent to Boderw / concern over use of black steel fencing on outlook from neighbouring property/ preference for 7' wooden acoustic panels

Residential amenity issues

Concerns over additional noise and pollution from concentrating parking in one area/ no information on hours of use but late night and early morning use (e.g. overnight shift changeovers) would be an invasion of privacy and lead to noise and disturbance

EXPIRY DATE OF APPLICATION: 15/12/14

REASONS FOR DELAY IN DECISION (where applicable):

N/a

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal involves the construction of a new parking area to serve the Lfor Williams factory in Cynwyd.
- 1.1.2 The scheme involves the following elements –
- The demolition of an existing bungalow, Noswyl, which lies immediately to the east of an existing parking / storage area for the factory between the main offices and the highway serving the site
 - The alteration of the existing main entrance to the front of the Lfor Williams factory
 - The creation of a parking area with 114 spaces, measuring some 70 metres X 30 metres, involving the recontouring of the land with retaining walls at the north and south ends, hard surfacing, and associated drainage works.
 - A planting belt along the eastern boundary with the property Boderw (shown as a yew hedge), and security fencing along the road frontage.
- 1.1.3 The Application is accompanied by a Planning Statement and a Design and Access Statement setting out the details of the development. It explains the proposals are to provide improved parking and access arrangements in order to resolve issues with existing arrangements at the site, and to support the business. It argues that care has been taken in the design to ensure it would not result in harmful impacts to the amenity or privacy of residents in particular the occupiers of Boderw, through a good standard of soft landscaping. It advises that an acoustic fence was proposed originally along the eastern boundary, but this was removed following consultation with residents as they preferred a hedgerow and other planting in its place, as they considered noise levels to the front of the premises to be low.
- 1.1.4 The plans at the front of the report illustrate the layout and relationship with adjacent property.

1.2 Description of site and surroundings

- 1.2.1 The site proposed for the parking area is immediately to the east of an existing parking / storage area at the front of the Lfor Williams factory main office, and to the immediate north of one of the substantial industrial buildings used in connection with the business.
- 1.2.2 The site is occupied by an old bungalow, Noswyl, which has a vehicular access off a private track serving adjacent dwellings, which accesses the public highway further to the east, opposite the road serving Maes Hyfryd and the village school.
- 1.2.3 The area between Noswyl and the main highway dips down from the dwelling and up again to the highway, and has been recently cleared of vegetation.
- 1.2.4 The site boundaries are defined by a mix of walls, remnants of hedges and trees and fencing.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of the village of Cynwyd, as drafted in the proposals map accompanying the Local Development Plan.

1.3.2 There are no specific designations in the Local Development Plan in the vicinity of the site proposed for the parking area. The factory site is shown as an Employment site.

1.4 Relevant planning history

1.4.1 None of specific relevance to the application.

1.5 Developments/changes since the original submission

1.5.1 The applicants have provided an Ecological Assessment and a Protected Species Survey following the original submission. The conclusions are that there is no evidence suggesting a bat roost has been found during this survey and no further survey work is required.

1.5.2 The applicants have expressed willingness to assist with road safety measures such as that suggested by the Community Council, should this be the wish of the local community.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None relevant to current application.

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 PSE2 – Land for employment uses
Policy PSE5 – Rural economy
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

Parking 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, 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)

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no policies in the Local Development Plan which relate directly to the construction of parking areas in connection with existing businesses.

Policy PSE 5 supports development which sustains the rural economy, subject to compliance with detailed criteria. The provision of a parking area to improve existing arrangements for a major employer would be consistent with the general principles of PSE 5 and the strategies of the Development Plan.

The key issues are inevitably the local impacts of a proposal of this nature and are reviewed in the following sections of the report.

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.

The proposals involve the clearance of some established natural features such as trees and hedgerows, and the introduction of retaining walls, alternative boundary planting of a yew hedge along the eastern boundary, and security fencing along the northern boundary. There are concerns expressed over the detailing in relation to the visual impact of black steel fencing, in terms of effect on the outlook of a nearby dwelling, and there is uncertainty over the impact of the proposed retaining wall in the absence of any detail in the submission.

Officer's view on this matter is that it is unfortunate that the proposals oblige the removal of established vegetation, but most of this is inevitable if the number of parking spaces are to be created. The comments of local residents are nonetheless to be respected and it is considered that the plans as submitted do not show a suitable degree of sensitivity to the location and require reassessing to provide basic mitigation of the visual impact of the development. If a permission is to be considered, it is suggested that the detailing all the boundary treatment including fencing, walls and planting should be subject to conditions requiring the submission of alternative / full details to minimise the effects of the development on neighbours and the locality. It will also be important to oblige submission of lighting details given the proximity to residential properties, as the visual impact of lights over an area of this size could be significant.

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 are local concerns expressed over potential for loss of residential amenity from the proposed parking area, by way of increased noise and disturbance and loss of privacy. There are specific concerns over the potential for disturbance at antisocial hours. A separate concern has been noted if the parking area is to be used by articulated lorries. The Pollution Control Officer has no objection in principle to the development but has requested further details of hours of operation, dust and noise mitigation measures, and the lighting scheme. He

has questioned the removal of a noise attenuating barrier from the scheme and suggests that it may be necessary for such a barrier to be installed.

It is apparent that the proposals raise potential residential amenity impact issues in terms of the possibility of noise and disturbance from the use of the parking area, and from any lighting of the facility. These are more likely to be of concern to occupiers of nearby property at night, bearing in mind the factory operates 24 hours a day, and there would be periods during shift changes where use of the parking area may be concentrated. Inappropriate lighting during hours of darkness can give rise to issues for occupiers of nearby residential properties in terms of effect on sleep patterns, and requires careful assessment. Whilst the Pollution Control Officer raises no objection to the basic proposals, it is clear that further details are required to show how the parking area may be managed to mitigate impacts outside normal daytime working hours / overnight, and how a suitable lighting scheme can be designed to minimise light pollution. These are matters which would need to be covered by condition if permission were to be granted.

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.

There are no individual objections expressed over the potential impact on ecology as a result of development. The Ecological information provided by the applicants has been referred to the Biodiversity Officer and comments on the conclusions will be reported in the late information sheets.

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.

The application site is not in a Flood Risk area as it is on land elevated well above the River Dee to the west. The application proposes that surface water from the parking area be directed to Storm Cells within the site and then through a hydrobrake before discharge to the surface water system. Dwr Cymru Welsh Water has confirmed they have no objections.

On the basis of the proposed arrangements and the responses of the technical consultees, it is not considered that the development would give rise to any drainage problems in the locality.

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.

The plans show the intention to provide a marked out parking area and to improve the existing entrance into the site off the main approach road. There are local concerns over the highway implications of the development in terms of additional traffic on a road used by the village school, a question from an individual as to whether the entrance is in the most appropriate location, and a suggestion that there may be conflicts with school traffic on Friday afternoons. There is concern if articulated lorries use the parking area. The Community Council have requested the developer contributes to a 20mph sign proposed near the school, to assist efforts at slowing traffic on the approach road. The Highway Officer has no objections to the proposal.

In respecting local concerns over the development, Officers opinion is that the proposals offer a positive 'gain' in respect of providing employee and visitor parking for the Lfor Williams factory in close proximity to the main complex. Currently, employees park in a number of locations in the village, giving rise to noise and disturbance for a number of residents throughout the day and night. The Highway Officer has no issues with the improvement to the existing entrance and in respecting the comments made, does not consider the potential for conflict with school traffic would be such that the application could be resisted. It has been confirmed by the applicants agents that the parking area is not for use by articulated lorries, and a condition can be attached to any permission to that effect. It is understood that a range of measures are under consideration to improve the safety of the highway serving the site and this part of the village, and the Highways section would need to coordinate with the developers here to deliver the improvements.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposals are to create a 114 space parking area for use in connection with the existing Lfor Williams factory. This is considered an acceptable development in principle, in support of the employment use. Having regard to the responses to consultation, Officers suggest that the localised impacts would not be unacceptable, subject to suitable mitigation measures which would need to be secured through conditions on any 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. **PRE-COMMENCEMENT CONDITION**
Notwithstanding the submitted details, no development shall be permitted to commence on the retaining walls, the proposed security fencing, or any other boundary fencing and planting until the written approval of the Local Planning Authority has been obtained to the detailing thereof. The development shall be carried out strictly in accordance with the detailing approved under this condition.
3. All planting, seeding, or turfing, comprised in the landscaping / planting scheme which is required in connection with Condition 2 shall be carried out no later than the first planting and seeding season following the bringing into use of the parking area. Any trees or plants which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
4. Notwithstanding the submitted details, the parking area shall not be brought into operation until the written approval of the Local Planning Authority has been obtained to the detailing of a scheme of noise mitigation / attenuation along the boundary with Bod Erw, and the approved scheme has been implemented in its entirety. The scheme shall be retained in place as approved at all times.
5. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a Construction Method statement covering the

proposed hours of operation during the demolition and construction phases, dust mitigation measures, and noise mitigation plans for both the demolition and construction phase. The development shall be carried out strictly in accordance with the Method Statement as approved.

6. The parking area shall not be brought into operation until the written approval of the Local Planning Authority has been obtained to the proposed hours of operation and a detailed Parking Management Plan to demonstrate steps to mitigate the impacts of the use of the parking area outside normal daytime working hours. The operation of the parking area shall be undertaken in accordance with the approved Management Plan at all times.
7. No development shall be permitted to commence until details of the surface water regulation system have been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the local planning authority.
8. Notwithstanding the submitted details, no external lighting shall be permitted without the formal written approval of the local planning authority to the detailing of the proposed lighting (including the type, the means and extent of lamination and anticipated spread of light). The scheme shall be implemented strictly in accordance with the approved details.
9. No articulated lorries shall be permitted to use the parking area at any time.
10. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
11. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
12. The developer shall provide suitable oil /grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

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 and residential amenity.
3. In the interests of visual and residential amenity.
4. In the interests of residential amenity.
5. In the interests of residential amenity.
6. In the interests of residential amenity.
7. To ensure the development does not give rise to unacceptable surface water drainage issues.
8. In the interests of visual and residential amenity.
9. For the avoidance of doubt and in the interests of residential amenity.
10. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
11. To protect the integrity of the public sewerage system.
12. To ensure proper steps are taken to contain any spillage of the materials referred to, to prevent pollution of the site and nearby stream.

NOTES TO APPLICANT:

In relation to the conditions of this permission requiring the submission and approval of further details, you are encouraged to discuss proposals for the boundary treatment of the site with the Planning Officer, in particular to improve the detailing along the highway boundary, to soften the impact of security fencing; and to engage with the Planning Officer and Pollution Control Officer in respect of any lighting and noise attenuation details, given the proximity to residential property.

Agenda Item 8

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 18/2014/1133/ PS

PROPOSAL: Removal of condition no's 6, 7 and 8 of outline planning permission code no. 18/2010/1503 relating to Code for Sustainable Homes requirements

LOCATION: Land rear of Golden Lion Inn Llandyrnog Denbigh

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Heading:

REFERENCE NO. 18/2014/1133/PS

GOLDEN LION INN

LLANDYRNOG

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

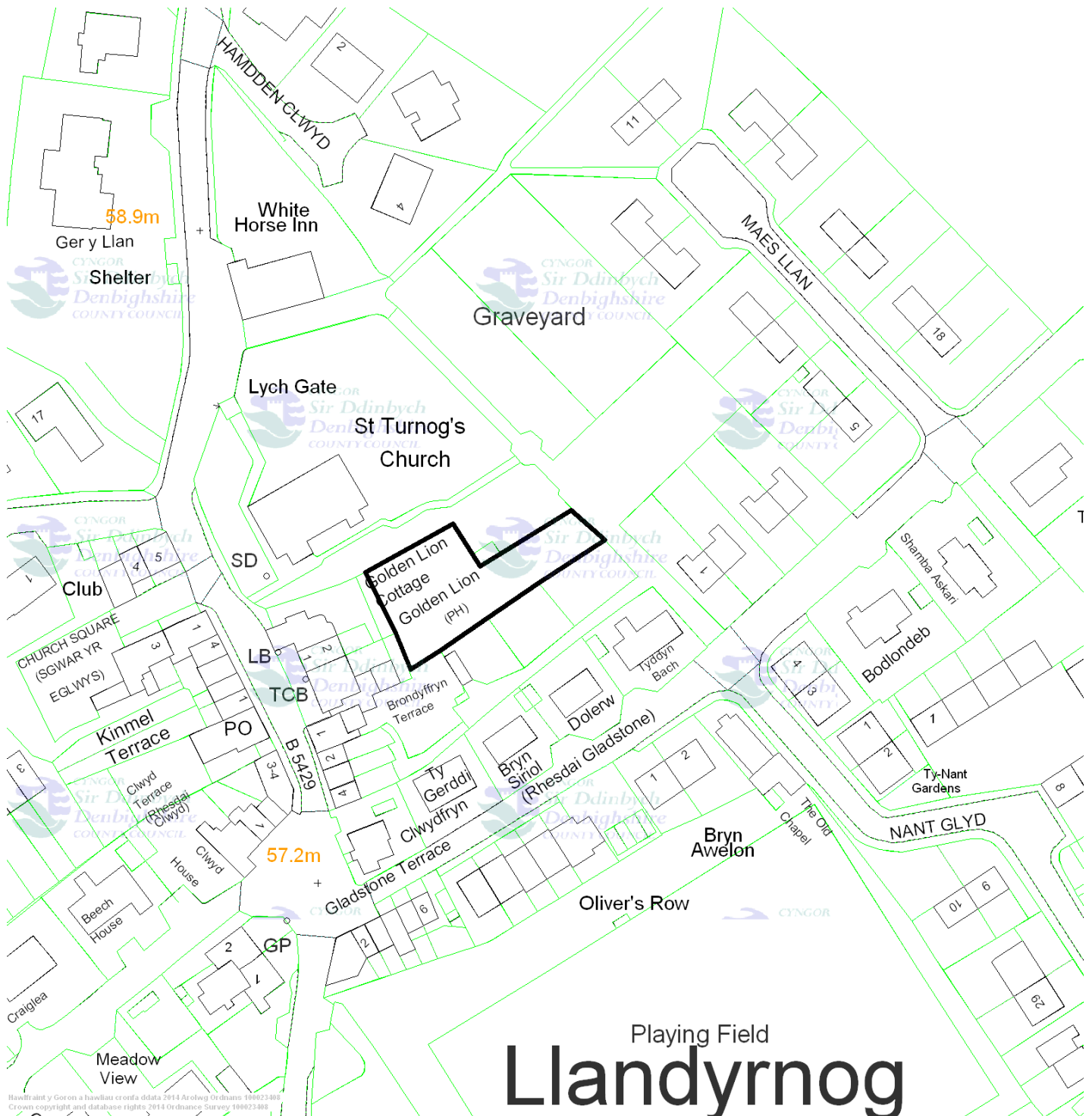


Date 24/11/2014

Scale 1/1250

Centre = 310835 E 365089 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.



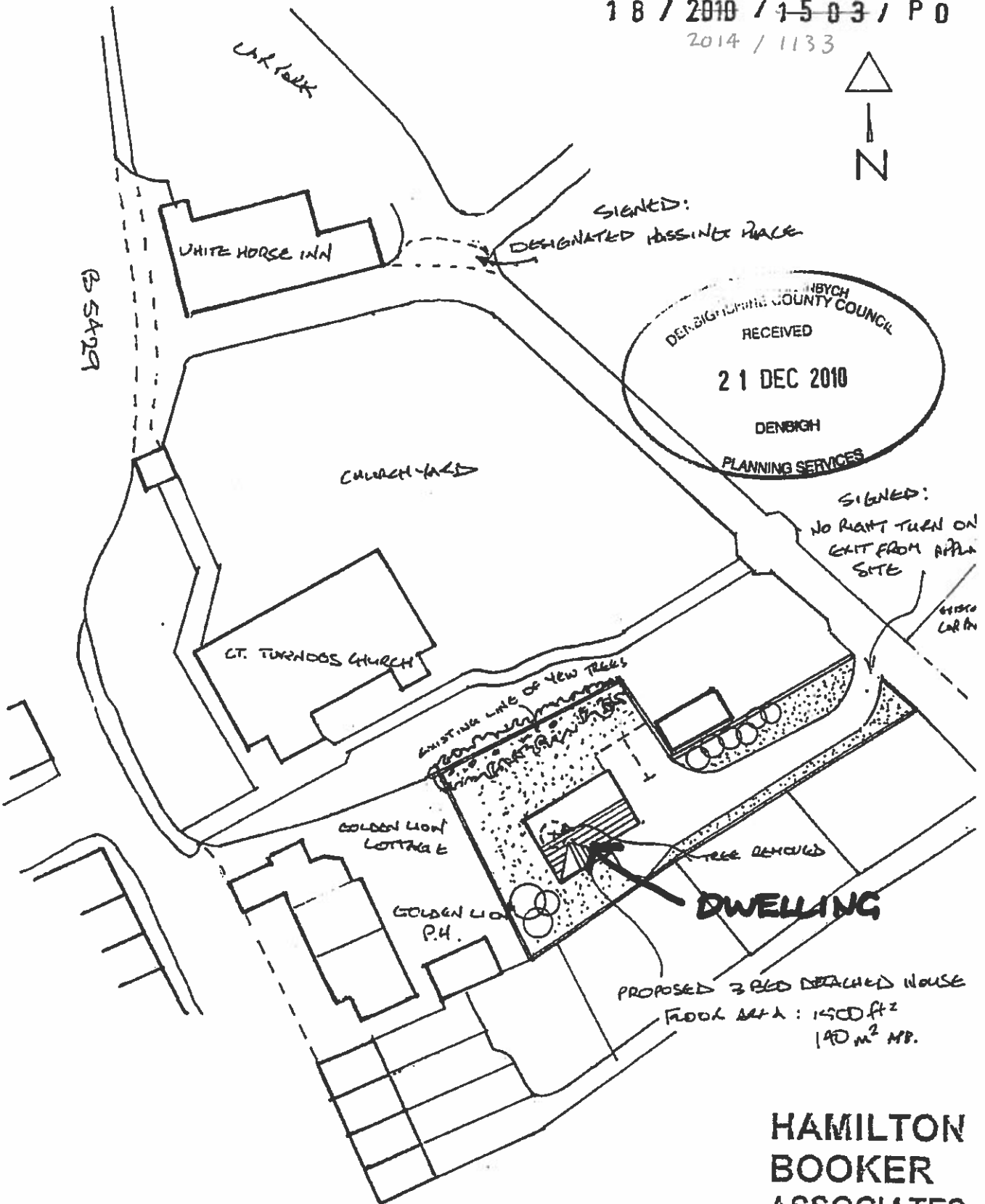
Playing Field
Llandyrnog

Hawffraint y Goron a hawlfraint cerbydau ddiada 2011 Ar olwng Ordnance Survey 100023408
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SITE PLAN

18 / 2010 / 1503 / P0

2014 / 1133



PROPOSED 3 BED DETACHED HOUSE
 FLOOR AREA: 1500 FT²
 140 M² MP.

**HAMILTON
 BOOKER
 ASSOCIATES**

14 Colquitt Street
 Liverpool
 L1 4DE

0151 703 6800
 07802 604002

mail@hamilton-booker.fsnet.co.uk

Job Title LAND TO THE REAR OF GOLDEN LION P.H. LAND DRNG.	Drawing SITE LAYOUT	Job No. 64107	Stage	Drawn 1A
Scale 1:500	Date NOV 10	Revisions		

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 18/2014/1133/ PS

PROPOSAL: Removal of condition no's 6, 7 and 8 of outline planning permission code no. 18/2010/1503 relating to Code for Sustainable Homes requirements

LOCATION: Land rear of Golden Lion Inn Llandyrnog Denbigh

APPLICANT: Mr Merfyn Parry

CONSTRAINTS: PROW

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

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

- Application submitted on behalf of County Councillor

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL: awaiting response

RESPONSE TO PUBLICITY:

None received.

EXPIRY DATE OF APPLICATION: 11/12/14

REASONS FOR DELAY IN DECISION (where applicable):

N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is to remove planning conditions 6, 7 and 8 attached to planning permission 18/2010/1503/PO which related to an outline consent for a single dwelling on land to the rear of The Golden Lion in Llandyrnog.

1.1.2 Conditions 6,7,8 required the relevant Code for Sustainable Homes / BREEAM levels to be achieved in connection with the development.

1.1.3 The application has been submitted following the publication of Planning Policy Wales Edition 7 and the cancellation of TAN 22, which removed the requirement for planning consents to incorporate sustainability code standards.

1.2 Description of site and surroundings

1.2.1 The site is located on land to the rear of the public house, the Golden Lion. The application refers to the existing use of land being a car-park and storage area.

1.2.2 It is a flat site, bounded to the north by a row of Yew Trees in the grounds of the adjacent St Turnogs Church. To the west is the rear of the public house and attached

Golden Lion Cottage. South of the application site are the garden areas of the adjacent terrace of dwellings.

1.2.3 The site is accessed from a narrow track which runs from the B5429 road at the White Horse Inn and links to the Llangwyfan Road adjacent to Brondyffryn Terrace to the south.

1.2.4 The development has not yet been started..

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the development boundary of Llandyrnog, as defined in the Local Development Plan.

1.4 Relevant planning history

1.4.1 Outline planning permission was granted in October 2011 for a single dwelling, and the subsequent reserved matters were approved in September 2012.

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 18/2010/1503/PO – Development of 0.08ha of land by the erection of a detached two-storey dwelling house(outline application including access and layout). GRANTED by planning committee 21/10/11

2.2 18/2012/0885/PR - Details of appearance, landscaping and scale of dwelling submitted in accordance with Condition No. 1 of Outline Planning Permission Code No. 18/2010/1503. APPROVED 19/9/12

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

3.1 Supplementary Planning Guidance
None

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

TAN 12: Design July 2014

3.3 Other material considerations:

Welsh Government Chief Planning Officer Letter 31/07/2014 introducing the changes to Planning Policy Wales and guidance on sustainable buildings dated 31 July 2014.

Welsh Government CL-03-14 Planning for Sustainable Buildings – clarification on the national Planning for Sustainable Buildings policy letter dated 05 June 2014

The opinion of Max Hampton, Welsh Government Planning Manager on planning applications of this nature received 29/10/2014: “I do not believe it is possible to link the Building Regulations and Development Management processes as they are two separate regulatory functions and, given this, we accept that during this transitional period there may be some instances where development proposals will have the CfSH requirement removed and not have to comply with the 2014 Building Regulations.”

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 of sustainable code standards

4.2 In relation to the main planning considerations:

4.2.1 Principle of sustainable code standards

Background:

Conditions 6, 7 and 8 were imposed at the time in accordance with the guidance contained in the now cancelled TAN 22 and in the former section 4.12 of Planning Policy Wales.

Changes to Part L (relating to energy efficiency) of the Building Regulations came into force at the end of July 2014.

The national planning policy requirements for sustainable building standards were removed from Planning Policy Wales and TAN 22: Planning for Sustainable Buildings was cancelled as it was considered that the Building Regulations 2014 would adequately address the energy and carbon performance of buildings, and therefore this is no longer a planning consideration.

Current policy context:

Planning Policy Wales Edition 7 paragraph 4.3.1 clearly states tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; is one of the key principles which underpins the Welsh Government's approach to planning policy for sustainable development which all those involved in the planning system are expect to adhere to.

Para 4.4.3 states planning policy, decisions and proposals should play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings (Section 4.12).

Para 4.12.2 states Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition. The overall aspiration is to secure zero carbon buildings while continuing to promote a range of low and zero carbon (LZC) technologies as a means to achieve this.

TAN 12 (July 2014) 5.4.7 states the level of carbon reduction expected will be determined by the minimum required by Building Regulations (Part L). The contribution and mix that each of these low and zero carbon design solutions provides will be dependent on the design approach taken.

TAN 12 Appendix 3 (Sources and Further Information) lists Welsh Government (2014) Building Regulations – Part L (Conservation of Fuel and Power). For the purposes of TAN 12 5.4.7, Building Regulations (Part L) is taken to mean Building Regulations (Part L)

Assessment:

With regards to this scheme, a Building Regulations application has not yet been made. Therefore the development will have to proceed in line with the Building Regulations 2014.

Building Regulations 2014 Part L extend the energy efficiency requirements for all new domestic buildings to have an 8% reduction in greenhouse-gas emissions from 2010 Building Regulations levels.

This scheme is therefore required to achieve the higher energy efficiency standards prescribed in Building Regulations 2014.

5. SUMMARY AND CONCLUSIONS:

5.1 The removal of conditions 6, 7 and 8 is considered acceptable as the dwelling will need to be built to the Building Regulations 2014 and the updated energy efficiency requirements.

RECOMMENDATION: - GRANT

No conditions imposed.

NOTES TO APPLICANT:

None

Agenda Item 9

WARD : Trefnant

WARD MEMBER(S): Cllr Meirick Lloyd Davies

APPLICATION NO: 31/2013/1079/ PFHY

PROPOSAL: Installation of micro hydro electric scheme

LOCATION: Land at Elwy Meadows Lower Denbigh Road St
Asaph

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Heading:

REFERENCE NO. 31/2013/1079/PFHY
 LAND AT ELWY MEADOWS
 LOWER DENBIGH ROAD, 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

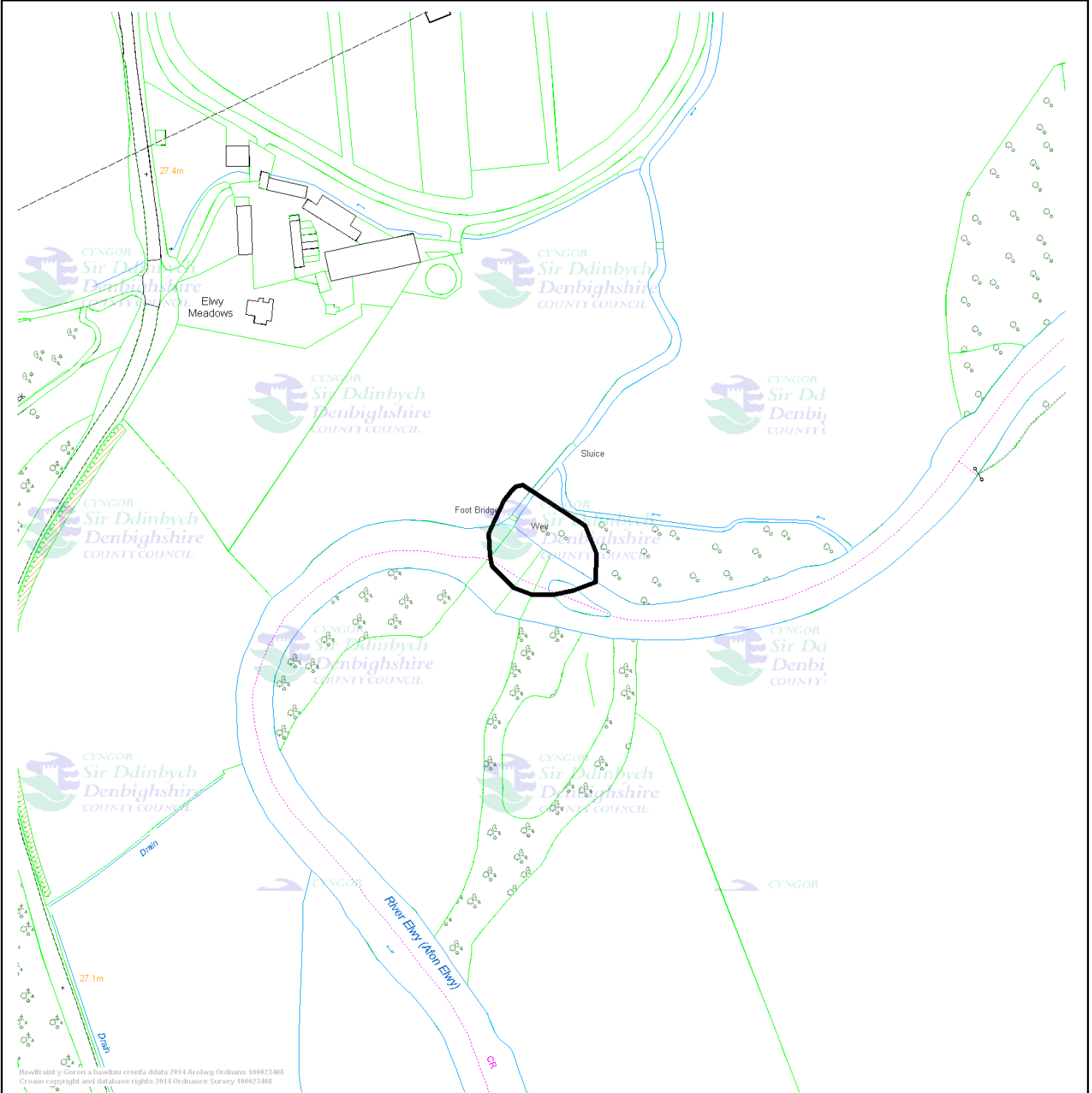
 Application Site



Date 25/9/2014
 Centre = 303891 E 372442 N


Scale 1/2500

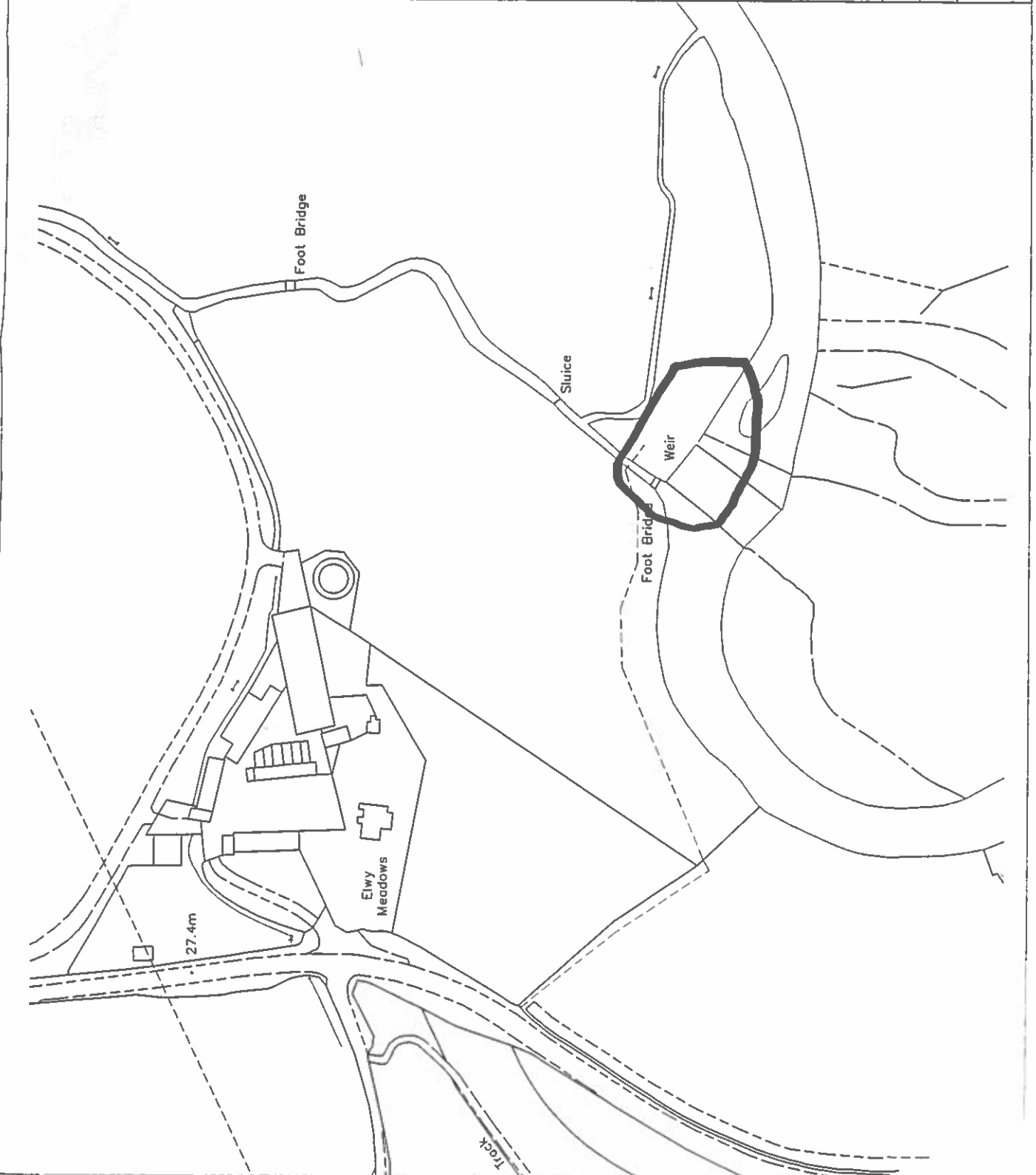
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



APPLICATION SITE

31/2013/1079

<p>© 2011</p> <p>PRELIMINARY DRAWING FOR CONSENTING PURPOSES – NOT FOR CONSTRUCTION</p> <p>Notes: Taken from OS Mastermap 1:1250 © Crown copyright. All rights reserved 2011. License number 100020449</p> <p>SITE AREA 1,931.8 sq. m</p> <p>TOLERANCES The final orientation may vary marginally as site conditions dictate.</p>		<p>RECEIVED 22 AUG 2013 DENBIGH COUNTY COUNCIL PLANNING SERVICES</p>	
<p>Project: Maes Elwy Hydro Scheme</p>		<p>Drawing Title: Location Plan</p>	
<p>Drawing Number: NWHP_ME_Location_Plan</p>		<p>Client: Maes Elwy Hydro</p>	
<p>Scale: 1:1,250 @ A3</p>	<p>Revision: A</p>	<p>Sheet: 1 OF 1</p>	<p>Date: 05/08/2013</p>
<p>Drawn by: AJF</p>			
			





Approximate Peg Coordinates:

Intake:	SJ 03878 72454
Turbine House:	SJ 03885 72455
Outfall:	SJ 03897 72439

Site 66: Hydro Scheme at Elwy Meadows Hydro – Afon Elwy
 OS Location Plan and Illustrative Aerial Overlay
 Not to Scale
 29.07.2013

© 2011

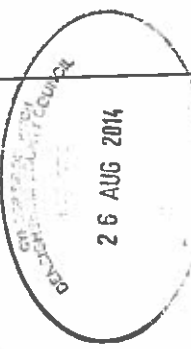
PRELIMINARY DRAWING FOR
CONSENTING PURPOSES - NOT
FOR CONSTRUCTION

Notes:
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TOLERANCES
The final orientation may vary marginally as site
conditions dictate.

REVISED PLAN

- Power Cable



26 AUG 2014

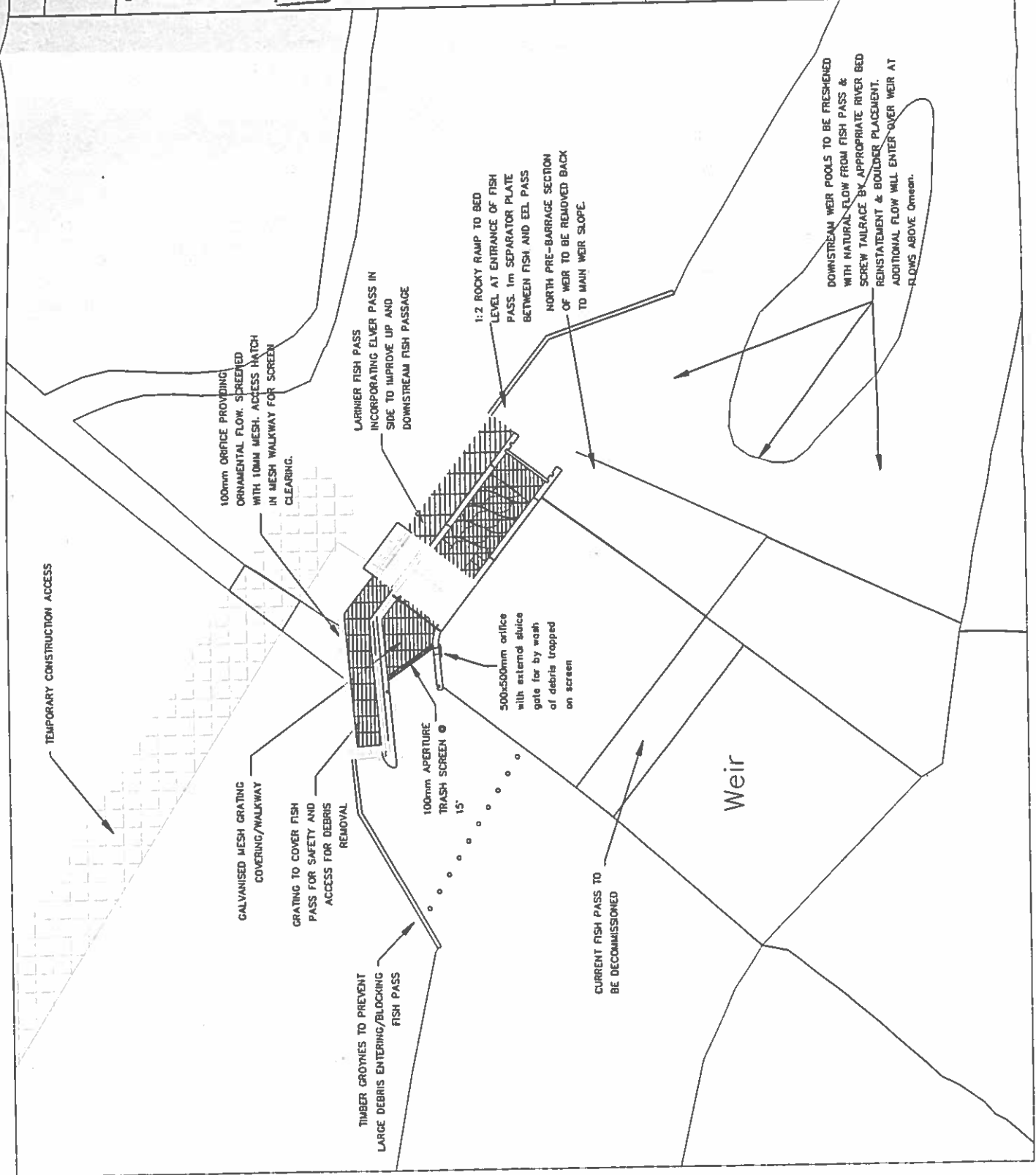
Project:
Moes Elwy Hydro
Scheme

Drawing Title:
General Layout

Drawing Number:
NWHP_ME_General_Layout

Client:
Moes Elwy Hydro

Scale: 1:285 A3
Revision: R
Sheet: 1 OF 4
Drawn by: AJF
Date: 15/08/2014



11 2013/11079/1/F

SECTIONAL PLAN
31/2013/11079

PRELIMINARY DRAWING FOR
CONSENTING PURPOSES - NOT
FOR CONSTRUCTION

Notes:

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REVISED PLAN
CONSTRUCTION NOTES
The hydraulic structure shall be constructed in concrete with the following details and approved where necessary.

Powerhouse

- Roofed with local slate
- Timber clad with internal noise insulation
- Vents to be baffled internally to further control any noise emission.
- Doors to be double slurred with noise attenuation built in.

Tailrace

To prevent scour and erosion of the river bed, a plunge pool will be created from locally sourced stone/boulders at the end of the tailrace of the screw and fish pass.

TOLERANCES

The final orientation and dimensions may vary marginally as site conditions dictate.

Project:

Maes Elwy Hydro
Scheme

Drawing Title:

General Arrangement

Drawing Number:

NWHP_ME_General_Arrangement

Client:

MAES ELWY HYDRO

Scale:

1:200 @ A3

Revision:

T

Sheet:

1 of 6

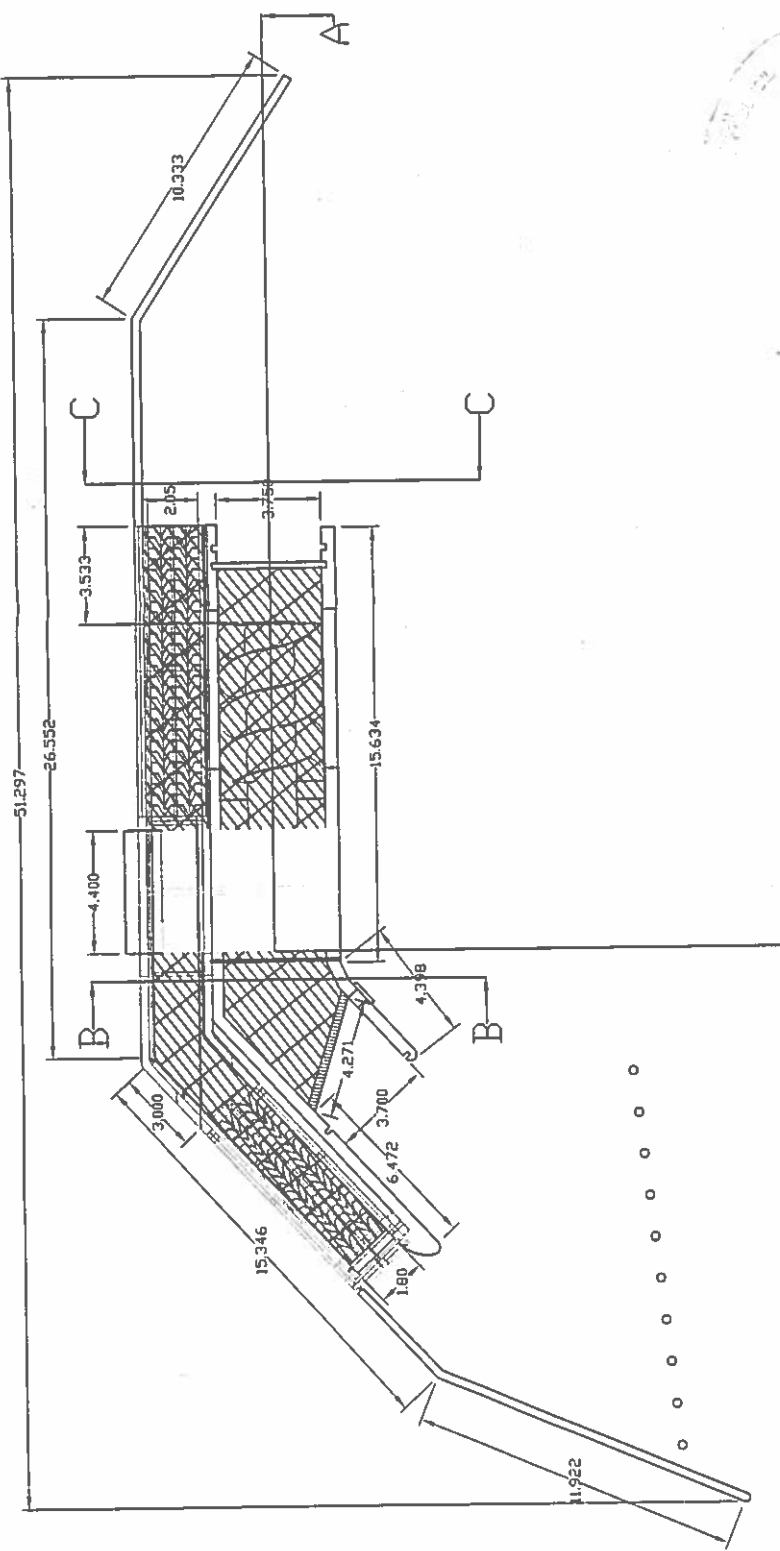
Date:

26/08/2019

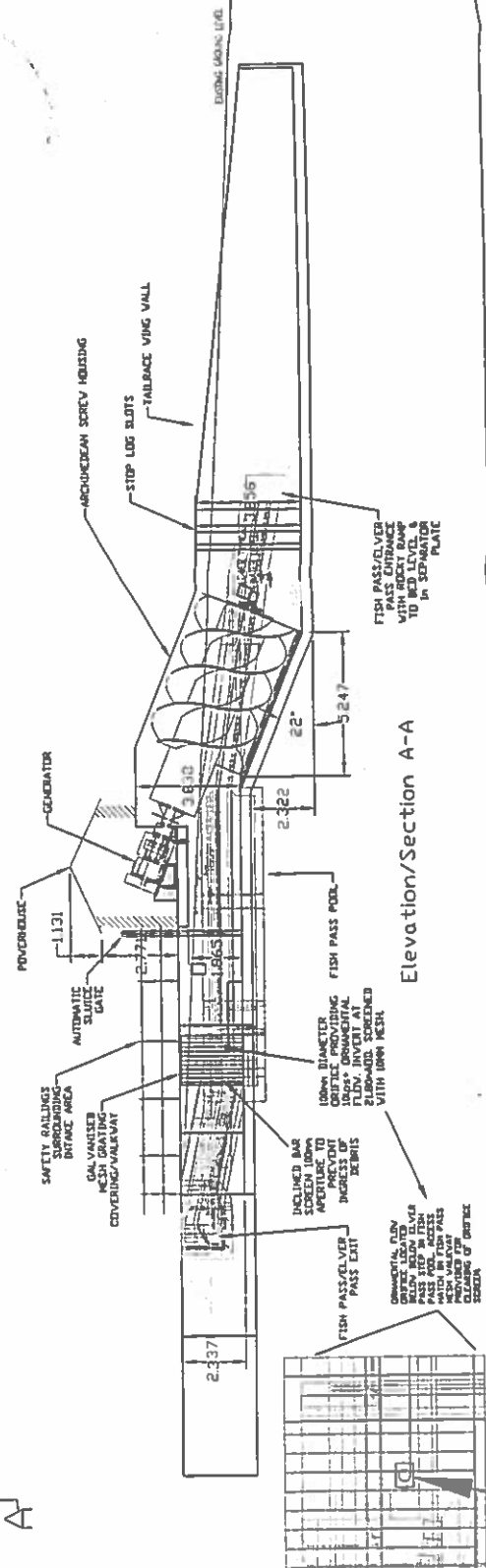
Drawn by:

AJF

PLAN VIEW



23 AUG 2014



Elevation/Section A-A

WARD: Trefnant

WARD MEMBER(S): Cllr Meirick Lloyd Davies

APPLICATION NO: 31/2013/1079/ PFHY

PROPOSAL: Installation of micro hydro electric scheme

LOCATION: Land at Elwy Meadows Lower Denbigh Road St Asaph

APPLICANT: MrRichard ReesNorth Wales Hydro Power Ltd

CONSTRAINTS: C2 Flood Zone
Main River

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

CONSULTATION RESPONSES:

CEFN MEIRIADOG COMMUNITY COUNCIL –

“Cefn Meiriadog Community Council have no objections, they fully support this application”

ST ASAPH CITY COUNCIL –

“ St. Asaph City Council have no objections to the Hydro System per se, we would insist on a maintenance programme being included and that the weir be fit for purpose prior to the installation of the Hydro System. We ask for assurance from Planning that these conditions are in place prior to approval of the planning.”

TREFNANT COMMUNITY COUNCIL -

No comments received at time of preparing the report

NATURAL RESOURCES WALES (NRW)

In response to consultation on the planning application, NRW have provided the following comments:

In relation to the amended proposals –

NRW have no objection to the application.

- ENVIRONMENTAL PERMITTING (ABSTRACTION / IMPOUNDMENT LICENSING)
NRW confirm they have no objection in principle to the proposals and are able to issue an abstraction licence.
- FLOOD RISK –
NRW have reviewed the revised Flood Consequences Assessment and confirm the contents are generally commensurate to the type, nature, and scale of the development. Welcome proposals to incorporate flood proofing measures within the turbine house.
- FLOOD DEFENCE CONSENT –
In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of Natural Resources Wales has been granted for the works and structures located in, under, over or within 7 metres of the bank top of the Afon Elwy, designated "main river" (Consent NE2013LD125B). Temporary in- channel works require separate Flood Defence Consent from NRW.
- POLLUTION CONTROL AND WASTE MANAGEMENT –
NRW outline measures required to minimise impacts on the watercourse, to accommodate any oil storage facilities and disposal of waste excavation or building materials
- PROTECTED SPECIES –
NRW consider the surveys and assessment in respect of statutory protected species to have been completed to a satisfactory standard for the purpose of informing the decision making process

- NRW had previously commented on the following in response to the original contents of the planning application:
- FISHERIES –
NRW have received and approved the Fish Pass Details.
- ENVIRONMENTAL MANAGEMENT –
There must be no adverse impact on water quality. The applicant should comply with NRW PPG5: Works and maintenance in or near water. Waste should be disposed of in accordance with Section 34 of Environmental Protection Act 1990. The activity of importing waste into the site must be registered as a permitted activity under the Environmental Permitting Regulations 2007.

Developments involving NRW following the deferral of the application at the November 2014 Planning Committee are dealt with in Section 1.5 of the report.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

No objection, according to OS first edition mapping the weir may be connected to the former Wigfair Isaf Mill by a long leat heading north from the weir. The weir therefore dates to at least 1874 and it probably earlier than this in origin. CPAT recommend a survey and archaeological watching brief is undertaken prior to the commencement of development.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES – BIODIVERSITY OFFICER –

No additional comments on amended submission. Ecologist had previously expressed satisfaction that the ecological surveys undertaken are suitable and commensurate with the development and agreed with the conclusions within the report.

TREE CONSULTANT

Has assessed the submission and is aware of the basis of objections. Advises that 11 trees are proposed to be removed; of these, the best specimen is a mature ash which is of very minor importance as an amenity feature in the landscape because there are numerous other trees at this location. Other trees to be felled are either not particularly good, or poor specimens. Confirms there is confusion over reference to Black Poplars – as the specimens in the area are not Native Black Poplars, but hybrids which are not rare or important. Suggests any consent obliges replanting, details of protective barriers, and work being carried out in accordance with the Tree Protection Plan.

RESPONSE TO PUBLICITY:

Chris White (by email, no address provided)
 John Lewis, Mill Brook, The Mill Yard, Lavister, Wrexham
 Andrew Kelton, Fish Legal, Leominster, Herefordshire (on behalf of Rhyl and St Asaph Angling Association)
 Stephen Barlow, Nefydd House, Llanefydd
 David Jones, Federation of Clwyd Angling Clubs, Panorama, Rhualt
 John Morris, 39 Orme View Drive, Prestatyn
 David Roberts, 11 Park Drive, Carmel, Holywell
 Paul King, 17 Llys Y Tywysog, Tremeirchion
 Eugene Grube, 28 Rhodfa Glenys, St Asaph
 Robert Hall, 6 Breezehill Park, Neston, Cheshire
 Graham Whalley, 25 Grasmere Close, Prestatyn
 Allan Cuthbert, 25 Ceg y Ffordd, Prestatyn (on behalf of Campaign for the Protection of Welsh Fisheries)
 Ian Macdonald, Secretary, Rhyl and St Asaph Angling Association, 20 Y Maes, Denbigh
 John Davidson, Bryn Rhedyn, Windmill, Pentre Halkyn, Holywell, Flintshire
 Tim Mainland, Wigfair Fach, Wigfair Isa, Lower Denbigh Road, St Asaph
 David Gartside, 34 Compton Way, Abergele
 Martyn Hogg, Ysgoboriau, Lower Denbigh Road, St Asaph
 Mr and Mrs Donaghy, Pen Ucha Roe Bach, Lower Denbigh Road, St Asaph

In objection to the proposals

Summary of representations :

Impacts on the river and river environment

Concerns over effects on migratory fish river (salmon and sea trout up and downstream migratory paths, breeding) / impacts on salmonoids / questions over fish pass suitability at a low head hydro scheme/ impact on river Elwy, maintenance/blockage of fish pass, silt and build-up of debris likely to occur/ existing schemes at Penmachno and Cefn should be monitored and negative impacts considered / concerns over decommissioning and reinstatement of weir/ changes to plans of additional concern as they involve relocation of fish pass to the north side of the turbine, which would redirect the river to the left hand bank around the weir, devastating the fishery on the upstream right hand bank and by passing the existing downstream pool; would make it impossible to monitor fish passage and respond to problems/ there would be downstream alterations to the bed of the river affecting flow and resting conditions for salmonids/ confusing and inadequate level of detail on plans to fully understand effects, including reference to 'ornamental flow', amount of water to be diverted, and impact on fishing pool upstream/ simple alternatives to modify the existing fish pass would obviate need for a new one /no mention of the state or structural integrity of the weir, heightening concerns over consequences of its disintegration/ additional concerns over construction period in dry summer months when migratory fish make their return to the river

Flood risk-

Potential impact on river flows/ potential for blockages through build up and release of debris and silting are not addressed, along with downstream consequences / document suggesting the limited risk from flooding and no increase in risk from the development is disingenuous given recent history, as the development will concentrate flow on the northern bank and the installation will constitute an additional obstruction to accumulate debris and increase flood risk beyond the site / Concerns over adequacy of information on the impact of the installation under all states of the river, in terms of impacts on the likelihood of flooding / Proposals will further restrict the flow of the river putting property at heightened risk of flooding

Impact on local economy

Significant impacts arising from degrading of fishing facility, including loss of salmon stock / would deprive local community of more money than it would return.

Biodiversity impacts

Proposal will have negative biodiversity impacts / insufficient number of species surveyed/ evidence of otter holt adjacent to site, voles and badgers are a common sight, mink are understood to be present in the area / habitat survey was undertaken in June so could not establish if salmon or sea trout spawn in the area / risk of breaches of legislation in relation to a range of species must be assessed

Visual amenity

Concern over loss of trees in particular loss of Black Poplars / no good reason to remove trees.

Noise impacts .

Concern over impact of noise in relation to turbine / potential noise from Archimedean screw on migration of salmon and sea trout

Planning policy conflicts

Conflicts with VOE 10- proposal does not demonstrate that there will be no unacceptable impact on nature conservation and wildlife.

Other matters -

Inadequate summary of representations / not all objectors included in original report

Ownership issues- NRW do not own the weir, title from the middle of the weir to the right hand side of the river bank is unclear/ Riparian rights exist and have not been considered.

Fishing rights affected- impact on viability of long established and well known sea trout and salmon fishery/ significant impact on Members of Rhyl & St Asaph Angling Association and permit holders.

Carbon reduction figures and efficiency figures queried / actual savings would be minor.

Consideration should be given to securing an undertaking / bond from the applicants in relation to the construction, implementation, and maintenance of the development, and to cover contingencies if something goes wrong

Concerns over the neutrality of the NRW in the process / independent advice should be obtained, including a structural survey of the weir as this has suffered from structural failure and could cause a surge in floodwater with downstream impacts/ poor communication by NRW with fishing associations

Inadequate awareness / regard by NRW to impact of hydro scheme at Cefn

Representations received immediately prior to the November Planning Committee meeting

Additional emails were received from Ian Macdonald, Secretary of Rhyl and St Asaph Angling Association, and from Andrew Kelton, Fish Legal, raising matters on behalf of the Association.

The emails referred to ongoing exchanges between the Angling Association and Natural Resources Wales (NRW), and in particular to what NRW had advised they were dealing with as a formal complaint from the Association over their responses to issues of concern in relation to the Abstraction Licence issued in relation to the hydro proposals at Elwy Weir. The Association advised that NRW had confirmed they were due to respond to them by the 20th November, hence the Association suggested as the County Council 'are relying on NRW as being their experts', that the application be deferred to a later meeting.

The Fish Legal email reiterated this point and suggested reliance on NRW is unsatisfactory on the basis that NRW's determination of the abstraction licence has been demonstrably inadequate. The email referred to failure to address the decrepit condition of the weir, and suggested that the Council should not be deferring to NRW in relation to all matters to do with flow issues (weir sustainability, flood risk, and fish passage). It also suggested that there may be harm to property rights which may infringe the Human Rights Act. It stated that it is essential to require a full engineering survey of the weir to ascertain repairs necessary; that the pool redesigns required under the Abstraction Licence should be in consultation with the angling and any other interests; and that provision should be made for compensation to be paid by the developer to angling right holders should there be measurable impact on the quality and capital value of the fishery affected by the development. On these grounds, as it was contended there was no consideration of such conditions by the Council, deferral was considered necessary.

Section 1.5 of the report provides detailed comments on developments since the deferral of the item at the November Committee and the relevance of matters raised by and on behalf of the Angling Association is dealt with in the Planning Assessment section of the report.

In support of the application

Edward Sample, Carter Jonas (on behalf of Cefn Estates)

Main points -

Development will complement the fish pass under construction further up the River Elwy and would make it more effective in supporting the passage of migratory salmonids through the Elwy catchment / the Elwy catchment would benefit greatly from two new fish passes.

EXPIRY DATE OF APPLICATION: 17/10/2013

REASONS FOR DELAY IN DECISION (where applicable):

- Additional information sought.
- Additional consultations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application has been deferred previously at the October and November 2014 meetings of the Planning Committee.
- 1.1.2 The October deferral was to allow additional consultations to be carried out with neighbouring Community Councils and private individuals.
- 1.1.3 The November deferral was to allow opportunity for Natural Resources Wales to confirm their position following their investigation into a complaint from the Rhyl and St Asaph Angling Association over the consideration given to representations on the Abstraction licence application, and to enable the Officer report to address the relevance of any issues arising from this process and representations by and on behalf of the Angling Association to the consideration of the planning application.
- 1.1.4 The proposal involves the development of an 81kW micro hydroelectric generating scheme on the River Elwy, in a location 150 metres to the south east of the property Elwy Meadows, some 2 kilometres south of the A525 bridge over the river in the centre of St Asaph.
- 1.1.5 The main elements of the development are –
- an intake immediately upstream of an existing weir, intercepting the original mill leat
 - a new fish pass
 - a debris screen and sluice gate (timber groynes, a finer bar screen, and a sluice gate)
 - a 3.8m X 6.3m turbine house building with larch clad external walls and a local slate roof, containing a generator linked to an Archimedean Screw
 - a tailrace, walled on the northern bank, directing flow back to the River Elwy

The plans at the front of the report give an indication of the proposed scheme.

- 1.1.6 The planning application is supported by a Design and Access Statement, a Flood Consequences Assessment, an Extended Phase 1 Habitat Survey, a Tree Survey, a Technical Summary, and a Construction Method Statement.

The Design and Access Statement provides an overview of the proposals, including commentary on the development of the scheme, its key elements, and general environmental and planning issues. Relevant points in the document include –

- The applicants are North Wales Hydro Power Ltd.
- The scheme has been developed taking account of a number of factors, based around causing the least environmental impact whilst generating as much renewable electricity as possible
- Relevant Wildlife and Tree surveys and a Flood Consequences Assessment have been undertaken. There is a Technical Summary and Construction Method Statement in the submission.
- It is stated that the scheme has been designed to minimise impacts on ecological interests with suitable mitigation proposals; pollution risks at construction stage would be minimised in accordance with the Construction Method Statement ; the consequences of any flooding have been managed down to a level which is acceptable for the nature of development proposed, including suitable flood protection measures, and there would be no material increased flood risk elsewhere; noise mitigation measures will be included in the design of the turbine house and there will be no operational noise impact; 11 trees will need to be removed to facilitate the development, the site area having been kept down to a minimum to limit the number of trees to be felled;
- There is a separate authorisation process in relation to the detailing of Hydro electric schemes, administered by Natural Resources Wales. This includes an Abstraction Licence for water to be removed from the stream, Flood Defence Consent for carrying out works in –river or close to it, and Fish Pass Approval. NRW are therefore responsible for control over many elements of the proposals, including flow associated with the hydro scheme.
- There are renewable energy benefits arising from hydro schemes, recognised in Planning Policy and guidance at local and Welsh Government level.

1.2 Description of site and surroundings

- 1.2.1 The proposed hydro scheme would be within the River Elwy at an existing weir approximately 2 kilometers south of St Asaph, in a location to the south east of the property Elwy Meadows. The B5381 (Lower Denbigh Road) runs approximately 200 metres to the west.
- 1.2.2 It is stated in the Technical Summary that the existing weir was built to provide flow for a now defunct mill, and creates an impoundment of the River Elwy.
- 1.2.3 The area is characterised by a wide river profile with low banks, riverside and field boundary trees and hedgerows.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, and is within a C2 Flood Zone as shown on the Development Advice Maps produced in association with TAN 15.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments / changes since the original submission

- 1.5.1 In relation to the detailing of the scheme, clarification was sought from the applicant in relation to the detail of the fish pass, in relation to comments raised by objectors and NRW. Revised details were submitted in mid September 2014, and were the subject of a reconsultation exercise.
- 1.5.2 As noted above, further consultations were carried out in mid October 2014 following requests for notification to adjacent Community Councils and private properties. The summary of all consultee responses and representations received up to the date of drafting this updated version are included at the head of the report.
- 1.5.3 Following deferral at the November meeting of the Committee, there have been further exchanges with Natural Resources Wales, and additional correspondence

from the applicants. The substance of these exchanges are referred to below for Members information.

1.5.4 Officers contacted NRW immediately following deferral, requesting confirmation of their conclusions on the investigation into the Angling Association's complaint and confirmation as to whether any aspects of that investigation impact on comments NRW have made on the planning application for the hydro scheme. NRW were forwarded the Fish Legal letter which suggested that the County Council's reliance on NRW as its 'expert' is misplaced and that 'the Council should not just be deferring to the judgment of NRW in relation to all matters to do with fishing rights and flow issues' (weir sustainability, flood risk and fish passage). Officers also sought comment on detailed questions raised over land ownership issues, the need for a structural survey of the weir and details of its restoration and maintenance, construction of fish pools, and compensation for adverse impact on fish stock. NRW were asked to advise whether they remain satisfied that there is sufficient information provided with the planning application in relation to assessment of flood risk, that they do not consider there is unacceptable additional flood risk as a result of the development and finally that there are no conditions they require the County Council to impose on any planning consent which may be granted to deal with issues relating to flooding.

1.5.5 Natural Resources Wales have confirmed they have responded to the Angling Association's complaint over the processing of the Abstraction Licence application. Their advice to the County Council is as follows:
*"Natural Resources Wales is satisfied that the appropriate legislation and guidance has been followed and adhered to during the determination of the abstraction licence application. Natural Resources Wales has taken full consideration of all aspects of the application and comments provided during the advertising period. During the representation period, Natural Resources Wales were notified of the concerns regarding the impacts upon local fisheries. These impacts were taken into account based on the information provided at the time. Natural Resources Wales have considered the impact of foreseeable changes to the Afon Elwy might have on local fisheries and have concluded there will be no significant impact caused by the grant of this abstraction licence.
The applicant is not the owner of the weir and is therefore not currently responsible for any repair work to the weir. The grant of an abstraction licence cannot grant access to land or property. If the applicant needs to obtain access to both sides of the river for development purposes this will have to be resolved with the relevant land owners and is outside of our jurisdiction under the Water Resources Act 1991. Natural Resources Wales has no powers to require financial information or to require a bond."*

With respect to questions raised over the imposition of conditions on any planning approval, NRW have stated with regard to:

"a. a survey of the condition of the weir to determine the need for and carrying out of repairs;

We have not requested such a condition when providing our formal response to the planning application.

b. details of the re-design of the fish pool(s) required under the Abstraction Licence, in order to involve angling interests in the consultation process;

We have not requested such a condition when providing our formal response to the planning application as the applicant must comply with the conditions of the Abstraction Licence

c. arrangements for compensation payment from the developer to angling rights holders if there is a measurable impact on the quality and capital value of the fishery affected by the development.

We have not requested such a condition when providing our formal response to the planning application. We consider that this is an issue that your local authority should decide upon, possibly with advice from your legal department to determine whether and how such a condition would be enforceable."

1.5.6 The applicants have responded to the latest deferral of the application in the following terms –

“It was most annoying that the committee chose to defer yesterday. I wish it had been made clearer to them that the NRW licences and planning applications are standalone consents and that there is no statutory pre-requisite for either to be in place before the other and that the complaint to the granting of the abstraction licence is totally irrelevant to the planning application and not a material consideration. There appears to be a blurring of lines between the two sets of legislation by Denbighshire and we are not happy with the handling of this issue.

In other LPAs this would never have been a discussion point at all. For example in SNPA the majority of our 20+ planning permissions have all been granted prior to determination of other environmental permits such as abstractions licences because the LPAs acknowledge that they are standalone consents. For the avoidance of doubt/additional comfort SNPA use the following condition on all our planning permissions:

“The abstraction and impounding of water is to be made in complete accordance with any ‘Licence to abstract’ and ‘Licence to Impound’ as issued by Natural Resources Wales”

We would not be adverse to a similar condition being imposed on this site. Please note that Impound Licence is not relevant to this scheme so it may be more appropriate to just state “any relevant environmental permit or licence issued by NRW” etc)

We wish your report for the next committee to be clearer in the formal role of the LPA and the distinction between the different consents/legislation and we do not want the committee to be drawn into a discussion about anything that relates to the environmental licencing process ie. water flows, impact on fisheries and river habitats. It is not within the remit of the LPA or planning committee to determine the planning application based on these issues and we would like you to remind the committee of that they must focus only on the material planning considerations.

In layman’s terms this may be a useful guide worth providing to the committee:
<http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf> “
(a relevant section is highlighted)

In relation to the late information reported to the November Committee, the applicants have advised:

“Picking up on the summary of these emails in the report (copied below) I would like to point out that property rights and property value and compensation are not matters that should be taken into consideration by the LPA so again we wish this to be made very clear to the committee. “

1.6 Other relevant background information

1.6.1 A briefing was organised in mid October to inform Members on the detailing of the proposals and the issues arising. A further briefing is to be held prior to the December Planning Committee.

2. **DETAILS OF PLANNING HISTORY:**

2.1 None.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy VOE 1 – Key Areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance
SPG 18 – Nature Conservation and Species Protection

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7, 2014

Technical Advice Notes:

TAN5 – Nature conservation and planning

TAN8 – Renewable energy

TAN15 – Development and Flood Risk

Circular 60/96 Planning and the Historic Environment

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 Landscape / visual impact
- 4.1.3 Residential Amenity including noise
- 4.1.4 Ecology
- 4.1.5 Flooding and water quality
- 4.1.6 Archaeology
- 4.1.7 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Members may be aware that at national level, the UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Para 12.8.1 of Planning Policy Wales (PPW) reaffirms UK and Welsh Government commitment to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of its proposals to tackling climate change. It refers to Welsh Government's Energy Policy Statement (2010), which identifies the sustainable renewable energy potential for a variety of different technologies.

For planning purposes, Figure 12.2 of PPW defines the following renewable and low carbon energy scales, which is of relevance to the application:

Scale of development	Threshold (Electricity and heat)
Strategic	Over 25 MW for onshore wind and over 50 MW for all other technologies
Local Authority – Wide	Between 5MW and 25 MW for onshore wind and between 5 MW

	and 50MW for all other technologies
Sub local authority	Between 50kW and 5MW
Micro	Below 50kW

This application therefore falls within the 'sub local authority' scale of development in PPW, which in para 12.9.9 states that such projects are 'applicable in all parts of Wales'.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects. It refers in Section 3.12 to Hydro–Power and the development of 'run of river' schemes in Wales, that these are generally supported, although there may be occasions where account needs to be taken of potential ecological damage, and that there is need for close liaison with the NRW as licensing authority for abstraction and impoundment.

Policy VOE 10 offers general support for proposals which promote the provision of renewable energy technologies, providing they are located so as to minimise visual, noise, and amenity impacts and demonstrate no unacceptable impact on the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Taken together, the contents of Planning Policy Wales, TAN 8, and the policy in the LDP provide support in principle for this type of renewable energy development subject to the detailed assessment of localised impacts, which includes taking into account the potential impacts on landscape, visual and residential amenity, and ecological interests.

Officers' view is that as the proposal is for a sub local authority scale Hydro project, the principle of this development is acceptable in general policy terms. The Council has consented to a number of hydro schemes in recent years. The key issues in this instance are considered to be the local impacts of the development, which are reviewed in the following sections of the report.

4.2.2 Landscape/ visual impact

The general requirement to consider the impact of development on the landscape specific to a hydro scheme development is LDP policy VOE 10 which requires specific assessment / explanation of impact on the landscape, and mitigation proposals.

The site is not located in an area with statutory landscape designations. The turbine would be sited on a weir on an existing river. The turbine house is the largest above ground element of the development and would measure 3.8 metres by 6.3 metres, with an overall height of 3.8 metres, and would comprise a larch clad building with a slate roof. Concerns have been raised that the development would have an impact on the visual amenity of the area, including the loss of trees. It is suggested that NRW have shown no awareness of the smaller hydro scheme at Cefn and that the impact of the proposed development would be more significant than that one. The Council's Tree Consultant has no objections to the proposals and has confirmed there are no Native Black Poplars affected.

In accepting that the turbine house would be visible on the river bank, considering the size and detailing of the building, it is not considered that its visual impact and that of the other elements of the scheme would be unacceptable when completed, and following the reinstatement of the surrounding land. The design of the turbine house would be in keeping with traditional buildings in the area. Whilst there are proposals to remove trees as part of the scheme, the extent of loss is limited and is of no concern to the Tree Consultant. Officers' opinion is that the proposal would not have unacceptable impact on landscape or visual amenity, and is not in conflict with national and local planning policy.

4.2.3 Residential Amenity including noise

Local Development Plan Policy VOE 10 seeks to ensure development does not have an adverse impact on residential amenity, and this would include assessment of the potential noise and general amenity impacts on local residents from any renewable energy project.

The turbine equipment to be located in the turbine house has the potential to generate noise. Information submitted with the application states that this can be minimised via design, and given the nearest dwelling would be 130 metres to the north west of the site, there will be no operational noise issues.

Having regard to the location of residential properties adjacent to the field where the proposed turbine house is to be located, Officers' opinion is that the imposition of a condition to ensure sound attenuation is put in place would provide adequate safeguards for occupiers of these properties. In combination with controls over construction phase operations, this would ensure the tests in the relevant planning policy, VOE 10 are met. It is not considered that the potential for noise arising from the turbine causing disturbance to fishermen would be a reasonable basis for opposing the development.

4.2.4 Ecology

The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5, TAN 5 and LDP policy VOE 5. Specific to a hydro development is LDP policy VOE 10 which requires specific assessment / explanation of impact on biodiversity, and mitigation proposals. VOE 5 requires proposals which may have an effect on protected species or designated sites of nature conservation to be supported by a biodiversity statement having regard to the County biodiversity aspiration for conservation, enhancement, and restoration of habitats and species.

A Phase 1 Habitat Survey has been undertaken to cover amphibians, badgers, bats, birds and reptiles. The survey includes recommendations for mitigation and enhancements. A tree survey, tree constraints plan and tree protection plan has been submitted with the application. Eleven individual trees have been identified for removal to facilitate the development. The Council's Biodiversity Officer has considered the details and has advised that she is satisfied that the ecological surveys undertaken are suitable and commensurate with the development, and agrees with the conclusions, offering no objection, provided the recommended mitigation and enhancement measures are conditioned and followed. NRW have expressed a similar view. A felling licence has been obtained for the tree felling from NRW. As noted above, there are no objections from the Council's Tree Consultant. A number of concerns have been raised by private individuals over the adequacy of the ecological information with the application, and the potential impact on the fish population from the detailing of the proposals, including comments on the potential for noise from the turbine mechanism on migrating fish.

Officers' opinion, informed by the responses of consultees, is that there is adequate information on ecological interests to assess the impacts of the development. These indicate there are appropriate reasonable avoidance measures and mitigation proposed in relation to statutory protected species, which can be secured through the use of planning conditions. Providing the development works are undertaken in strict accordance with the recommendations, mitigation and avoidance measures identified in the Habitat Survey and Tree Survey, it is not considered there would be any unacceptable ecological impacts.

In relation to impacts on fishing interests, Officers understanding is that points raised by objectors in relation to salmon and sea trout movement and migration, breeding and river invertebrates, are considerations properly dealt with by NRW as part of their environmental permitting processes outside planning legislation, which include fish pass approval and abstraction licencing. Consequently, whilst respecting the concerns voiced over potential impacts on fish populations and fishing rights, in this context, it is not considered appropriate to attach weight to these matters as a factor in the determination of the planning application.

4.2.5 Flooding and water quality

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.

Members will note from the summary of representations that there are considerable objections lodged at the potential implications of the proposals on the River Elwy, in particular in respect of river flow, and flooding.

Factually, the site is within a C2 flood risk zone, located within the 1 in 1000 year flood outlines on the NRW indicative Flood Map. A Flood Consequences Assessment (FCA) has been submitted in support of the planning application. This acknowledges that the turbine house may be susceptible to flooding and indicates this will be built with flood resistant construction methods and techniques. NRW have confirmed that the contents of the FCA are generally commensurate to the type, nature and scale of the development and welcome the applicant's intention to incorporate flood proofing measures within the turbine house. NRW have also confirmed that Flood Defence Consent is required for the development as it is within 7 metres of the bank top of a main river, and an application for Flood Defence Consent has been granted for the development.

In respecting the grounds of concerns from objectors, on the basis of the NRW responses, Officers believe the flood risk issues relevant to the determination of the planning application have been given due consideration and that it is reasonable to accept the NRW conclusion that there are no additional flood risk impacts anticipated. With regard to suggestions for the imposition of a planning condition requiring a survey of the condition of the weir to determine the need for and carrying out of repairs, NRW have confirmed they have not requested the Local Planning Authority to attach such a condition on any permission.

4.2.6 Archaeology

The general requirement to consider the impact of development on archaeology and cultural heritage is set out in PPW Chapter 6.5, LDP policy VOE 10 and Welsh Office Circular 60/96 'Planning and the Historic Environment' which states the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether than monument is scheduled or unscheduled (para 10). Specific to a hydro scheme, policy VOE 10 requires specific assessment / explanation of impact on cultural heritage.

The scheme is proposing to utilise the existing weir associated with the former Wigfair Isaf Mill. The weir dates to at least 1874 and CPAT advise that its origin may even be earlier. CPAT have suggested a pre-commencement condition is applied to ensure a pre-development survey of the site is carried out and a watching brief undertaken during building works, in accordance with the guidance set out in Circular 60/96 regarding the use of conditions to protect archaeological monuments.

Subject to the inclusion of a pre-commencement condition requiring a pre development survey, it is not considered there would be any adverse impact on archaeological features or cultural heritage.

Other matters

Members will appreciate that representations received raise a number of issues. The main land use planning ones are considered above.

In relation to concerns over the adequacy of the summary of representations and the absence of reference to individuals in the list of objectors, Officers have gone through the application file to ensure the list of objectors is accurate at the time of drafting the report. Any additional representations received between the completion of the report and the Committee meeting will be noted and summarised in the late information sheets. It is adopted practice to summarise representations and not to attach letters of representation to Committee reports. Officers believe the summary of representations in the redrafted report provides a fair outline of the main points raised in relation to the proposals.

Natural Resources Wales are responsible for a range of environmental licencing controls over the development of a hydro scheme which the County Council has no need to replicate, as

the County's role is to deal with land use planning matters and 'material planning considerations'. The applicants are keen that this distinction is made clearer to assist consideration of the application. In the context of this application, management of fish stocks, the migration of fish affecting the operation of the fishing rights, abstraction and discharge arrangements, and the design of a new fish pass are either controlled through licencing legislation administered by NRW or are not matters material to the land use planning merits of the application.

Representations on the application express a number of concerns over the neutrality / role of the NRW, and request that the Council should rectify alleged failings of NRW in the process. In respecting the comments made on the competence of the NRW, Officers can only repeat the basis of previous comments in the report and suggest it has to be recognised that NRW are the Government's main environmental agency involved in the planning process, and a key statutory consultee for all planning authorities, with levels of expertise on highly technical matters. The issues arising in relation to elements of the hydro scheme have been addressed in considerable detail, including by NRW in their response to consideration of the complaint from the Angling Association into their handling of the Abstraction Licence application, and it is not considered either appropriate or necessary for the Local Planning Authority to further challenge their competence in respect of matters raised in relation to their actions or their responses to the Council on matters relevant to the planning application. As stated previously, the deferral of the application has given opportunity for NRW to respond to complaints from the Angling Association, and NRW have confirmed their comments on the planning application remain valid.

In relation to suggestions on behalf of the Angling Association that the Council consider the imposition of specific planning conditions, NRW have confirmed they have not requested the Authority to include conditions requiring a survey of the condition of the weir to determine the need for repairs, or in relation to the detailing of the fish pool(s) required under the Abstraction Licence, in order to involve angling interests in the consultation process. On the latter situation, NRW confirm the applicant must comply with the conditions of the Abstraction Licence with regard to the re-design of the fish pool(s). NRW also advise they have not requested a condition be considered to ensure arrangements for a compensation payment from the developer to angling rights holders if there is a measurable impact on the quality and capital value of the fishery affected by the development. Following consultation with the Legal Officer, it is respectfully suggested that protection of private fishing rights is not a matter for consideration on a planning application, and a condition setting out a requirement for a developer to compensate a third party for loss of capital value of a fishery would not meet the requisite tests to be applied to the imposition of planning conditions on permissions.

It is not considered that it is reasonable or necessary to impose a requirement on the developer of a hydro scheme to enter into an undertaking / bond in relation to the construction, implementation, and maintenance of the development, and to cover contingencies if something goes wrong, in particular arising from concerns over the financial standing of the applicant company. Other hydro and wind power schemes consented by the Council have not included such requirements.

In terms of land ownership, the Applicants have advised that they have served notice on the land owner and are satisfied that that no further notices are required in connection with the planning application.

In relation to the maintenance, management and long term plans for the scheme, the Agents have advised that once the project is installed then it would not be decommissioned for the foreseeable future. North Wales Hydro Power would be ultimately responsible for the on-going maintenance of the scheme. There would be a webcam located on the side of the turbine house so as to allow the monitoring of debris build up and to monitor the operation of the fish pass and the hydroelectric scheme. If debris collects on the debris screen, which is inevitable, then it will be removed as appropriate depending on the size of the debris. The debris screen is before both the fish pass and the hydro turbine and therefore should debris collect the turbine will be impacted on first as the fish pass has priority over the turbine for

water flow. It is therefore considered that there is no more incentive required for removal of debris as the build-up of debris will mean the output of the turbine is reduced and the scheme is effectively losing revenue.

There will always be challenges to claims over Carbon reduction figures and efficiency figures on renewables schemes. Respectfully, this is not a determinant factor in the assessment of an application on this scale as there is general support for the contribution such schemes can make to the Government's renewables targets.

5. SUMMARY AND CONCLUSIONS:

5.1 The application proposes a small hydro electric scheme on the River Elwy in a location to the south of St Asaph.

5.2 The proposals have given rise to considerable local reaction and a range of issues have been raised. The report attempts to address these matters to assist Members deliberations.

5.3 The report concludes that the principle of the development is acceptable in relation to current planning policies and guidance, and that having regard to objections and consultee responses, the impact of the scheme would not be unacceptable, subject to suitable controls through planning conditions.

5.4 The type of development proposed is heavily regulated by legislation outside the Council's control, administered by Natural Resources Wales. A number of detailed matters raised by objectors are considerations to be applied by NRW as part of their consenting processes.

5.5 Officers' conclusion, with respect to local concerns, is that the proposal meets the relevant policy requirements and that subject to controls would not have unacceptable local impacts.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The development shall be carried out in accordance with the details set out in the Extended Phase 1 Habitat Survey and the Reasonable Avoid Measures set out in the 'Conclusions and Recommendations' section of the report shall be implemented.
4. If protected species are found to be present at the site during construction, no further development shall be carried out until appropriate protection and mitigation measures are submitted and approved in writing by the Local Planning Authority, in consultation with Nature Resources Wales.
5. If nesting birds are found to be present during construction, no further development shall be carried out during the bird breeding season until secondary surveys have been carried out, and the results of the surveys together with reasonable avoidance measures to deal with the presence of nesting birds during the construction phase have been submitted to and approved in writing by the local planning authority.
6. The development shall be implemented in accordance with the approved construction method statement and any deviation from the method referred to in this statement shall be approved in writing by the Local Planning Authority.
7. **PRE--COMMENCEMENT**
No development shall be permitted to commence on the turbine house until the written approval of the Local Planning Authority has been obtained to the detailing of the sound attenuation measures to limit internally generated noise to an agreed level at the façade of any noise sensitive properties in the locality.

8. All electricity cables from the turbine house to the grid connection point shall be laid underground and no additional ancillary equipment such as substations or equipment cabinets shall be permitted without the prior written approval of the local planning authority.
9. If the development hereby permitted ceases to operate for a continuous period of not less than 12 months, within 6 months of that time, the turbine house and all other structures on or above the ground shall be dismantled, the materials removed from the site and the site restored to the satisfaction of the local planning authority.
10. **PRE-COMMENCEMENT CONDITION**
No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the archaeological curator for the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the standards laid down by the Institute for Archaeologists and MoRPHE (2006). On completion appropriate reports and an archive assessment will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

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. For the avoidance of doubt and for monitoring purposes.
3. In the interests of protecting biodiversity and to ensure the scheme will not be detrimental to the favourable conservation status of any protected species.
4. In the interests of protecting biodiversity and to ensure the scheme will not be detrimental to the favourable conservation status of any protected species.
5. In the interests of protecting biodiversity and to ensure no active nests have been built in within the work area or that may be disturbed by undertaking the works.
6. In the interests of protecting residential amenity.
7. In the interests of protecting residential amenity.
8. In the interests of visual amenity.
9. To ensure the long term reinstatement of the site, in the interests of landscape and visual amenity.
10. In the interests of archaeological recording.

NOTES TO APPLICANT:

You are advised that the grant of planning permission does not permit the development to proceed without the relevant permits / approvals from NATURAL RESOURCES WALES, and you should ensure all consents are obtained from NRW prior to the commencement of works on site.

NATURAL RESOURCES WALES advice:

River Elwy is a Main River. Under Water Resources Act 1991 and Land Drainage Byelaws, prior written consent from NRW is required for any proposed works or structures, in, under, over or within 7m of the top of the bank of a Main River.

The works should comply with the guidance contained in NRW PPG5: Works and maintenance in or near water: <http://publications.environment-agency.gov.uk/PDF/PMHO1107BNKG-E-E.pdf>

Any excavation material or building waste generated must be disposed of in accordance with section 34 of the Environmental Protection Act 1990.

Any activity of importing waste into the site must be registered as a permitted activity under the Environmental Permitting Regulations 2007.

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Agenda Item 10

WARD : Tremeirchion

WARD MEMBER(S): Cllr Barbara Smith

APPLICATION NO: 41/2014/0757/ PF

PROPOSAL: Erection of replacement two-storey dwelling and garage (Amendment to previously approved scheme under ref no. 41/2013/1498/PF)

LOCATION: Yew Tree Bodfari Denbigh

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Heading:

REFERENCE NO. 41/2014/0757/PF

YEW TREE

BODFARI

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

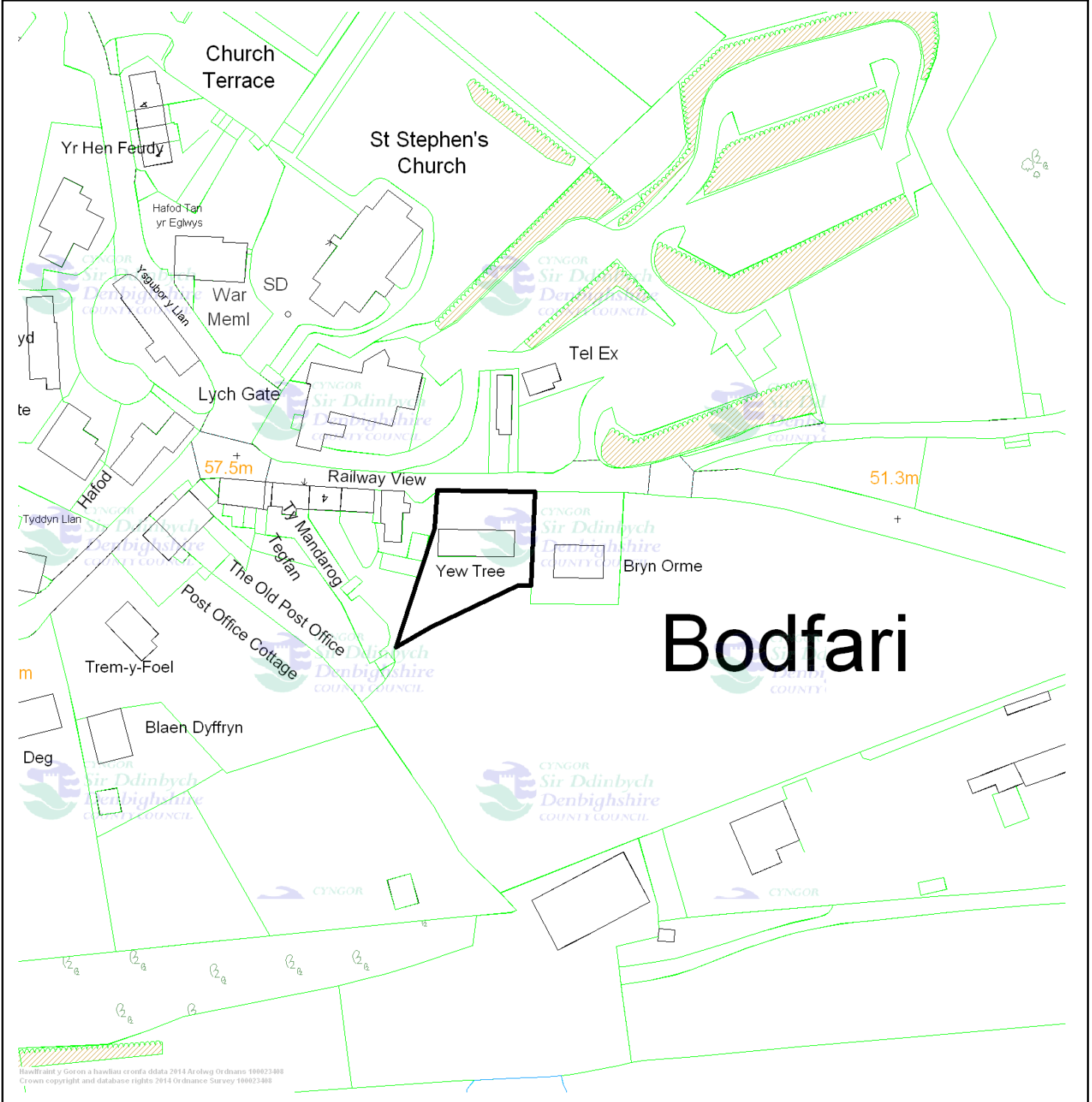


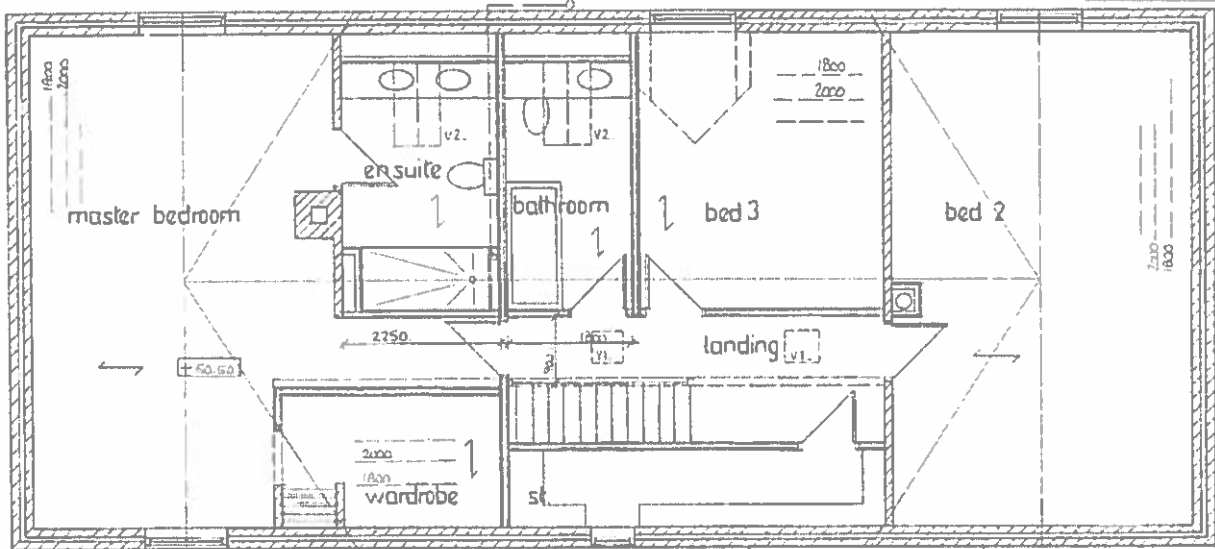
Date 26/11/2014

Scale 1/1250

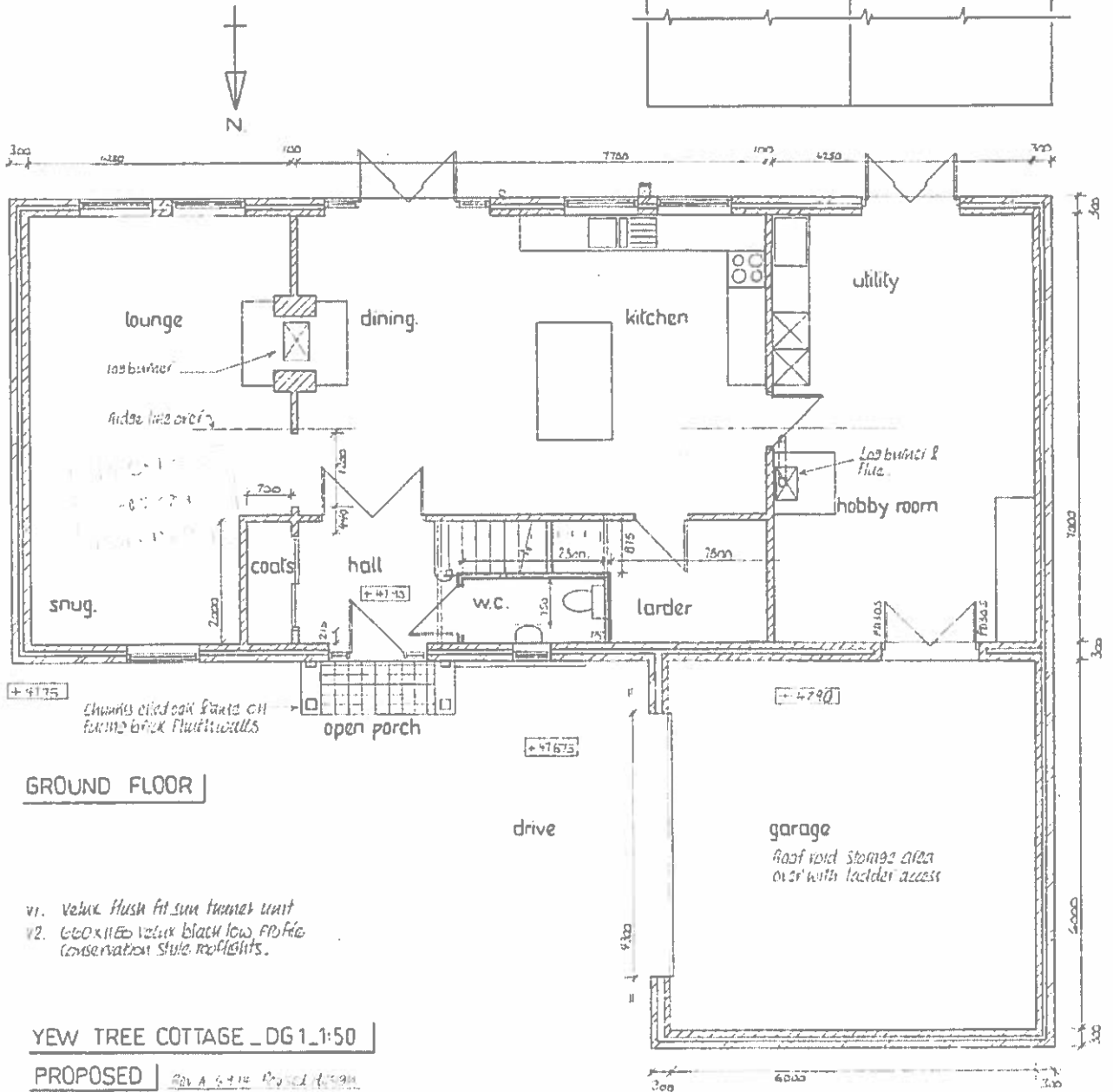
Centre = 309295 E 370051 N

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.





FIRST FLOOR



GROUND FLOOR

- v1. Velux flush fit sun tunnel unit
- v2. 600x1100 velux black low profile conservation style rooflights.

YEW TREE COTTAGE_DG1_1:50

PROPOSED

WARD : Tremeirchion

WARD MEMBER(S): Cllr Barbara Smith

APPLICATION NO: 41/2014/0757/ PF

PROPOSAL: Erection of replacement two-storey dwelling and garage
(Amendment to previously approved scheme under ref no.
41/2013/1498/PF)

LOCATION: Yew Tree Bodfari Denbigh

APPLICANT: Mr Richard Talbot

CONSTRAINTS: Conservation Area
AONB

**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 objection

CONSULTATION RESPONSES:

BODFARI COMMUNITY COUNCIL

“It was RESOLVED that the planning committee be recommended to refuse this amendment as the community council had already expressed concerns regarding the height of the original proposal and the amendment sought to extend it still further.”

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

“The JAC supports the revised elevational and roof treatments which better reflect the character of the Conservation Area. The reduction in the proposed decked area is also welcome, although further details of the design and appearance of this feature are required to ensure that it will complement the Conservation Area.” (AONB Management Plan Policy PCP1)”

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

- Highways Officer

No objection subject to condition requiring parking within the site.

Conservation Architect

No objection.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 21/08/2014

REASONS FOR DELAY IN DECISION (where applicable):

- 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 application seeks planning permission for the demolition of an existing single storey dwelling and the erection of a replacement dwelling at Yew Tree Cottage in the village of Bodfari.
- 1.1.2 The existing access would be retained and the replacement dwelling would be sited on the footprint of the existing dwelling, albeit with an attached garage projecting to the front.
- 1.1.3 A two storey dwelling is proposed. It would have two gable features to the front elevation and a porch. The dwelling would comprise of three bedrooms and living accommodation. The floorspace would be approximately 290sq metres.
- 1.1.4 Owing to the sloping nature of the site, the proposed plan shows a raised decking area to the rear of the dwelling to allow level access from the back door.
- 1.1.5 Members are referred to the basic plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the southern side of the approach road to the village of Bodfari from the A541.
- 1.2.2 Yew Tree Cottage a small single storey chalet style dwelling which is in a state of disrepair.
- 1.2.3 Yew Tree Cottage occupies a roughly triangular shaped site between the dwellings of Fairholme to the west and Bryn Orme to the east. Fairholme is a large two storey dwelling with the front elevation orientated west and Bryn Orme is of similar style and siting to Yew Tree Cottage. To the south of the site the land level falls and is abutted by open agricultural land.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Development Boundary of Bodfari as defined by the Local Development Plan. It is within a designated Conservation Area and the AONB.

1.4 Relevant planning history

- 1.4.1 Planning permission for a replacement dwelling was granted in 2013 and prior to that in 2008 and 2007.

1.5 Developments/changes since the original submission

- 1.5.1 The original application submitted in August 2014 was amended following concerns raised in consultations.
- 1.5.2 The main difference between the original plans and the plans currently being considered are the scale of the dwelling, the fenestration pattern and the scale of the decking to the rear.

1.6 Other relevant background information

- 1.6.1 Conservation Area Consent was granted for the demolition of Yew Tree Cottage when the previous application was considered in 2013.

2. DETAILS OF PLANNING HISTORY:

2.1 41/2007/0130/PF Demolition of existing single storey dwelling and erection of two-storey dwelling with detached garage with store over. Granted by Planning Committee 18/04/2007

2.2 41/2008/0597/PF Demolition of existing single storey dwelling and erection of two-storey dwelling with detached garage with store over. Granted under delegated powers 15/12/2008

2.3 41/2013/1498/PF Demolition of existing single-storey dwelling and erection of two-storey dwelling and garage (renewal of planning permission code no. 41/2008/0597) Granted under delegated powers 20/01/2014

2.4 41/2013/1562/CA Application for Conservation Area Consent for demolition of existing single-storey dwelling. Granted under delegated powers 20/01/2014

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 VOE 1 – Key Areas of importance

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy ASA 1 – New transport infrastructure

3.1 Supplementary Planning Guidance

Residential space standards

Residential development design guide

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, 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 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

4.1.5 Impact on Conservation Area including setting

4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In relation to the principle of the development, the relevant planning policy context in the Local Development Plan is Policy BSC 1 which sets out the basic growth strategy for Denbighshire and makes provision for new housing development, including within settlements like Bodfari which are defined as Villages. Policy RD1 relates to development proposals within development boundaries and sets out tests to ensure that development proposals do not have an unacceptable impact on the amenity and appearance of the area.

There is an existing dwelling on the site and it is located within the development boundary of Bodfari Village. The dwelling has had the benefit of planning permission for replacement in the past, therefore the principle of development is considered acceptable subject to an assessment of impacts, as set out below.

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 (vii) 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.

A two storey dwelling with an attached single storey garage to the front is proposed to replace the poor quality chalet on the site. It is a relatively simple design, with a porch and two gables to the front. The fenestration pattern proposed is fairly uniform with larger openings to the rear. The materials would be traditional, with brick walls, slate roof and timber doors and windows. The proposed dwelling would have an overall height of 6.5 metres, this would be 0.5 metre higher than the overall height of the dwelling previously approved. The Community Council have expressed concerns over the height of the proposal.

Officers consider the visual impacts of the proposal to be acceptable. With respect to the comments of the Community Council the overall height of the proposed dwelling has been reduced in the amended plans. The design of the dwelling with the gables to the front would appear smaller in scale to the previously approved dwelling which had gables to both sides. There is a distinct mix of development in the locality with varying heights and styles. It is considered that the proposal raises no conflict with the relevant visual amenity policies.

4.2.3 Residential amenity

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the residential amenity of the area. There is a general requirement for development proposals to not result in a loss of amenity for neighbouring dwellings by virtue of overlooking, increased activity, and disturbance. Adequate standards of amenity for the proposed development itself should also be provided. Supplementary planning guidance note 7 advises that a minimum amount of amenity space for a dwelling is 40 square metres.

The dwelling would be sited on a similar footprint to the existing chalet on the site. It would be over 3 metres from the boundary to the chalet to the east and over 2 metres from the boundary to the two storey dwelling to the west. There are no side windows proposed in the dwelling. The area to the rear of the dwelling measures over 200 square metres and according to the plans would be partially decked, lawned and an area set aside for raised beds.

Owing to the design and scale of the proposed dwelling and the distances to the adjacent dwellings, it is considered that the proposal would not impact unacceptably on the amenity of adjacent occupiers. Adequate space is provided within the

proposed dwelling and the level of amenity space more than meets policy requirements. It is not considered that there would be any significant residential amenity conflicts.

4.2.4 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The site on which there is a dwelling at present is located within the development boundary of Bodfari. The AONB JAC have raised no objection to the proposal.

Having regard to the location and scale of the development, it is not considered that the proposal would have any adverse impact on the wider AONB landscape.

4.2.5 Impact on Conservation Area including setting

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 two storey dwelling would replace a poor quality chalet structure. The fairly simple dwelling would be finished in traditional materials. The Conservation Officer raises no objection to the proposed development.

Having regard to the existing form of development and the proposed design of the dwelling, it is considered that the proposal would not harm the character and appearance of the Conservation Area, and would be in keeping with planning policy.

4.2.6 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.

The application proposes use of the existing access and off road parking. The site is located within a village within walking distance to the local shops and facilities, and a bus stop. The Head of Highways has raised no objection.

It is not considered that the proposal conflicts with the highways considerations of Policy RD1.

5. SUMMARY AND CONCLUSIONS:

5.1 With respect to the Community Councils reservations, the proposal is considered to comply with policy and it is therefore Officers recommendation that permission be granted.

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**
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 and details of the decking.
4. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. In the interests of visual amenity.
- 3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
- 4. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
- 5. To ensure 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.

WARD: Prestatyn

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

APPLICATION NO: 43/2014/0905/PF

PROPOSAL: Demolition of existing retail units, construction of a terrace of 4 no. new retail units, reconfiguration of existing customer car park, extension to existing staff car parking to north-east of site and associated landscaping and pedestrian / cycle / vehicle access works (Phase 2 Prestatyn Shopping Park).

LOCATION: Iceland Foods and Bevans Homewares
Nant Hall Road
Prestatyn
Denbighshire
LL19 9LR

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Heading:

REFERENCE NO. 43/2014/0905/PF
ICELAND FOODS & BEVANS HOMEWARES
NANT HALL ROAD, PRESTATYN

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

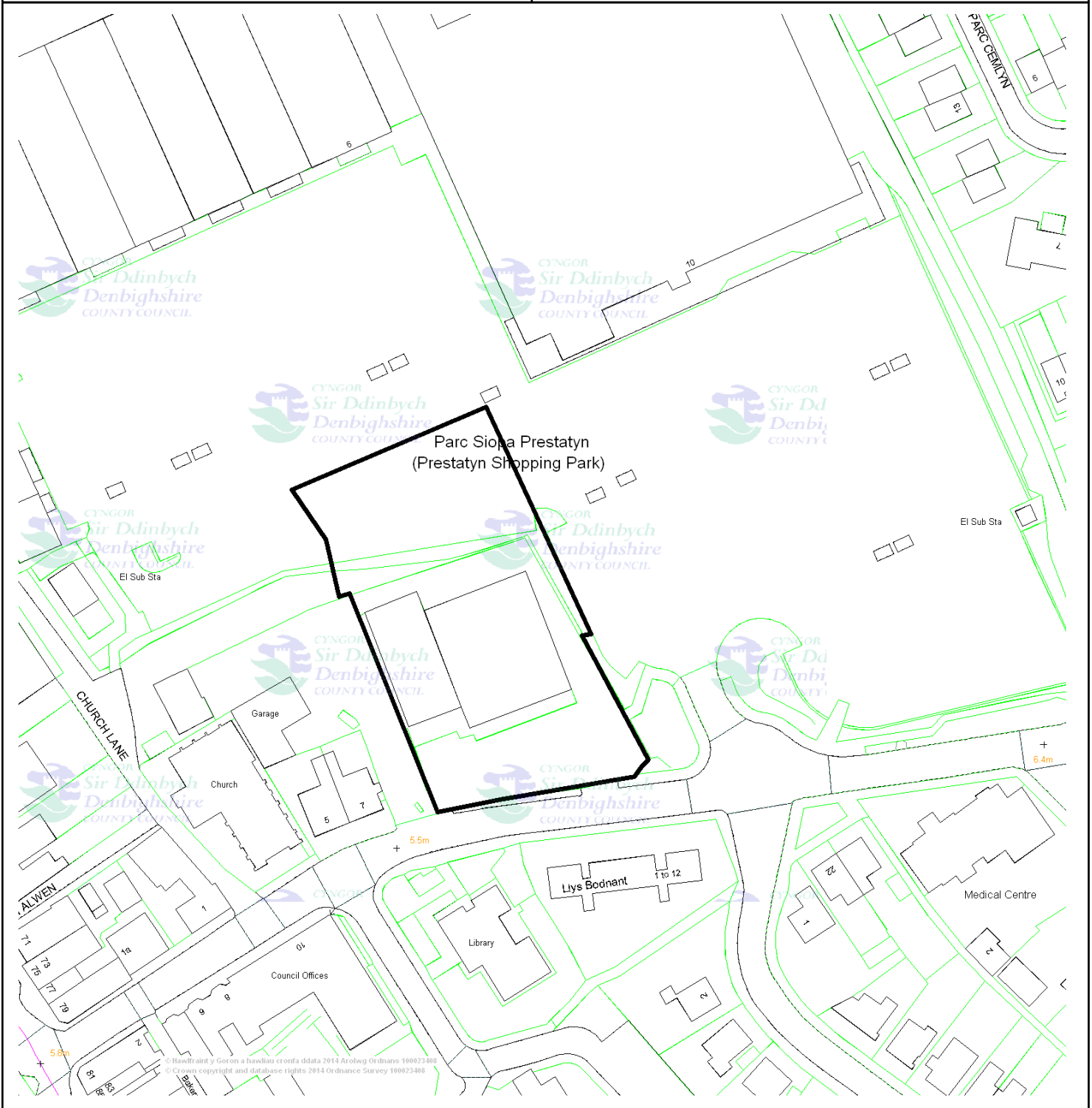
 Application Site



Date 26/11/2014
Centre = 306693 E 383010 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.



ELEVATIONS

For Tender
DIA ARCHITECTURE
 55 St Paul Street
 Suite 101
 St Paul, VIC 3084
 Tel: 03 9487 7700
 Fax: 03 9487 7701
 Email: info@dia-architect.com.au

Project:
PRESTATYN SHOPPING CENTRE
PHASE 2

Title:
PROPOSED ELEVATIONS
(SHEET 2 OF 2)

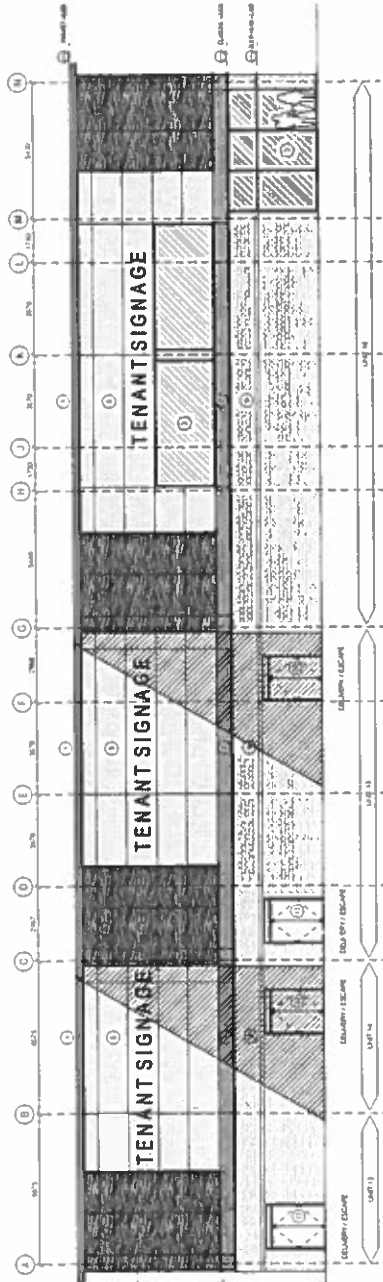
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Client:
 APN
 42-1-1-1
 2019-238206

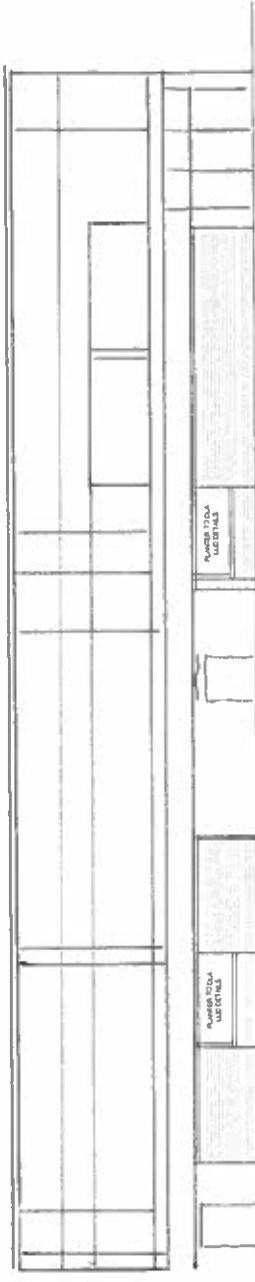
Date:
 11/11/2019

Revised:
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 2. 11/11/2019
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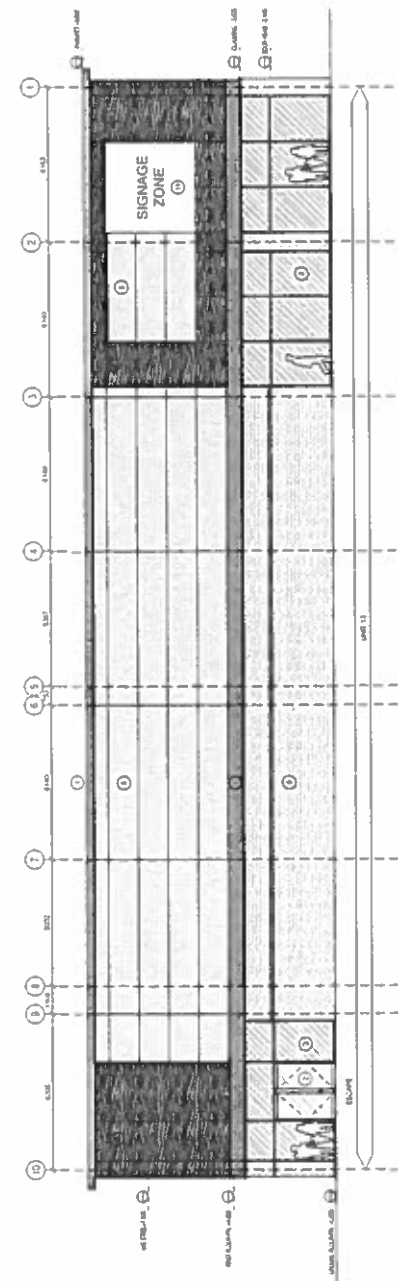
1. SHEET 1: GENERAL NOTES AND SITE PLAN. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
2. SHEET 2: ELEVATIONS. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
3. SHEET 3: SECTION. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
4. SHEET 4: FLOOR PLAN. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
5. SHEET 5: ROOF PLAN. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
6. SHEET 6: EXTERIOR FINISHES. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
7. SHEET 7: INTERIOR FINISHES. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
8. SHEET 8: MECHANICAL SERVICES. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
9. SHEET 9: ELECTRICAL SERVICES. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
10. SHEET 10: PLUMBING SERVICES. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
11. SHEET 11: LANDSCAPE ARCHITECTURE. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
12. SHEET 12: SIGNAGE. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
13. SHEET 13: FURNITURE. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
14. SHEET 14: LIGHTING. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
15. SHEET 15: SECURITY. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
16. SHEET 16: ACCESSIBILITY. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
17. SHEET 17: SUSTAINABILITY. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
18. SHEET 18: BIODIVERSITY. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
19. SHEET 19: CULTURAL HERITAGE. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.
20. SHEET 20: CONSTRUCTION. PREPARED BY DIA ARCHITECTURE. DATE: 11/11/2019.



C ELEVATION C (FROM WITHIN SERVICE YARD)
 SCALE 1:100



C ELEVATION C (FROM MAIN HALL ROAD)
 SCALE 1:100



D ELEVATION D
 SCALE 1:100



NOTE: This is a colour drawing. In order to ensure any subsequent reproductions are viewed correctly, it is to be printed in full colour.



ARTIST'S IMPRESSION



WARD: Prestatyn

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

APPLICATION NO: 43/2014/0905/PF

PROPOSAL: Demolition of existing retail units, construction of a terrace of 4 no. new retail units, reconfiguration of existing customer car park, extension to existing staff car parking to north-east of site and associated landscaping and pedestrian / cycle / vehicle access works (Phase 2 Prestatyn Shopping Park).

LOCATION: Iceland Foods and Bevans Homewares
Nant Hall Road
Prestatyn
Denbighshire
LL19 9LR

APPLICANT: Stadium Development Ltd

CONSTRAINTS: None

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:

PRESTATYN TOWN COUNCIL

Awaiting comments on revised plans.

Initial consultation response:-

“OBJECTION

Concerns about increased visitor traffic movements. Lack of turning space for delivery lorries. Height of development above existing roofline. Loss of retail parking space. Poor pedestrian safety at Glyn Avenue and Nant Hall Road roundabout which is heavily used by school children. Poor visual aesthetics from Nant Hall Road, and Nant Hall Road businesses maybe adversely affected. Pedestrian links with High Street need improving.

Town Council seeking best development for town and current proposals appear to isolate retail park from Town Centre. Further dialogue and revised designs would be welcome.”

NATURAL RESOURCES WALES (NRW)

No objection subject to conditions on finished floor levels.

DWR CYMRU/WELSH WATER

No objection subject to standard conditions and advice relating to foul and surface water discharges from the development.

Denbighshire Consultees

ECONOMIC AND BUSINESS DEVELOPMENT TEAM

The completed phase of the Shopping Park has already brought additional visitors to Prestatyn and created new jobs in the town centre. This new phase will enhance the town's retail offer still further and the improvements to the connections between the Shopping Park and the High Street proposed in the revised scheme should help other parts of the town centre to benefit from the additional footfall which will arise from this investment. The wall of the service yard will inevitably have an impact upon the street scape in Nant Hall Road and the enhancements proposed in the revised scheme should help to improve its appearance.

COUNTY ARCHAEOLOGIST

No objection subject to standard watching brief condition.

HIGHWAYS DEVELOPMENT CONTROL

No objection subject to conditions on construction management, servicing arrangements, parking and other highway improvements.

RESPONSE TO PUBLICITY:

In Objection

Mary Hopkins, 12 Plas Avenue, Prestatyn,
Christopher Parry, Hill House, Hillside, Prestatyn
Cathy Challand, 170 High Street, Prestatyn
Andrea Tomlin, Andrea's Lettings, 2 Nant Hall Road, Prestatyn
Hal Holmes-Pierce, 48 Calthorpe Drive, Prestatyn
Stephen Fenner, 21 Berwyn Crescent, Prestatyn
Peter Harrison, 7 Dwyfor Court, Prestatyn
Phillip Molyneux, 10 Glyn Avenue, Prestatyn
Shona Hale, 9 Clos Bodnant, Prestatyn
Cll Tracey Lawler, The Dressing Room Boutique, 5 Nant Hall Road, Prestatyn
S C Thorp, 8 Clos Bodnant, Prestatyn
Sharon Walters, 11 Glyn Avenue, Prestatyn

In Support

Ellis Power, 3 Glyn Avenue, Prestatyn

EXPIRY DATE OF APPLICATION: 26/1/14

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 application covers two separate parcels of land. Within the main parcel it is proposed to demolish the existing retail units of Iceland and Mr Bevan which are located on Nant Hall Road. In their place it is proposed to erect 4no. new build retail units as an extension to the existing Prestatyn Shopping Park. This development will involve the reconfiguration of this area of the shopping park with re-aligned parking areas, pedestrian and cycle routes, servicing and landscaping. The second parcel of land sits to the east of the main site and development on here involves the extension of the existing staff car park area to provide some 50 additional spaces.

1.1.2 Plans at the front of the report highlight the proposed development in the two separate areas of land. Details of the new build retail units are as follows.

- 1.1.3 The new retail units comprise of a single, staggered block of units which are aligned to sit on the Nant Hall Road frontage but will have their main entrances from the existing shopping park car park to the north. The units are set back from Nant Hall Road with a servicing yard located off this road. The block will mirror the design of the existing units on the main shopping park having a flat roof construction and using the same composite cladding, masonry and glazing features shown on the existing units. The new units will, however, be scaled down in height by 1.2m from the existing units on the park in order to mitigate impacts on Nant Hall Road. The height of the new units in comparison to other buildings on Nant Hall Road can be seen on the plans at the front of this report.
- 1.1.4 The new retail units would create an additional 2,020sq.m of retail floor space having regard to the loss of the existing Iceland and Mr Bevan floor space of around 1,040sq.m. The unit sizes are proposed as follows:-
- Unit A – 1858sq.m over two floors (mezzanine)
 - Unit B – 929sq.m over two floors (mezzanine)
 - Unit C – 139sq.m on single floor
 - Unit D – 141sq.m on single floor
- 1.1.5 Around 37 additional customer car parking spaces will be created within the main shopping park as part of the new retail unit development giving some 848 spaces in total. In addition around 20 additional cycle parking spaces would be created across the site for customers and staff.
- 1.1.6 Vehicular access to the new retail units will be from the existing main entrances into the park off the High Street and off Nant Hall Road. However, it is proposed to re-align the roundabout entrance slightly off Nant Hall Road with improvements being made to pavements and crossing points along this stretch of road. Details of pedestrian safety improvements along Nant Hall Road will be outlined further in the Transport Statement section below. The new units would be serviced from an entrance point off Nant Hall Road. This new service yard would be screened by a new brick wall built along the Nant Hall Road frontage to a height of 1.6m.
- 1.1.7 The additional staff car parking spaces to the east of the site will be accessed via the existing service route for the main shopping park off Nant Hall Road. The spaces would extend the parking area along the old haul road to the north of the existing Parc Bodnant Estate. The car park area would be hard surfaced and marked with security lighting. It is proposed that the use of this car parking area would be limited to minimise impacts on nearby residents.
- 1.1.8 The application was submitted with a number of supporting documents all of which have been available to view during the public consultation exercise. These documents are described as follows.

A Planning Statement: - This supplements the design and access statement providing some background information to the proposal. It describes the public consultation undertaken and goes through the benefits of this scheme.

A Design and Access Statement (DAS) – The DAS goes through the proposal in detail highlighting the 5 key areas of access, character, community safety, environmental sustainability and movement. The DAS describes how the site and buildings will be DDA compliant and stresses the accessibility to the site by a choice of means of transport. The document highlights how the scale and design of the buildings has regard to their surroundings and promotes the sustainable credentials of the construction. The DAS highlights the use of CCTV in the scheme promoting community safety and also stresses the co-ordinated landscape approach to integrate the scheme further into its surroundings.

A Transport Assessment and supplementary statement – These documents have been produced to highlight how the scheme can work from the perspective of vehicle, pedestrian and cycle movements. The assessment describes how the existing network in the town has been re-assessed having regard to the increased retail floor space proposed focussing on key junctions and routes into and out of the site. The documents highlight the improvements proposed to pedestrian routes around the surrounding areas and stresses that the development will be monitored over a period once operational to ensure any highway impacts are addressed and tackled where necessary.

A Flood Consequences Assessment – This document highlights the extensive work undertaken over the last couple of years with Natural Resources Wales to ensure flood risks are adequately managed on the site.

A Drainage Statement – This document explains how the new retail and car park development will be integrated into the existing drainage system for the park with no resultant impacts upon foul, surface or ground water conditions.

Noise Impact Assessment – This document examines the potential noise created during construction, noise from plant, servicing and general customer activity. It recommends certain working hours for construction and deliveries all of which can be imposed as planning conditions.

Construction Management Statement – This document examines the process of construction of both the units and the car park. It highlights working practices in terms of site safety, security and times. The document, produced by Marshalls, is a professional document which has to comply with relevant Health and Safety legislation.

1.1.9 Description of site and surroundings

The main application site for the new retail units is located on the north side of Nant Hall Road. It comprises 0.44ha of flat, hard surfaced land in a rectangular shape. The existing buildings on the site are single storey units set back from the road. They are of low architectural value and have some 28 car parking spaces situated to the front of them on Nant Hall Road. To the north and east of the site is the main shopping park development, to the west are existing businesses comprising a garage, petrol pumps and car sales establishment, the Town Council offices and a retail outlet. To the south of the site on Nant Hall Road is a 3 storey elderly persons accommodation block with the library building adjacent.

The site to the east (0.13ha) which is proposed to be used for additional car parking is again flat and rectangular in shape having the railway line to the north and residential dwellings on the Parc Bodnant estate to the south. See plans at the front of the report.

1.1.10 Relevant planning constraints/considerations

The site lies within the defined centre of Prestatyn and contains historic retail uses. The site also lies adjacent to the eastern boundary of the Prestatyn High Street Conservation Area. The site could have archaeological interest.

1.1.11 Relevant planning history

The existing retail units on the site are long established. The most relevant planning history is that relating to the existing shopping park which was granted planning permission in July 2011. This was subject to a s.106 legal agreement and planning conditions. The park opened in 2013 and all town centre highway improvements/alterations and a refurbished bus station were completed at that time.

1.1.12 Developments/changes since the original submission

The scheme has been revised during the assessment process. Firstly, the design of the new retail units on Nant Hall Road has been amended to have regard to comments from the Conservation Officer and other persons making representations.

The changes sought to create a more attractive appearance for the Conservation Area adjacent and to open up this frontage to pedestrians on Nant Hall Road.

Secondly, some highway amendments have been made to the scheme having regard to input from the Council's highway engineers and other representations received. The main changes involve improvements to the servicing arrangements off Nant Hall Road, improvements to the safety of pedestrians along Nant Hall Road, amendments to the roundabout layout on Nant Hall Road and the introduction of some resurfacing works linking the site to the High Street.

1.1.13 Other relevant background information

It should be noted that the application has been publicised widely in the town with exhibition boards displayed in the Scala Cinema. A presentation of the plans was also made to the Town Council with various meetings having taken place with neighbouring businesses.

2. DETAILS OF PLANNING HISTORY:

43/2010/1222/PF - Development of land to provide class A1 retail units, car parking, landscaping, primary substation, petrol filling station, access and associated works_ GRANTED by Committee 28th July 2011

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy PSE 6 – Retail Economy
Policy PSE 7- Proposals for new Retail Development
Policy PSE 8 – Development within Town Centres
Policy RD 1 – Sustainability and good standard design
Policy RD 5 – Welsh Language and the social and cultural fabric of communities
Policy ASA 2 – Provision of sustainable transport facilities
Policy ASA 3 – Parking standards

3.1 Supplementary Planning Guidance

SPG – Landscaping
SPG - Access for All
SPG – Parking Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014
Technical Advice Notes (TAN's)
TAN 4 – Retailing and Town Centres
TAN 5 – Nature Conservation
TAN 11 – Noise
TAN 12 – Design
TAN 15 – Development and Flood Risk
TAN 18 – Transport
TAN 22 – Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

4.1 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).

4.2 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.

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

- 4.3.1 Principle and General Policy Considerations
- 4.3.2 Visual amenity
- 4.3.3 Residential Amenity
- 4.3.4 Ecological issues
- 4.3.5 Flood Risk and drainage
- 4.3.6 Highways (including access and parking)
- 4.3.7 Access for all

4.4 In relation to the main planning considerations:

4.4.1 Principle

The site is located within the development boundary of Prestatyn and also within the defined town centre. This makes the principle of the proposed retail element of the scheme acceptable. It is important, however, to assess the proposal against the relevant LDP Policy criteria as follows.

General Planning Policy Context

The main policies in the Local Development Plan (LDP) which are relevant to the principle of the development are:

Policy PSE 6 – This Policy reinforces Welsh Government Policy aiming to direct new retail development towards town centres in the first instance. The application site is located within the town centre of Prestatyn on a site containing existing retail uses and adjacent to an existing retail shopping park. The net increase in retail floor space is around 2000sq.m and it is considered that this will enhance the retail offer for Prestatyn and boost the existing town centre further.

Policy PSE 7 – This Policy helps to support Policy PSE 6 above and merely highlights the retail allocations across the County. The application site, as an existing retail site within the town centre, is considered to be such an allocation and the proposal is, therefore, in compliance with the Policy.

Policy PSE 8 – This Policy seeks to promote retail development within town centres that will enhance the vitality and viability of the centres. Clearly, the proposal will do this by providing further retail units in a sustainable location enhancing links to the main High Street.

Policy RD 1 – This Policy seeks to ensure any development would be sustainable and promotes good design principles. It includes some 14 criteria against which proposals should be assessed. The relevant criteria for this proposal and the assessment of compliance are set out below.

Criteria i) Respect the site and surroundings – It is considered the siting of the new units has taken account of neighbouring land uses and the adjacent Conservation Area. The scale has been reduced from the existing units on the shopping park and the setting of the units respects the area in terms of building lines and layouts.

Criteria iii) Protects and enhances the historic environment – it is considered the replacement of some rather dated and poor quality units in this location with the modern, light and glazed units would serve to enhance the nearby Conservation Area.

Criteria iv) Does not unacceptably affect prominent views – It is considered that by setting the new units back from Nant Hall Road and reducing their height has

addressed this criteria.

Criteria v) Incorporates landscape and contours – it is considered the existing site is of poor standard in terms of landscape and site contours. The removal of the existing buildings and their replacement with the modern units and co-ordinated landscaping/surfacing to match the adjacent shopping park would enhance the landscape value of the site.

Criteria vi) Impact on nearby residential amenity – See separate section below.

Criteria vii) Provides safe access for disabled persons, pedestrians, cyclists and vehicles – See separate section below.

Criteria viii) Impact on local highway network – See separate section below.

Criteria ix) Adequacy of public facilities – It is considered that the site is very well served in terms of existing facilities. The location is close enough to bus and rail stations. It will have good and improved pedestrian and cycle links and is close to other amenities such as tourist information, cinema and Council buildings.

Criteria x) Does not prejudice land safeguarded for other uses – The site is only safeguarded for retail development having regard to its town centre location. As such this is in full compliance with the criteria.

Criteria xi) Satisfies any flood or drainage issues - See separate section below.

Criteria xii) Takes account of personal and community safety issues – The scheme will be incorporated into the CCTV arrangements for the main site. As such, it is considered that the scheme will be acceptable from a personal and community safety perspective.

Criteria xiii) Scheme will be adequately landscaped – the submitted Design and Access Statement highlights the landscaping concept for the site. Hard and soft landscaping will be incorporated which match that on the existing shopping park. Species will be selected that will thrive in this type of environment with hard landscaping providing modern and attractive features as on the main site.

Criteria xiv) Has regard to the generation and treatment of waste – It is considered that, as with the main site, adequate provision will be made and controlled for the retail based waste produced. This will be dealt with in protected and screened servicing areas.

Policy RD 5 – Welsh Language – The existing shopping park contains bilingual signage at the main entrance points off the High Street and Nant Hall Road. Should any further directional signage be required for this development a condition can be imposed requiring bilingual signage.

Policy ASA 2 – Provision of Sustainable Transport Facilities – This Policy seeks to ensure that, when required, developments make adequate provision for sustainable transport facilities. In this case, as mentioned previously, the site is located in the town centre which is well served by bus, rail and taxi as well as on foot or bike.

Policy ASA 3 – Parking Standards – This Policy seeks to ensure, in line with standards set within supplementary guidance, adequate on-site parking is provided for cars, motorcycles and cycles. In addition requisite disabled facilities are also required. Highway engineers are satisfied that the amount of car parking/disabled parking proposed to be provided on the site meets the relevant standards for a development of this type.

4.4.2 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.

The application has been revised from its original submission in order to address the potential visual impacts. The site is located on a main thoroughfare into and out of the Conservation Area on Prestatyn High Street. Whilst the existing buildings on the site are not of any architectural merit and there is a broad mix of building types and designs on Nant Hall Road it was important for the new retail units to have an acceptable visual feel in their surroundings. The scale, therefore, of the new units was reduced to have regard to neighbouring buildings on Nant Hall Road. In addition, the buildings have been sited so as not to protrude too far forward in the street scene. By introducing more glazing to the Nant Hall Road frontage an attempt has been made to create more of a welcoming and open customer feel to what is effectively the back of the units. Screening is being provided to the service yard by way of a brick wall. This wall will attempt to match brickwork seen already on the road. It is considered that the units will change the character of this part of Nant Hall Road but, having regard to what is on site currently, there are no material reasons to refuse the scheme on visual grounds.

The new car parking area to the east of the site will be a flat area of hard surface. The only visual impact will be from the proposed security lighting. Having regard to controls on the use of the car park and the timing of the lighting it is considered that the visual impact of the new car park area will be minimal.

4.4.3 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 closest residential properties to the new retail units are the elderly persons flats on the opposite side of Nant Hall Road. The new build units will clearly have an impact on the amenity of these flats by reason of their proximity, size and scale. The units have been angled so as to minimise this impact with the closest point of the new units being some ____m from the flats. The height of the units has been reduced by 1.2m from those already on the main park. It is for these reasons that it is not considered that the size, scale and proximity of the units would have a significantly detrimental impact upon the amenity of the residents of the flats on Nant Hall Road. The movement of traffic on Nant Hall Road is currently governed by the existing retail units on site as well as the movements associated by people coming into and out of the High Street. It is clear that by creating a new servicing arrangement off Nant Hall Road for the new retail units this will impact upon the amenity of residents on this road. However, strict delivery times will need to be adhered to and a screen wall is being provided to further reduce visual, noise and disturbance impacts on residents. There will definitely be an increased impact upon those persons living directly opposite the new units, however, given the controls to be applied to deliveries and the level of activity in this retail area currently, it is not considered that these impacts would be sufficient to refuse planning permission.

The proposed additional 50 staff car parking spaces to the east of the site would also potentially give rise to increased impacts upon residents backing on to this part of the site at Parc Bodnant. For this reason it is important to ensure the extended car park for staff is managed appropriately. Conditions will be applied which control the use of the car park, its security and lighting. It is considered these conditions, which have also been agreed with some nearby residents, would adequately control any increased impacts in this area.

4.4.4 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 is currently hard surfaced and developed. The demolition of the existing units and the new build are not considered to have any negative impacts on any biodiversity or ecological interests.

4.4.5 Flood Risk and Drainage

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.

The scheme has been supplemented by a Flood Consequences Assessment as well as a Drainage Strategy. Both documents have been scrutinised by specialists at Natural Resources Wales and Dwr Cymru. Subject to standard conditions dealing with surface water management neither organisation has raised any objections to the proposal.

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 scheme in light of the submitted Transport Assessment and supplementary transport information. Meetings have taken place between the developer and Highway Officers in order to ensure any increased impacts on the existing highway network have been fully addressed. It is evident that improving the retail offer in this part of the town could give rise to increased traffic movements in and around the area. However, the model calculations for the increased floor space proposed shows that any increases in traffic will not be significant. It is considered that those already visiting the shopping park will make the linked trip to any new units.

That said, the developers have acknowledged that the existing highway infrastructure will need to be monitored for a specified period once the new stores are open. Traffic lights and junctions will be looked at to assess any increased usage. There are limits to what further improvements can be made to the existing network given the nature of the roads in the town. However, the developer has accepted that relevant work will be done with the Highway Authority to address any potential issues or hot spots in the town once the development is operational. Planning conditions will be imposed which will oblige the developer to do this.

Work has also taken place between the developer and the Highway Officers in trying to improve safety and convenience for all users of the highway on Nant Hall Road. The Highway Officers are content with the improvements shown. Those improvements coupled with strict controls on delivery times for the units will create an acceptable highway arrangement, in the Officers view. Adequate provision has been made for cycle parking with the increased staff and customer spaces also meeting relevant guidance criteria. Furthermore, the developer has agreed to fund additional surfacing improvements off-site to enable easier links to the High Street and the surrounding streets. It is not, therefore, considered that the scheme will have any significant detrimental impact upon highway safety or parking in the town.

Access for all

Local Development Plan RD 1 test (vii) obliges consideration be given to safe and convenient access for disabled people within developments.

It is considered that the access points into the site can be designed to ensure safe and convenient access for pedestrians, cyclists and wheelchair users. The buildings will be DDA compliant and any improvements to the surfacing of pavements and alleys in the area will only serve to improve the situation for wheelchair users.

5. SUMMARY AND CONCLUSIONS:

The site is located within the development boundary of Prestatyn. It is within the town centre and contains existing retail development. The proposed retail development is, therefore, acceptable.

The new build units will create additional retail floor space which will meet the relevant retail policies of the LDP for town centres.

The new build units will have an impact upon the visual and residential amenity of those persons residing close to the site on Nant Hall Road. However, the size, scale and design of the units have been amended to minimise such impacts with the access and use of the service yard controlled through planning conditions. Neighbouring land users have been fully considered in the proposal with every effort made to minimise impacts during and after construction. There will be enhancements proposed within the scheme which will attempt to increase footfall into the High Street via Nant Hall Road with the developer funding resurfacing works around the site and beyond. In addition improvements and enhancements will be provided to increase pedestrian and cycle safety along Nant Hall Road.

Whilst it is anticipated that the vehicle movements in and around the site will increase slightly they are not considered enough to warrant any strong concerns about the adequacy of the existing network. This will be monitored once stores are open and addressed by the developer if it is deemed necessary.

In conclusion it is considered that the scheme complies with the relevant policies in the adopted LDP. Further retail development of the type proposed will enhance the offer in the town bringing a further boost to jobs and the economy of the area. Any potential negative impacts are outweighed by the positive economic benefits.

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 final construction of any brickwork associated with the buildings or walling on site a sample panel of the brickwork proposed to be used shall be erected on site for agreement with the Local Planning Authority. Only that brickwork subsequently approved shall be used thereafter unless otherwise agreed in writing by the Local Planning Authority.
3. No external ventilation/refrigeration equipment or electrical or mechanical plant shall be installed on any building or within the site without the written agreement of the local planning authority to the precise siting, design and external appearance, and the operation of such equipment shall not be permitted to exceed the noise levels agreed in conjunction with condition 5 of this permission.
4. The retail units, related service yards and ancillary plant and machinery, including any sited within areas on the roof of a store shall not be brought into operation until the written approval of the local planning authority has been obtained to the maximum permissible noise levels arising there from, as measured from the facade of nearby residential properties. The agreed levels shall not exceed those specified within the SRL Technical Report dated June 2014.
5. **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.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the final dwelling 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.
7. **PRE-COMMENCEMENT CONDITION**
No development shall take place until the applicant(s), their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority
8. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of sewer contents, or which would prejudicially affect the treatment and disposal of such contents.
9. No external lighting of the buildings or the car parking areas shall be permitted without the prior written approval of the local planning authority to details of the type and position of the lights, column sizes, design and hooding, the level of luminance and proposed hours of use.
10. No external lighting of the buildings or the car parking areas shall be permitted without the prior written approval of the local planning authority to details of the type and position of the lights, column sizes, design and hooding, the level of luminance and proposed hours of use.

11. The development hereby permitted shall be carried out in accordance with the approved Flood Consequences Assessment (FCA) (5000-UA007228-UU41R-02, Hyder Consulting (UK) Limited 29th July 2014) and the following mitigation measures detailed within the FCA:
 " Finished Floor Levels to be set no lower than 5.17m above Ordinance Datum (AOD)
 " A flood management plan to be produced with appropriate warning and evacuation procedures and provided to the future owners/tenants of the retail units.
 The mitigation measures shall be fully implemented prior to occupation of the units and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing with the Local Planning Authority.
12. Prior to the occupation and use of the retail units hereby permitted the applicant shall submit for approval by the Local Planning Authority a traffic count review strategy. The strategy shall include the methodology for calculating and assessing traffic visiting the shopping park pre and post development detailing the review periods. If the review reveals a count greater than that predicted in the submitted traffic assessment information, the means to address this identified increase shall be agreed and subsequently implemented in full thereafter.
13. There shall be no deliveries made to the retail units within the application site between 0800hrs-0900hrs and 1430hrs-1600hrs Monday to Friday.
14. The lighting associated with the staff car parking area hereby permitted shall be switched off between the following hours: 2100hrs-0700hrs Monday to Saturday and 1900hrs-0700hrs on Sundays.
15. Prior to the occupation and use of the retail units hereby permitted the applicant shall submit for approval by the Local Planning Authority a scheme of pedestrian and cycle safety improvements to the Nant Hall Road roundabout junction. Only those details subsequently approved shall be implemented in full thereafter prior to the first opening of the retail units.
16. Prior to the occupation and use of the retail units hereby permitted the footpath re-surfacing works shown on drawing no. 2013-238/840 Rev B received by the Local Planning Authority 18th November 2014 shall be completed to the satisfaction of the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the visual amenity of the site and surroundings.
3. In the interests of residential amenity.
4. In the interests of residential amenity.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. In the interests of archaeological investigation and recording.
8. In the interests of the public sewerage system.
9. To protect the amenities of occupiers of nearby properties.
10. To protect the amenities of occupiers of nearby properties.
11. To manage the risk of flooding.
12. In the interests of the safe and free flow of traffic on the public highway.
13. In the interests of residential amenity and pedestrian safety.
14. To protect the amenities of occupiers of nearby properties.
15. In the interests of pedestrian, cycle and vehicle safety.
16. In the interests of pedestrian safety.

NOTES TO APPLICANT:

None

Agenda Item 12

WARD : Rhuddlan

WARD MEMBER(S): Cllr Ann Davies

APPLICATION NO: 44/2014/0830/ PC

PROPOSAL: Continuation of use of land and buildings for the receipting, storage and issue of electricity power line materials, equipment and light vehicles (retrospective application)

LOCATION: CIET(UK) Ltd. Old Water Works Abergele Road
Rhuddlan Rhyl

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Heading:

REFERENCE NO. 44/2014/0830/PC
OLD WATER WORKS
ABERGELE RD, RHUDDLAN

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

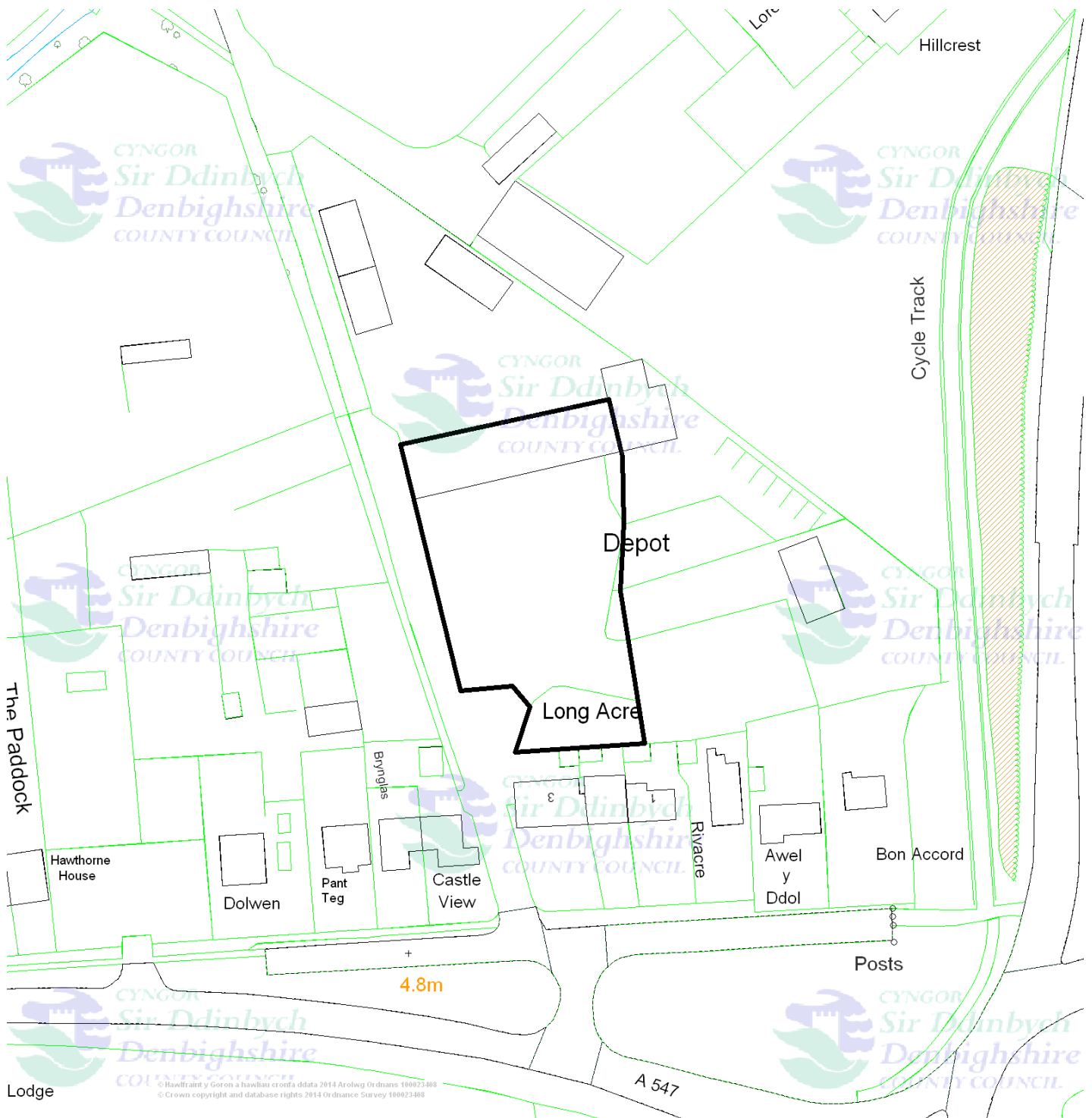


Date 24/11/2014

Scale 1/1250

Centre = 301761 E 377854 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.

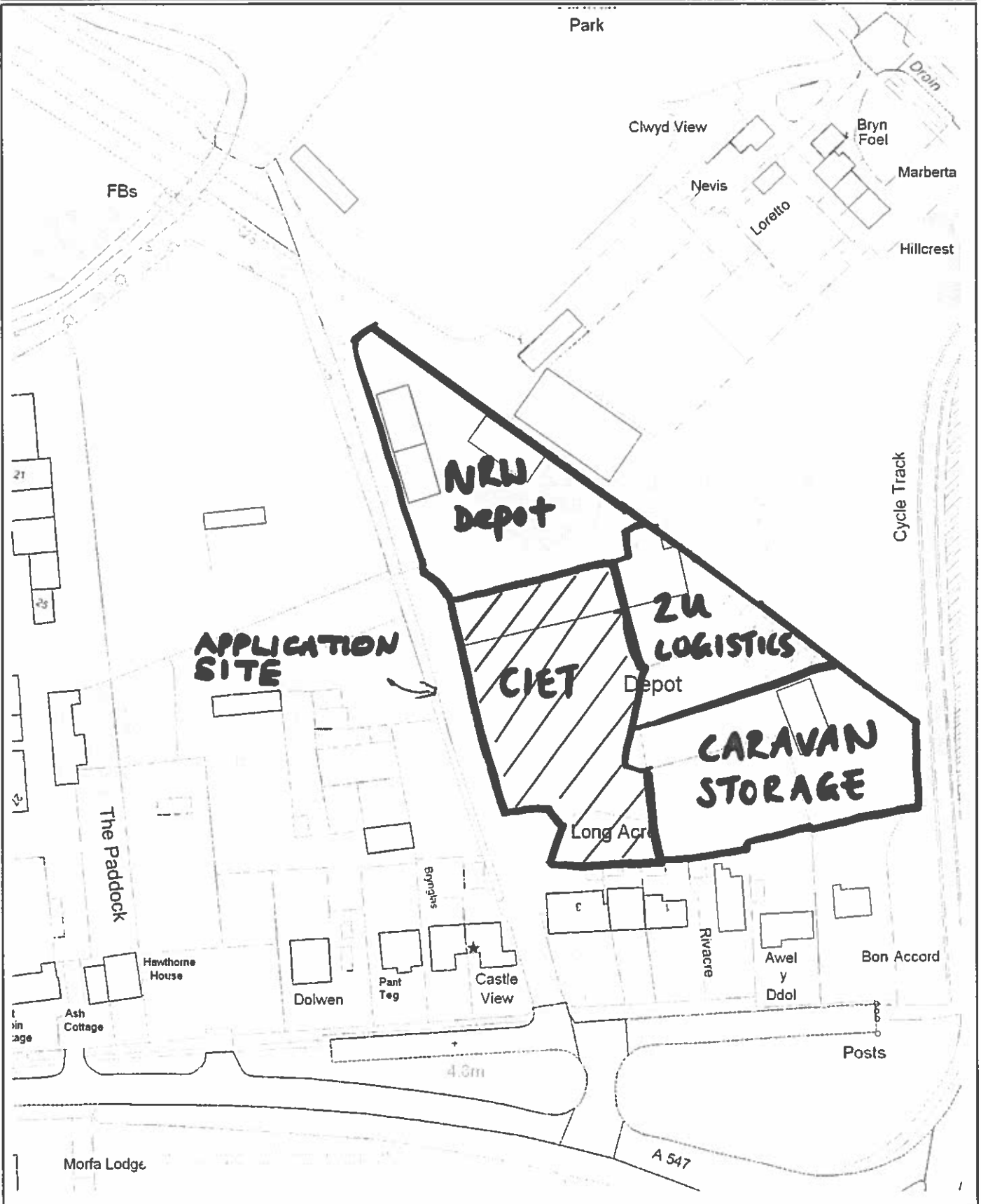


EXISTING SUBDIVISION OF SITE

ddinbych
denbighshire
County Council



Date 25/11/2014
Scale 1/1250
Centre = 301739 E 377880 N



WARD : Rhuddlan

WARD MEMBER(S): Cllr Ann Davies

APPLICATION NO: 44/2014/0830/ PC

PROPOSAL: Continuation of use of land and buildings for the receipting, storage and issue of electricity power line materials, equipment and light vehicles (retrospective application)

LOCATION: CIET(UK) Ltd. Old Water Works Abergele Road Rhuddlan Rhyl

APPLICANT: CIET (UK) Ltd.

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 / approve – Town / Community Council objection

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL

“Rhuddlan Town Council considered the above application at a meeting last week and wished to raise objections based on the detrimental effect of the noise and hours operation on residents”.

NATURAL RESOURCES WALES

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to a condition ensuring parking facilities are laid out and remain available at all times.

Pollution Control Officer

No objection subject to the inclusion of conditions relating to hours of operation and methods of working.

Housing and Community Development Service

No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr D. T. Trout, 3, Longacre, Abergele Road, Rhuddlan (on behalf of local residents, unnamed)

Summary of planning based representations in objection:

Residential Amenity Issues: Regularly use the site on a Sunday; stihl saws and chain saws are used which are noisy; currently enduring 24/7 activity on the site;

Highway Issues: With 3 other operators on the site there are concerns relating to vehicles of all

users conflicting, causing a jam and the need to spill out on to the service road.

General Comments: The site is too small as other satellite storage areas at HTM and St Asaph to store large vehicles, trailers, diggers, tractors and telegraph poles etc have had to be created. If permission is given there is no ceiling on the level of activity or restriction on these satellite operations being brought to this site.

The management meetings held at the site cause chaos as there is insufficient parking.

EXPIRY DATE OF APPLICATION: 14/09/2014

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations with key consultees on additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 This application seeks full planning permission for the continuation of use of land and buildings for the receipting, storage and issue of electricity power line materials, equipment and light vehicles by CIET (UK) Ltd at the Old Water Works Site off Abergele Road in Rhuddlan.

1.1.2 The application is accompanied by an Access Statement along with supporting information relating to the business, its operations and activities.

1.1.3 The following information has been submitted in relation to the business activities:

*CIET delivers electricity powerline maintenance services and has been operating in North Wales since 2011.

*The application requires the site for the storage of materials and vehicles consistent with its service installations which are stored within the warehouse unit and within the outside yard space.

*Goods such as drums of copper and aluminium cabling, plastic piping and ducting, small 25 – 50kva transformers, wooden blocks, large steel cross arms and waste skips are stored at the site.

*The yard is used for the storage of vehicles including a forklift truck, quad bikes and trailers, a caged 3.5T van, 4x4 Land Rover and van.

*Smaller materials such as steel cross arm bolts, small drums of cabling, cable ties, insulators, nuts and bolts, PPE clothing and equipment are also stored within the warehouse.

*There are no repair works carried out at the site save for minor maintenance and repair to vehicles such as changing light bulbs/mirrors etc.

*The goods stored at the site are in the form required by the end users and therefore require no preparation other than being put on to pallets and collected by the teams working on the installation projects.

*The warehouse building also includes 3 small offices and a tea making room upstairs, with an office and training room at ground floor level.

* The site did hold regular staff meetings and team briefs for up to 50 staff however these are now held at the St Asaph site and no longer take place at the application site in Rhuddlan.

*On average external suppliers deliver 3-5 times per week by 3.5T van and 7.5T van, deliveries are between 8am and 3.30pm.

* 2 -3 times a month, external suppliers deliver an LGV 1 (Arctic truck) delivers good to the site, deliveries are between 8am and 3.30pm.

* CIET line crew vehicles are transit vans, between 8-10 vans will collect materials at 7am and 6pm when working in the local area.

*The applicant is in communication with the residents and measures have been taken to reduce the impact on residents such as:

- reducing the size of certain materials which are emptied in to skips to reduce noise
- saws to be used only between the hours of 8am and 5pm
- a maximum speed limit of 10mph specified to all staff to reduce noise levels and provide a safer environment
- no vehicles are to be left outside the site
- all vehicles are parked responsibly in the facility provided.

A plan detailing the site layout is at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the rear of a row of residential properties fronting Abergele Road with access to the site located in between Castle View and 3 Longacre.
- 1.2.2 The application site comprises a warehouse and office building to the northern boundary of the site with an open yard area to the front with a car parking area to the southern end of the site abutting the boundary with the residential properties of no's 1,2 and 3 Longacre.
- 1.2.3 To the northern boundary is a depot operated by Natural Resources Wales; to the eastern boundary a logistics business is currently operating; to the south are residential properties and to the western boundary is the access road leading to the Natural Resources Wales depot.

Details of the site layout and location of other businesses can be found at the front of the report.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhuddlan and within a C1 flood zone as defined in the development advice maps within TAN 15: Development and Flood Risk.

1.4 Relevant planning history

- 1.4.1 The application site is a small part of an old Water Depot site which has been subdivided into 4 plots occupied by separate businesses/operators, these businesses are Caravans Direct (Caravan Storage); 2 U Logistics (distribution of newspapers); CIET (the applicant) and Natural Resources Wales Depot.
- 1.4.2 CIET have been operating on the site since April 2012. This planning application was submitted in July 2014 following compliance investigations.
- 1.4.3 Planning Compliance proceedings are under way in relation to 2 U Logistics who do not have the benefit of planning permission to operate at the site.

1.5 Developments/changes since the original submission

- 1.5.1 Clarification relating to traffic movements has been sought from the applicant in relation to their activities and working patterns. This

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 PSE3 – Protection of employment land and buildings
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance
Supplementary Planning Guidance – Parking Standards

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

Technical Advice Notes
TAN 15: Development & Flood Risk

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 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The main policies in the Local Development Plan which are relevant to the principle of the development are Policies RD 1 and Policy PSE 3.

Policy RD1 states that within development boundaries, new development is, in principle 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 3 seeks to protect employment land and buildings and only offers support for proposals which would result in the loss of such land and buildings where strict tests can be met, i.e where there are no other suitable sites available for the development; there is evidence of a continuous marketing process alongside practical attempts to retain the employment use and where the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes; and evidence that the loss of the site/premises would not prejudice the ability of an area to meet a range of employment needs.

The policies referred to above are in general conformity with the approach to development in Planning Policy Wales, supporting sustainable economic development. Planning Policy Wales also contains a preference for the re-use of land

which meets with the definition of 'previously developed land', in preference to greenfield sites. The proposals are therefore considered acceptable in terms of the general principles of these policies. The localised impacts are assessed in the following paragraphs.

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.

No objections have been raised in relation to the visual impacts of the proposal.

The application is to continue to use an existing warehouse and office building to the northern boundary of the site, with a storage compound and collection area located to the front of the building and parking area along the southern boundary. The site is surrounded by metal security fencing which is consistent with the nature of the site and use.

It is therefore not considered that the use would have a negative visual impact on the area. It is therefore considered acceptable in relation to the policies and guidance in relation to visual impact.

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.

Objections have been raised in relation to the residential amenity impacts of the proposal by a local resident and Town Council.

The use of the site is for the receipting, storage and issue of electricity power lines materials, equipment and light vehicles. The use involves staff/line crews collecting materials from the site in transit vans at 7am and 6pm, on a daily basis when working locally. The equipment required by the business is delivered to the site by external suppliers, on average 3-5 times per week by 3.5T and 7.5T vans and deliveries 2 to 3 times per month by an LGV (arctic truck). All deliveries take place between 8am and 3.30pm.

In relation to other activities undertaken at the site, skips are stored and used to empty waste such as scrap copper and aluminium. The skips are stored within the storage compound to the front of the warehouse building, away from the boundary with residential properties. Saws are used on the site to cut the metal before it is dropped in to the skips. The applicant has been made aware of the noise issues associated with this and has made improvements to mitigate noise and has provided assurances to the Council's Pollution Control Officer. However, given that there are residential properties nearby and that concerns have been raised with regards noise from the site, whilst there are no objections to the proposal it is considered necessary in the interests of residential amenity to consider a planning condition which requires the applicant to submit a formal noise management plan, detailing proposals for the location of activities within the site and measures to mitigate noise for the occupiers of

nearby residential properties.

Consideration has to be given to the previous use of the whole site as a water depot, which is very similar in nature to the use under consideration. It is acknowledged that the site has been subdivided with 4 separate businesses currently operating and therefore the use of the site has intensified over time. However, based on the above, it is not considered that the continuation of the use of CIET on part of the overall former depot site raises any significant additional residential amenity concerns with relevant controls in place relating to hours of opening and deliveries and the submission of a noise management plan.

It is therefore not considered that the proposal to continue to use of the site and buildings for the receipting, storage and issue of electricity power line materials, equipment and light vehicles would result in a significant harm to residential amenity subject to the imposition and compliance with conditions.

4.2.4 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.

Natural Resources Wales (NRW) have raised no objection to the proposal given the scale and nature of the proposal.

On the basis of NRW's comments it is suggested that there are no strong flood risk grounds to refuse planning permission but the applicant needs to be made aware of the potential flood risks and that Natural Resources Wales provides a free Flood Warning Service which the applicant is strongly recommended to register with.

4.2.3 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 means of access to the site is off Abergele Road, from a service road which has several residential properties fronting it. The access to the site is located in between 'Castle View' and '3 Longacre' and measures approximately 4m wide.

The Highways Officer has carefully assessed the highway related concerns in relation to the site and is fully aware of local concerns relating to the use of the site. A site meeting has taken place and following that Officers requested additional information from the applicant in relation to traffic movements.

Following receipt of this information, it is considered that the movements by commercial vehicles in and out of the site are acceptable given the nature of this business and the former use of the site as a Water Depot. It is acknowledged that there are other businesses running from the site, however in relation to this application, the applicant, CIET, have given assurances on the traffic movements/activity from the site.

At the request of Local Members, a speed/class data survey has been carried out at the Junction of the A547. From this data it would appear that there are articulated

vehicles and heavy goods vehicles entering the site throughout the week and in the early hours of the morning, earliest being 2am and between 6am and 8am. In the evening the evidence suggests this is 8pm and 9pm. However, it is understood the numbers recorded may be due to large vehicles undertaking 3-point turns in the junction causing double counting and may not be visiting the businesses, furthermore CIET have advised that they do have deliveries by Large Vehicles however, this is carried out within the working day, 2 -3 times monthly.

It is acknowledged that an Officer within the Traffic Section has observed a rigid vehicle carrying a static caravan to the site having to manoeuvre onto the service road/A547 Abergele Road as the gates to the yard were closed, however that this is not the activity of the applicant and Highways Officers consider that the information supplied by the applicant is acceptable and believe that their site can be managed safely and in accordance with the statement supplied.

In conclusion, Highways Officers raise no objections to the proposal to continue to use the application site for the receipting, storage and issue of electricity power line materials, equipment and light vehicles.

It is not considered, with respect to objections raised, that there are any strong highway grounds to refuse the application.

5. SUMMARY AND CONCLUSIONS:

5.1 The principle of the use is considered acceptable on a former water depot site. Careful consideration has been given to the impact of the proposal on local residents and highway safety and it has been concluded that there are no unacceptable impacts.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The operation of the site shall cease within 3 months of the date of this permission unless the formal written approval of the Local Planning Authority has been obtained to a Noise Management Plan setting out proposals for the location of activities within the site and measures to mitigate noise for the occupiers of nearby residential properties. The use of the site shall be carried out strictly in accordance with the approved details.
2. The site shall not be permitted to operate or receive any deliveries outside the following times and days:

0700 to 1800 Monday to Friday
0800 to 1300 Saturday
3. Within 1 month from the date of this permission, all parking areas shall be formally marked and laid out in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be kept available for that purpose at all times

The reasons for the conditions are:-

1. In the interests of residential amenity.
2. In the interests of residential amenity.
3. In the interests of highway safety.

NOTES TO APPLICANT:

Flood Warning & Flood Plan

Natural Resources Wales provides a free flood Warning Service for this community. You are strongly advised to register your details with this service to enable you to receive the appropriate flood warning. It is also recommended that the users of the site create a 'Flood Plan' so that all users of the site know what to do before, during and after a flood event.

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Agenda Item 13

WARD: Rhuddlan

WARD MEMBER(S): Cllr Arwel Roberts
Cllr Ann Davies

APPLICATION NO: 44/2014/0953/ PF

PROPOSAL: Construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle

LOCATION: 6, Grove Terrace Princes Road Rhuddlan Rhyl

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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. 44/2014/0953/PF
6 GROVE TERRACE
PRINCES RD, RUDDLAN



Application Site

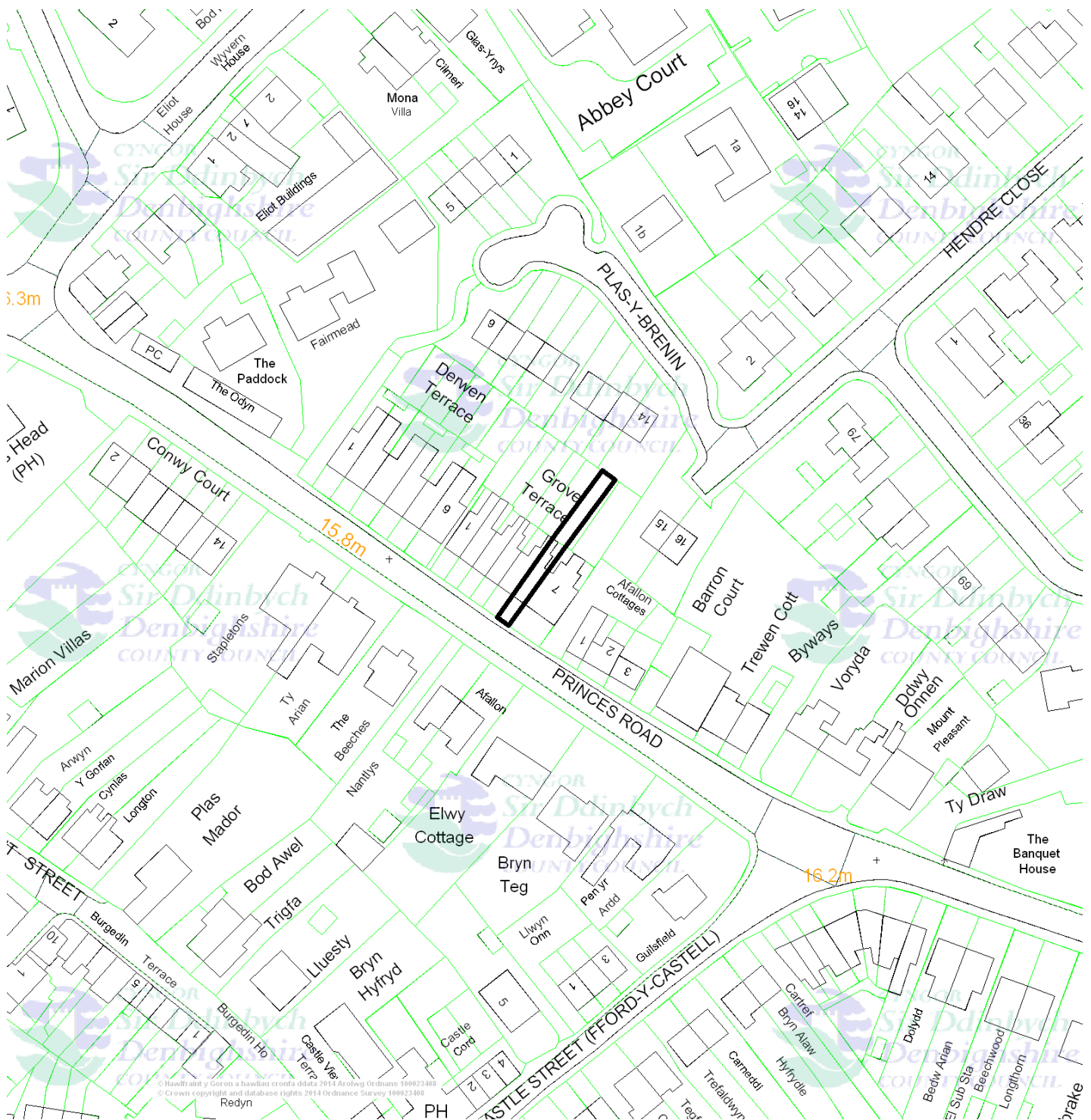


Date 24/11/2014

Scale 1/1250

Centre = 302550 E 378137 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.



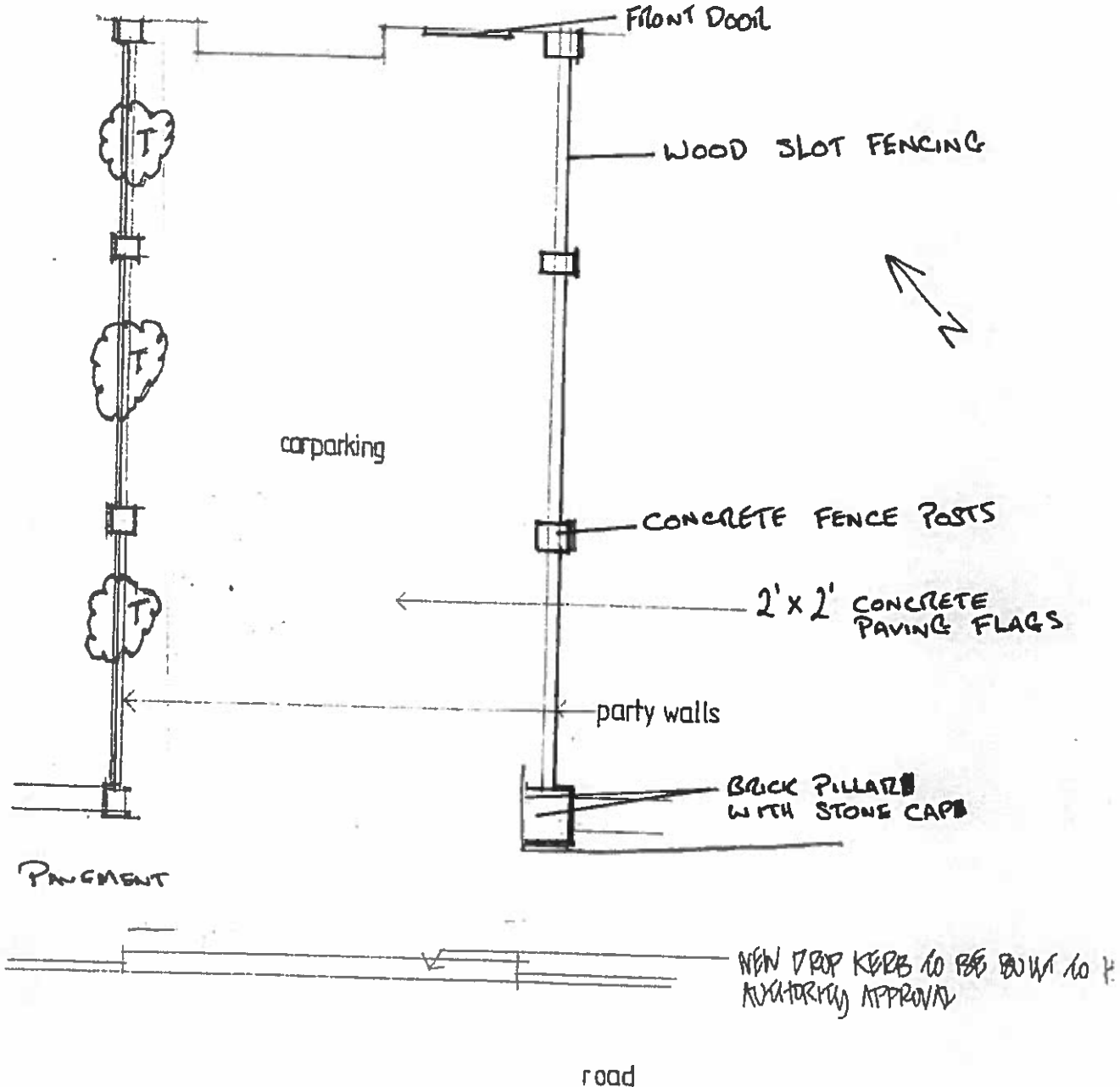
PROPOSED GARDEN LAYOUT

SITE PLAN

T = TREE

Nº 6

44 / 2014 / 0953 / P F



PLAN

RECEIVED
 18 AUG 2014
 CALEDFRYN RECEPTION

AUG 2014

WARD: Rhuddlan

WARD MEMBER(S): Cllr Arwel Roberts
Cllr Ann Davies

APPLICATION NO: 44/2014/0953/ PF

PROPOSAL: Construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle

LOCATION: 6, Grove Terrace Princes Road Rhuddlan Rhyl

APPLICANT: Mr Keith Smith

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
"No objection".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer
No objection subject to conditions relating to detailing

Conservation Architect
Proposals neither preserve nor enhance the character and appearance of the conservation area

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 20/10/2014

REASONS FOR DELAY IN DECISION (where applicable):

- Re-allocation from original case officer

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal involves the creation of a vehicular access on to the highway at Princes Road, to the front of an existing dwelling including the removal of a front boundary wall.

1.2 Description of site and surroundings

- 1.2.1 The site consists of a two storey mid terraced property. It is situated within the Rhuddlan Conservation Area. The site is one of seven residential properties within the terrace.
- 1.2.2 The site is located to the east of the town centre of Rhuddlan. It is located on Princes Road which is a classified road. Princes Road is a predominantly residential street.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary and the Rhuddlan Conservation Area.

1.4 Relevant planning history

- 1.4.1 The creation of the access has previously been refused retrospective planning permission in 2010 and this was subsequently dismissed at appeal. An enforcement appeal seeking to remove the requirement to re-instate the front boundary wall was also dismissed.
- 1.4.2 There have been a number of planning applications and an enforcement history relating to the creation of accesses in the immediate locality.
- 1.4.3 Permission was granted in 1987 by the former Rhuddlan Borough Council at 3 Grove Terrace for the creation of a new access. This application required the installation of a gate to mitigate visual impact.
- 1.4.4 In 1991 an application was refused by Rhuddlan Borough Council at 6 Derwen Terrace for the creation of a new access. The application was refused due to the impact on the Conservation Area and impact on highway safety. A subsequent appeal was dismissed. The appeal Inspector concluded that the removal of the front boundary wall would not preserve or enhance the character of the Conservation Area. Additionally the Inspector concluded that existing parking spaces within front gardens on Grove Terrace and Derwen Terrace did not justify the development. It was considered that future development of this type would be very damaging to the street scene.
- 1.4.5 In 2002 an application was refused by Denbighshire County Council for the creation of a new access to 1 Grove Terrace on the grounds of the impact on the Conservation Area, and the harmful precedent that would be set.
- 1.4.6 Enforcement action has been considered previously at 4 and 7 Grove Terrace in relation to the creation of accesses but due to the amount of time lapsed since the works were carried out, this was not considered expedient to pursue.

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 44/2009/1500 - Construction of a new vehicular access involving removal of frontage wall (retrospective application) REFUSED 24th November 2010 and subsequently dismissed at appeal for the following reason;

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

Subsequent appeal to Planning Inspectorate DISMISSED 6th May 2011. The Inspector's comments in the decision letter referred to the detrimental impact the works had on the character and appearance of the Conservation Area, stating that it fails to meet the statutory requirement concerning the desirability of either preserving or enhancing the character or appearance of the Conservation Area.

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 RD3 – Extensions and alterations to existing dwellings

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, 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 Impact on Residential Amenity
- 4.1.3 Visual and Landscape Amenity
- 4.1.4 Access / Highway issues

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The general principle of constructing a new vehicular access may be acceptable subject to the assessment of local impacts.
- 4.2.2 Visual Amenity
PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. 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. Paragraph 6.5.17, Chapter 6, PPW states that should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission.

The removal of the front boundary wall has been resisted previously by the County Council through the refusal of planning permission, and the Planning Inspectorate at a planning appeal and upholding enforcement notice. The removal of the front boundary wall has been resisted based on the detrimental impact on the character and appearance of the conservation area.

As has previously been established, it is considered that the removal of the front boundary wall would be harmful to the character and appearance of the conservation area and therefore fails to comply with the requirements of the policies and guidance listed above.

4.2.3 Access / Highway issues

Policy RD1 requires that development does not have an unacceptable impact on the local highway network.

The Highways Officer has raised no objection to the proposals subject to conditions.

Having regards to the design, scale and location of the proposals it is considered that they would not have an unacceptable impact on the local highway network subject to appropriate detailing secured by condition.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal would have a detrimental impact of the character and appearance of the conservation area and is therefore recommended for refusal.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority, that the proposed development, by virtue of the removal of the front boundary wall, which is a key feature of the Conservation Area, would have a detrimental impact on the character and appearance of the Conservation Area and the locality, which is in conflict with criteria i) of Policy RD 1 of the Denbighshire Local Development Plan and advice set out in Planning Policy Wales Edition 7 and Supplementary Guidance Note 13 Conservation Areas.

NOTES TO APPLICANT:

None

Agenda Item 14

WARD : Rhyl East

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

APPLICATION NO: 45/2014/0388/ PF

PROPOSAL: Demolition of easterly villa and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works

LOCATION: Grange Hotel Site 41-42 East Parade Rhyl

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Heading:

REFERENCE NO. 45/2014/0388/PF
& 45/2014/0389/LB - 41-42 EAST 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

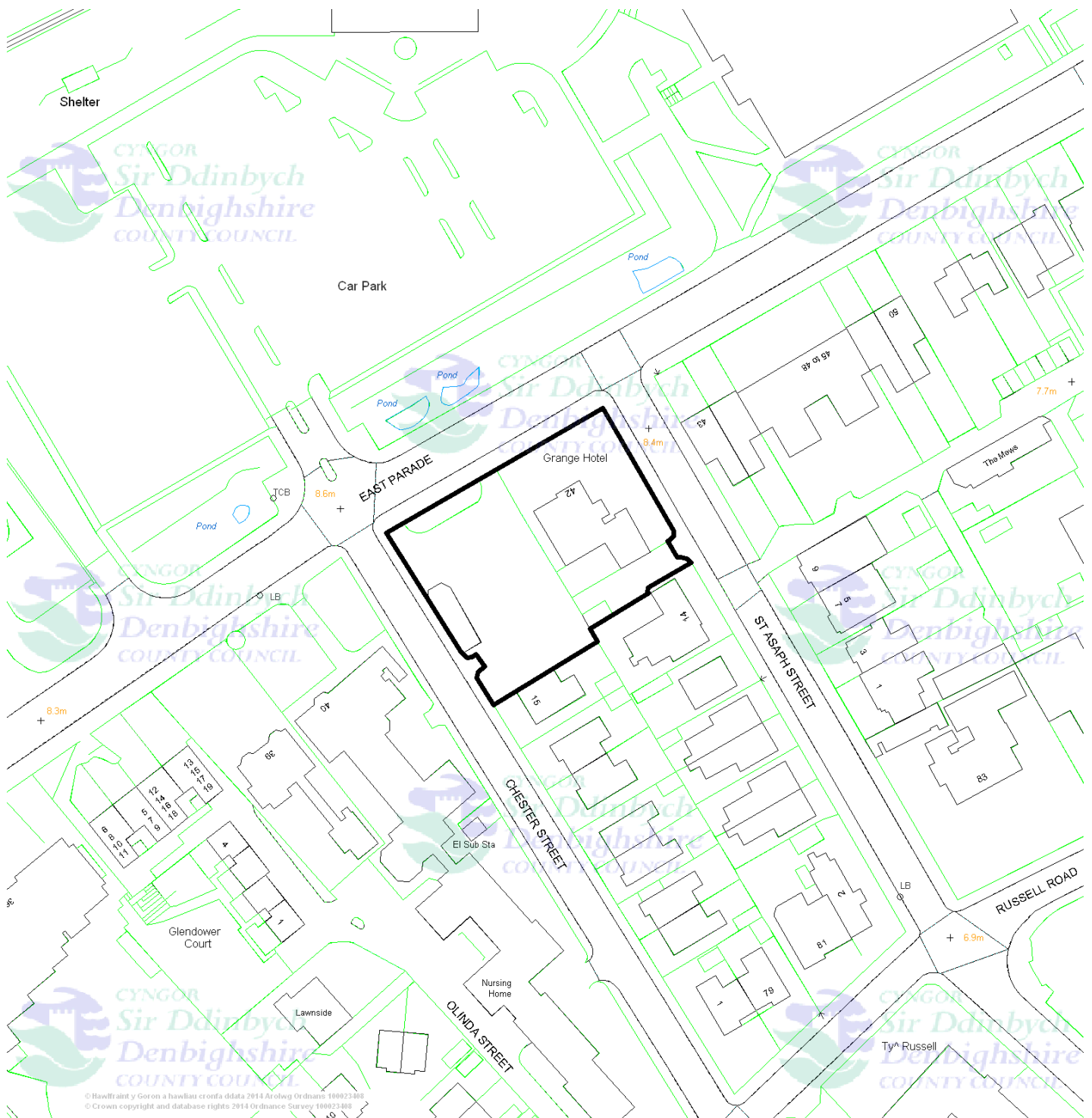


Date 24/11/2014

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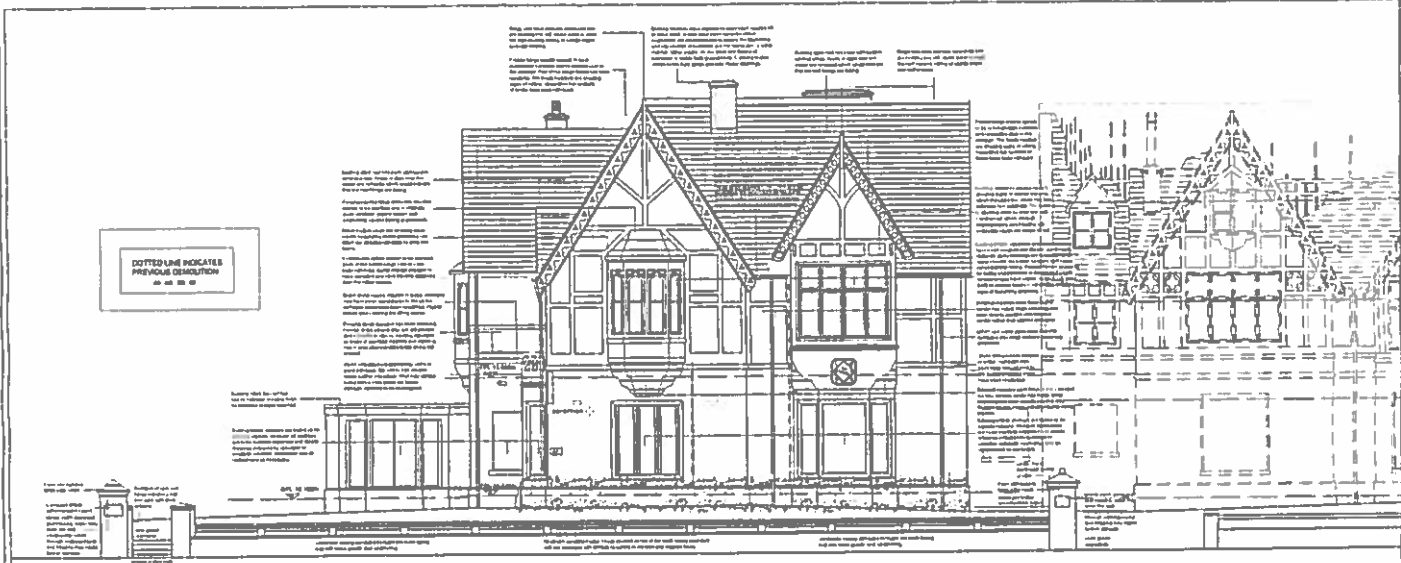
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EXISTING BUILDING

EX10



EXISTING NORTH ELEVATION WITH BOUNDARY (Scaled 1:50)

Architects Notes

1. This drawing shall be read in conjunction with the other drawings of this project.

2. The building shall be constructed in accordance with the requirements of the Building Code of the City of Toronto.

3. The building shall be constructed in accordance with the requirements of the Ontario Building Code.

4. The building shall be constructed in accordance with the requirements of the National Building Code of Canada.

5. The building shall be constructed in accordance with the requirements of the International Building Code.

6. The building shall be constructed in accordance with the requirements of the International Residential Code.

7. The building shall be constructed in accordance with the requirements of the International Fire Code.

8. The building shall be constructed in accordance with the requirements of the International Energy Conservation Code.

9. The building shall be constructed in accordance with the requirements of the International Mechanical Code.

10. The building shall be constructed in accordance with the requirements of the International Plumbing Code.

11. The building shall be constructed in accordance with the requirements of the International Fire and Code.

12. The building shall be constructed in accordance with the requirements of the International Fire and Code.

13. The building shall be constructed in accordance with the requirements of the International Fire and Code.

14. The building shall be constructed in accordance with the requirements of the International Fire and Code.

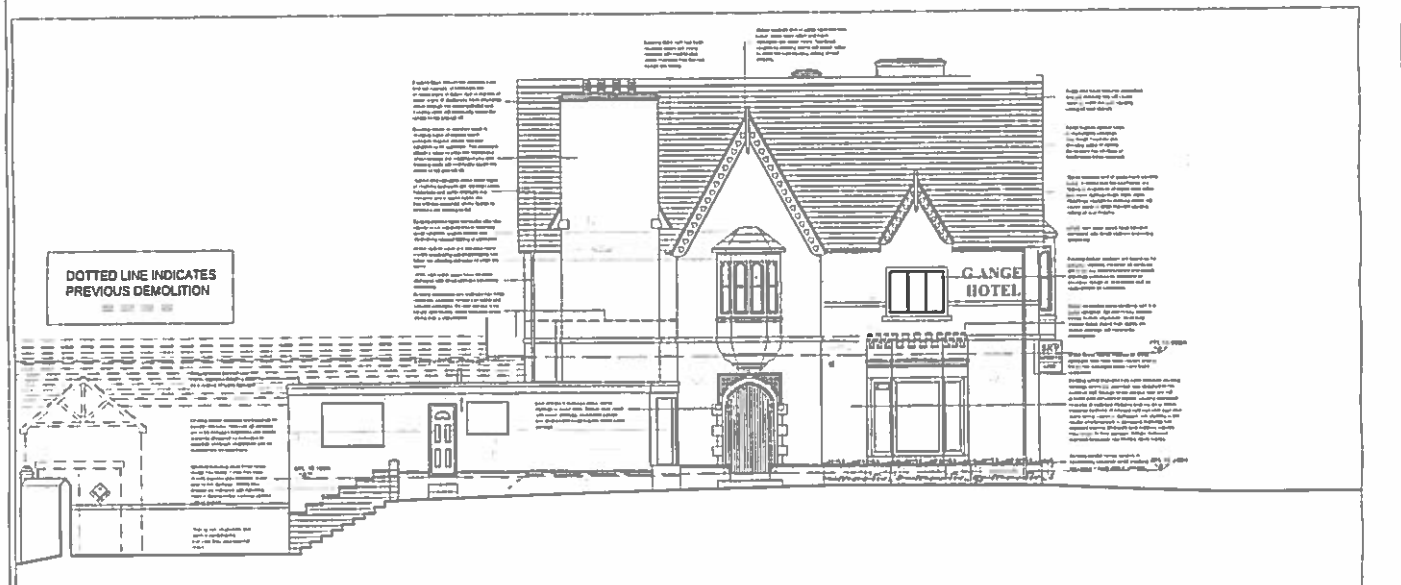
15. The building shall be constructed in accordance with the requirements of the International Fire and Code.

FOR PLANNING PURPOSES ONLY

Project: EX10	
Client: J.P. ARCHITECTS	Architect: J.P. ARCHITECTS

EXISTING BUILDING

EX08



EXISTING EAST ELEVATION (Scaled 1:50)

Architects Notes

1. This drawing shall be read in conjunction with the other drawings of this project.

2. The building shall be constructed in accordance with the requirements of the Building Code of the City of Toronto.

3. The building shall be constructed in accordance with the requirements of the Ontario Building Code.

4. The building shall be constructed in accordance with the requirements of the National Building Code of Canada.

5. The building shall be constructed in accordance with the requirements of the International Building Code.

6. The building shall be constructed in accordance with the requirements of the International Residential Code.

7. The building shall be constructed in accordance with the requirements of the International Fire Code.

8. The building shall be constructed in accordance with the requirements of the International Energy Conservation Code.

9. The building shall be constructed in accordance with the requirements of the International Mechanical Code.

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13. The building shall be constructed in accordance with the requirements of the International Fire and Code.

14. The building shall be constructed in accordance with the requirements of the International Fire and Code.

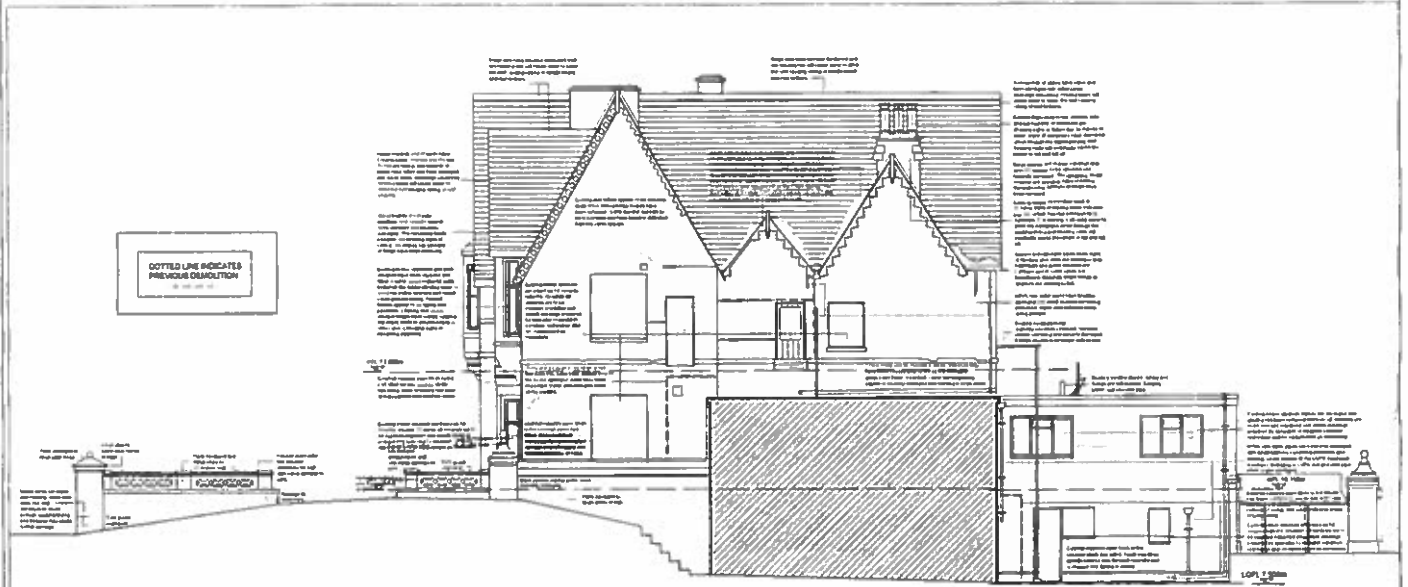
15. The building shall be constructed in accordance with the requirements of the International Fire and Code.

FOR PLANNING PURPOSES ONLY

Project: EX08	
Client: J.P. ARCHITECTS	Architect: J.P. ARCHITECTS

EXISTING BUILDING

EX11



EXISTING WEST ELEVATION WITH BOUNDARY (Scaled 1:50)

Architects Notes

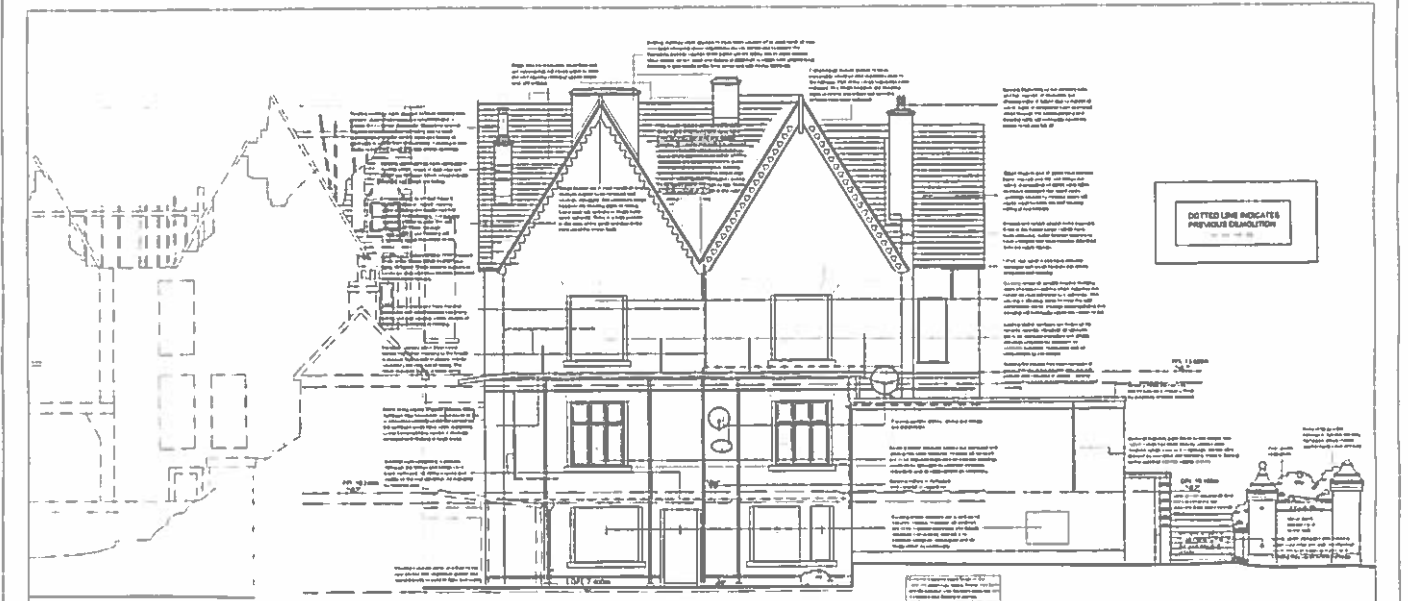
1. All dimensions are in millimeters unless otherwise stated.
 2. The architect is not responsible for any errors or omissions in this drawing.
 3. The client is responsible for providing accurate information.
 4. The architect is not responsible for any structural or engineering work.
 5. The architect is not responsible for any legal or regulatory requirements.
 6. The architect is not responsible for any environmental or sustainability issues.
 7. The architect is not responsible for any health and safety issues.
 8. The architect is not responsible for any fire or safety issues.
 9. The architect is not responsible for any accessibility issues.
 10. The architect is not responsible for any other issues.

FOR PLANNING PURPOSES ONLY

Project: EX11	
Client: J.P. ARCHITECTS	Location: [Blank]
Date: [Blank]	Scale: 1:50

EXISTING BUILDING

EX06



EXISTING SOUTH ELEVATION COURTYARD (Scaled 1:50)

Architects Notes

1. All dimensions are in millimeters unless otherwise stated.
 2. The architect is not responsible for any errors or omissions in this drawing.
 3. The client is responsible for providing accurate information.
 4. The architect is not responsible for any structural or engineering work.
 5. The architect is not responsible for any legal or regulatory requirements.
 6. The architect is not responsible for any environmental or sustainability issues.
 7. The architect is not responsible for any health and safety issues.
 8. The architect is not responsible for any fire or safety issues.
 9. The architect is not responsible for any accessibility issues.
 10. The architect is not responsible for any other issues.

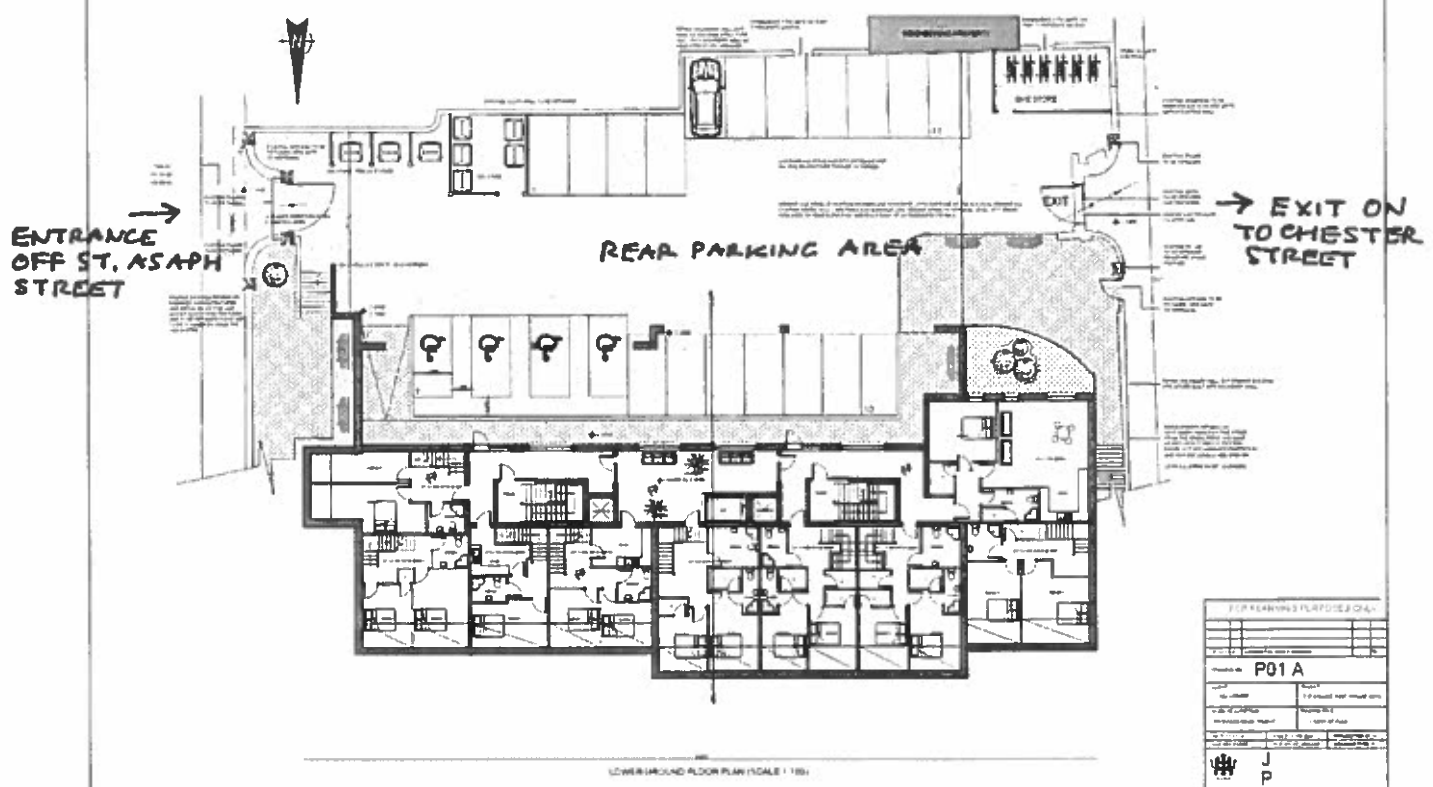
FOR PLANNING PURPOSES ONLY

Project: EX06	
Client: J.P. ARCHITECTS	Location: [Blank]
Date: [Blank]	Scale: 1:50

SITE LAYOUT AS PROPOSED

LOWER GROUND FLOOR

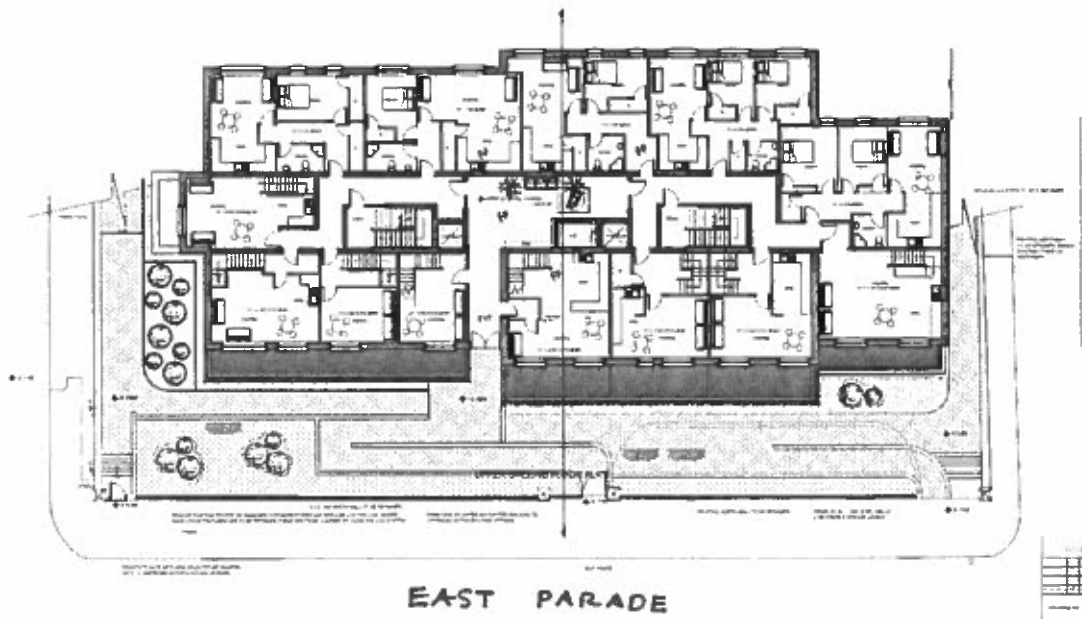
P01 Rev.A



TOP PLANNING PLATES ONLY	
P01 A	
NO. SHEET	TOTAL SHEETS
DATE	PROJECT NO.
PROJECT NAME	CLIENT
 J P ARCHITECTS	

UPPER GROUND FLOOR

P02 Rev. A



TOP PLANNING PLATES ONLY	
P02 A	
NO. SHEET	TOTAL SHEETS
DATE	PROJECT NO.
PROJECT NAME	CLIENT
 J P ARCHITECTS	

WARD : Rhyl East

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

APPLICATION NO: 45/2014/0388/ PF

PROPOSAL: Demolition of easterly villa and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works

LOCATION: Grange Hotel Site 41-42 East Parade Rhyl

APPLICANT: MrAndy Coombs

CONSTRAINTS: Listed Building

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 objection
- Member request for referral to Committee

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

DECISION: Objection on the following grounds:

- 1.The Council feels that the density of the number of proposed flats would represent an over intensification of the site in terms of the number of apartments proposed.
2. (notwithstanding the close proximity of the public car park), The Council considers the provision of only 21 on-site parking spaces for 44 apartments inadequate for the need and that this will result in significant on-street parking to the detriment of the occupiers of surrounding properties.

In the event that the application is approved by the Local Planning Authority then the Town Council would request that the following conditions be applied to any permission granted:

1. That Standard Condition No. 1 be amended to require that any development permitted shall be commenced prior to the expiry of 1 year of the date of the grant of permission.
2. That a restriction be placed on the route of construction vehicles accessing and departing the site in consideration of the close proximity of particularly the Bradshaw Nursing Home and the frequent round the clock need for emergency vehicles to access that property.”

NATURAL RESOURCES WALES

No flood risk objections to the proposals. Defer to County Ecologist for assessment of issues concerning protected species.

DWR CYMRU / WELSH WATER

No response received

CLWYD POWYS ARCHAEOLOGICAL TRUST

Have no objection to demolition but require a detailed photographic record of the buildings in their current state prior to demolition works commencing, which can be covered by planning condition.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objections subject to inclusion of conditions relating to the detailing of the access and parking layout and submission of a construction method statement. Recognises the scale of the development but the former use involved a 28 bed hotel and owners accommodation with limited onsite parking, and a substandard access which is to be closed. There is pay and display parking on East Parade and residents permits can be obtained for use of East Parade and long stay car parks. Taking all factors into account, including the proximity to the town centre and public transport, it is not unreasonable to support the application.

Pollution Control Officer

No response received

Ecologist

No objections in principle. Reiterates previous comments over need for survey work in relation to protected species, albeit the sea front location reduces the attractiveness of the location for bats. Recommends a nesting bird and bat survey should be undertaken demonstrating avoidance, mitigation and compensation measures as required.

Local Housing Strategy and Development Officer

Confirms there is evidence of high housing need in the Rhyl area. Notes the applicants have requested affordable housing provision be waived in this case, but asks that this be considered as an integral part of the site and its costs.

RESPONSE TO PUBLICITY:

Representations from :

Mr D. Roberts, 13 Chester Street, Rhyl

Basis of representations

Highway safety / parking

Chester Street and St Asaph Street already suffer from congestion / likely increase in traffic will add to concerns/ concerns over highway safety including for pedestrians / emergency access required for adjacent nursing home/ streets already used for overspill parking for nearby home, offices and businesses/ all limits amount of spaces for residents and their visitors / limited provision for parking and visitor parking within the site / no guarantee that car parking spaces will be available for residents or visitors in the longer term

Drainage

No information on foul or surface water drainage proposals / concerns over potential impacts on area

Residential amenity

Concerns at potential for overlooking and loss of privacy in relation to St Asaph Street and Chester Street properties from the apartments, given the height of the building / unclear from plans if there are proposals to use obscure glazing to limit impacts / potential for noise and nuisance having regard to increased numbers of residents, e.g. traffic noise/ any permission should be subject to residents signing anti social behaviour conditions, to be monitored and managed by the Council

Ground stability

No assessment of risk to nearby property from works involved in ground retaining structures

Other matters

Need for due regard to Listed Building status / concern over general trend towards use of properties as HMO's

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- 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 This is a full planning application proposing the demolition of the remaining listed building on the site and the redevelopment of the land by the erection of a single building containing 44 apartments.

1.1.2 The application was submitted in April 2014, and following consideration of consultation responses, was revised in October 2014. The main elements of the scheme, as amended in October, are:

- Demolition of the East Villa which formed part of the larger range of Grade II Listed Buildings until a serious fire in 2008
- Redevelopment of the site by way of a building of 'contemporary' detailing with a total of 44 apartments. The floorspace has been reduced from 4446sq metres to 3991sq. metres and involves a building on 6 levels; 5 visible at East Parade level, and a 'lower ground floor ' at the rear. The apartments are of varying size, including 15 x 1 bed units, 27 x 2 bed units, and 2 x 3 bedroom units.
- Provision of a 'rear' parking area with 22 parking spaces, including 4 for disabled persons; and 12 cycle spaces, all to be accessed off an in and out arrangement – in from St Asaph Street and out onto Chester Street.
- Pedestrian access only onto East Parade via steps and graded ramps.
- Provision of external bin stores / recycling stores in the rear yard
- Making good of boundary walls and garden areas, with additional hard and soft landscaping.

The basic plans are attached at the front of the report.

1.1.3 The application is accompanied by sets of detailed drawings and a number of supporting documents, including commentary on the revisions undertaken in October 2014 to address issues raised in consultee responses on the original scheme. These set out the case for the proposals and include the following:

A Design and Access Statement

This 30 page document explains the proposals, the background to the submission, the design concept for the new apartment building and the justification for the demolition of the remaining buildings on the site.

In brief, the Statement refers to the extensive fire damage which occurred to the Western villa in March 2008, the previous scheme supported by the Council in 2010 to retain the easterly villa and western annex, and reasons why this never materialised.

The Statement accepts the historic importance of the site and the Grade II status of

the remaining buildings. It explains the series of catastrophies and negative actions over recent years which it is argued have rendered the existing buildings beyond economic repair and restoration in relation to the importance of the listed building and the value derived from its continued use, given also there is no financial assistance from the Authority. It is stated the buildings and the site have been offered to the market as an unrestricted freehold, but to no avail, so the only logical option is to redevelop the site. The merits of alternative use have been considered but the overriding costs of any proposed restoration and repair would outweigh the cost of the works needed for any alternative use, causing any proposed use not to be viable.

There is a section dealing with the detailed condition of the east villa which explains every salvageable or reclaimable item has been broken out and removed, causing significant damage to the internal fabric, and there was a further fire in 2011. It explains the economic value of refurbishment in 2009 before the former owner went into liquidation, and current budget cost estimates. It refers to the separate document providing economic costings of refurbishment to support the case for demolition and redevelopment with residential use in keeping with the site and area – which it is considered would be attractive to a variety of potential residents.

In respect of project viability, the Statement has been updated in an Addendum in October 2014 following reassessment of key parameters and the review of the original submissions by the District Valuer Service. The Addendum indicates that a design review has resulted in the reduction of the proposed floor area, which would generate a saving of £480,000 on build costs, improving viability whilst reducing the overall mass of the building. It is argued that the refurbishment of the east villa is not financially viable, whichever permutations may be considered.

It is anticipated some apartments would be offered for leasehold sale and some retained as a rental portfolio

The design concept has been developed with reference to the adjacent sea in mind, with roof forms being inspired by 'natural and powerful wave forms'. In relation to key Planning Policy and guidance, it is indicated that the apartment and duplex units have been designed with regard to the Council's space standards and that 500 sq m outdoor space is to be provided.

An Order of Cost report

This confidential document submitted with the original application documents has been effectively superseded by the information in the October 2014 update (see the paragraph below)

A pre-assessment Code for Sustainable Homes report

This is a standard document setting out the ability of the proposed development to meet Code level 3 and associated credits.

A Structural Inspection report

This is a 5 page report from Patrick Parsons, Consulting Engineers, on the condition of the buildings on site. The report comments on the deteriorating condition of the buildings and questions the viability of the structures as part of any scheme.

(The annex to the west villa was removed in agreement with CADW in June 2014 having regard to its condition and health and safety fears given proximity to a public highway)

The October 2014 Addendum statement

The Addendum statement is an important document in relation to the submission as it updates and pulls together the applicant's case in support of the demolition of the remaining listed building and the financial viability of the redevelopment scheme, following consideration of these matters by the District Valuer Service (DVS) who were engaged by the County Council to provide an independent evaluation of viability considerations.

The statement recognises the commentary from the DVS and contends that the redesign of the new build scheme has improved the financial viability whilst reducing the overall mass of the building. It suggests the reconfiguration of the building would reduce construction costs and would generate a residual profit, albeit below the level considered reasonable by the DVS to recognise the level of risk in the scheme. It argues that different permutations involving the refurbishment of the easterly villa as part of the scheme are not financially viable, and that the new build option would provide an interesting aesthetic reflecting the marine environment, providing an attractive opportunity to a variety of potential future purchasers. The statement recognises the concerns of consultees over the loss of a listed building but stresses the benefits of the regeneration of a 'tired and prominent site' in the town.

- 1.1.4 The agents have submitted a listed building consent application at the same time as this planning application, under code no. 45/2014/0389/LB. This seeks the separate consent required to demolish the Easterly Villa, and has to be assessed independently in terms of the justification for removing the buildings. The listed building application forms the basis of the following report on the agenda.

1.2 Description of site and surroundings

- 1.2.1 The Grange Hotel is located on the south side of East Parade, one of the main east-west seafront roads in Rhyl. It lies to the west of the Sun Centre, immediately opposite one of main car parks serving that facility. It is bound on the east side by St Asaph Street, and by Chester Street on the west side.
- 1.2.2 The Grange was historically run as a hotel, and a Grade 2 listed building consisting of two main 'villas', constructed in the 1850's with additions of varying styles. The west villa was severely affected by a fire in 2008 and has since been demolished, along with a stone annex to the West villa, which was removed in mid 2014 with CADW's approval on health and safety grounds. The east villa remains on site, and is in a very poor physical condition.
- 1.2.3 Vehicular access into the site has been possible from entrances off East Parade, Chester Street and St Asaph Street, with other pedestrian entrances on these roads. There appears to have been only limited on site parking available for users of the Hotel. The main 'service' accesses have been off Chester Street and St Asaph Street.
- 1.2.4 There are parking restrictions along East Parade and on both sides of Chester Street and St Asaph Street for a distance of some 15 metres down from the junctions with East Parade.
- 1.2.5 Ground levels fall down from the East Parade direction. There is an approximate difference in levels of some 3 metres between East Parade and the yard area at the rear of the site.
- 1.2.6 The predominant land use in the locality is residential, but there are a range of tourist related uses such as hotels, and residential/nursing homes nearby. The Royal Alexandra hospital is some 300 metres to the north east along East Parade.
- 1.2.7 Building styles in the locality vary considerably. There are 4.5 storey units immediately to the east at No's 43-50 East Parade; a 3 storey unit immediately to the west (Bradshaw Manor), 4 storey flats at Glendower Court; and mainly traditional 2 storey houses adjoining the southern boundary along both Chester Street and St Asaph Street. The 'modern' Sun Centre and Pavilion building is some 100 metres to the north east along East Parade.
- 1.2.8 The boundary between the site and the immediately adjoining dwellings on St. Asaph Street and Chester Street is defined by a mix of stone and brick walls of varying height, and there is a gap in the boundary alongside part of the walls between

15 Chester Street and the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Rhyl on the proposals map of the Local Development Plan.
- 1.3.2 Within the Plan, the site has no specific use designation. The area to the north side of East Parade (not including the site) is part of a Coastal Tourism Protection Zone, subject to Policy PSE 13 of the Plan, which does not support proposals which would result in the loss of tourism facilities.
- 1.3.3 As noted above, the remaining east villa is a Grade II Listed building and is of Tudor Gothic style.

1.4 Relevant planning history

- 1.4.1 Applications for planning permission and listed building consent to convert the original hotel into 20 apartments were refused under Officers delegated powers in 2007, based on the limited case advanced at that time to justify the loss of the Hotel use, and the detailing of the scheme.
- 1.4.2 An alternative scheme for planning permission and listed building consent, involving the demolition of the fire damaged westerly villa, the retention of the stone built annexe, restoration of the easterly villa, and part redevelopment creating a total of 20 apartments with the use of the lower ground floor as a restaurant/functions facility, was submitted in 2009.
- 1.4.3 Denbighshire's Planning Committee resolved to grant listed building consent for the demolition of the remains of the west villa, and this was consented to by CADW in 2010. Committee also resolved to grant the planning permission subject to the completion of a Section 106 Obligation to secure a clawback payment for an affordable housing contribution in the event that the development generated an agreed level of profit when implemented. The Section 106 Obligation was not however completed, and the planning permission has never been issued.

1.5 Developments/changes since the original submission

- 1.5.1 Having regard to the significance of the proposals, the District Valuer Service (DVS) was engaged to undertake a detailed assessment of the financial viability of the proposals, and this report has assisted the applicants to review the contents of their submissions. This led to the submission of an amended scheme and additional information developing the financial viability arguments in October 2014.

The main conclusions of the District Valuer Service on the original submission were –

- The viability testing results illustrate that the option of refurbishment and new build as previously proposed is unviable and, in the DVS opinion has no chance of becoming viable in the immediately foreseeable future. There may be different configurations of a scheme involving refurbishment and new build, but without some form of public, private or third sector subsidy the development would need to be substantially larger to have any prospect of viability and almost certainly larger to an extent which could lead to the new build element being incongruous to the refurbished element and surrounding architectural environment.
- The proposals for complete site clearance and development face significant viability challenges and based on the assessment are also currently unviable, but are far closer to being viable (potentially within the next 12 to 24 months) and so consideration could be given to approval of this scheme, subject to suitable safeguards to prevent the applicant or successors in title from manipulating any such consent beyond the Council's intentions.
- The viability results show that there is currently no reasonable prospect of the present development proposals delivering the Council's policy requirements in respect of affordable housing and open space and as such these requirements could, on the basis of economic

viability, potentially be waived in this case. This is a decision for the Council having weighed all relevant factors.

- Finally, it may be that the applicant could consider revisions (to units sizes, development density etc) to the current proposals that may lead to improved viability and this might be something for the Council to give further consideration to and potentially review with the applicant.

1.5.2 As noted earlier in the report, the stone annex to the West villa was demolished in June 2014, following Health and Safety concerns, and with the consent of CADW.

1.6 Other relevant background information

1.6.1 Assessment of the planning application needs to be undertaken alongside the parallel application for listed building consent to demolish the remaining building on the site, which forms the subject of the following application on the agenda.

1.6.2 The Grange has been identified as one of the County's 'Eyesore Sites' where multidisciplinary action has been targeted to remove or deal with issues.

1.6.3 The ownership of The Grange changed in 2013. The new owner has engaged positively with the Council in the course of developing the current planning and listed building applications.

2. **DETAILS OF PLANNING HISTORY:**

2.1 The most recent history is :

45/2006/0705/LB
External refurbishment works
Granted 21/11/2006

45/2007/0800/PF
Conversion and alterations of existing hotel to create 20 no. Self contained apartments and construction of a new vehicular access.
Refused 8/1//2007
Reason for refusal: Conflict with policy TSM 8 – no evidence to demonstrate attempts to market property as serviced accommodation/site lies in important cluster of serviced accommodation uses which should be retained to ensure an adequate range of holiday accommodation in the town.

452007/0801/LB
Listed building application for conversion and alterations of hotel to create 20 no. Self contained apartments.
Refused 21/12/2007
Reason: Design and detailing unacceptable and would not preserve/enhance the character/appearance/special interest of the Grade 2 listed building.

45/2008/1043/LB
Demolition of fire damaged building (listed building)
Withdrawn 20/3/2009.

45/ 2009/0184/PF
Demolition of fire damaged westerly villa, retention of stone built annexe, restoration of easterly villa, and part redevelopment; creating a total of 20 apartments; use of lower ground floor as restaurant/functions facility, provision of off road parking, open space, refuse and cycle storage.
Committee resolved to grant subject to completion of a Section 106 Obligation (never completed, so no permission issued)

45/2009/185/LB

Demolition of fire damaged westerly villa and part redevelopment (listed building application)
Granted April 2010

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 RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy VOE1 - Key areas of importance

Policy VOE6 – Water management

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note Recreational Public Open Space

Supplementary Planning Guidance Note Access for all

Supplementary Planning Guidance Note Affordable Housing in New Developments

Supplementary Planning Guidance Note Residential Development Design Guide

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7, 2014

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 12: Design (2009)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007)

TAN 20: The Welsh Language – Unitary Development Plans and Planning Control (2000)

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). There is detailed advice in Section 6.5 of PPW on the approach to demolition of listed buildings including the statement that authorities should not authorise demolition to make way for new development unless it is certain that the new development will proceed.

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 / design
- 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 Archaeology
- 4.1.8 Viability issues
- 4.1.9 Affordable Housing
- 4.1.10 Open Space
- 4.1.11 Density of development
- 4.1.12 Inclusive design
- 4.1.13 Impact on Listed Building
- 4.1.14 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.15 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no policies in the Local Development Plan of direct relevance to a proposal to demolish a listed building and to carry out a redevelopment by way of erecting a substantial apartment block.

Policy BSC 1 of the Development Plan sets out the County's Growth Strategy to meet the needs of local communities and to meet population changes. It outlines the requirement for developers to provide a range of house sizes, types and tenure to reflect local need and demand. Rhyl is a 'lower growth town' in the plan and is expected to accommodate growth to contribute to the County's population needs. The Grange site is included in the table of sites in Rhyl, which reflects the resolution to grant permission at Committee in 2010. The principle of a residential development would be consistent with the basis of policy BSC 1.

Policy BSC 2 sets out a priority for development of brownfield land and directs development proposals towards such land in lower growth towns.

Policy RD 1 sets a range of standard land use planning tests to be applied to development proposals within development boundaries. The relevant tests are reviewed under the following topic paragraphs.

At local level, Members will be aware of ongoing work on strategies for the redevelopment of the town, which are building on the Rhyl Going Forward initiative and the West Rhyl Regeneration Area strategy. The initiative to identify and resolve issues with Eyesore Sites is a relevant consideration. These strategies and initiatives provide general support for proposals which accelerate regeneration in the town. Officers would suggest that the principle of a residential development of the Grange site would not be inconsistent with current planning policy, but the weighing up of the proposal does oblige due consideration of the case for demolition of the listed building and whether there is justification for this in connection with a redevelopment.

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.

The only consultee comments relating directly to the visual impact are from the Town Council, who express concern in their original response over the density of the development and consider it represents an overdevelopment of the site. The Conservation Officer has commented on the listed building aspects of the proposals in the following application on the agenda.

In Officers' opinion, the detailing of the proposed apartment building raises interesting questions given its scale and the 'modern' approach to its design. It would be a

substantial and potentially dominating structure viewed from some angles, certainly compared with the three storey buildings of the original Grange Hotel. However, whilst the building has some apartments at sixth floor level, where the roof height would be marginally above that of the main ridge of the substantial block of existing buildings at 43-50 East Parade, its bulk when viewed from East Parade is broken up by variations on its roof height, as can be seen from the plans at the front of the report. It would nonetheless be a dominant physical presence when viewed from most angles, including the rear gardens of the residential properties on St Asaph Street and Chester Street. In terms of concept, in acknowledging the agent's explanation of the design principles adopted, the relevance of the design to traditional built form in Rhyl is not obvious here and it is considered this would result in a somewhat unique form of development in the context of older buildings in the vicinity. Looking at the wider context, however, it is relevant to consider there are examples of substantial buildings of non-traditional character nearby at the Sun Centre/ Pavilion, and Glendower Court (4 storey flat roof apartments) and there is a distinctly 'modern' approach being adopted in the major redevelopment scheme at the Ocean Beach site at the other end of the seafront in the town. The foregoing suggests there are a number of factors to weigh in considering the acceptability of the visual impact of the proposals.

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 are local concerns expressed by one private individual over potential for loss of privacy and impact on residential amenity from the proposed building.

In Officers opinion, the residential amenity issues arising from the development are mainly from the potential for overlooking / loss of privacy from upper floor apartments facing towards the rear garden areas of St Asaph Street and Chester Street properties. In this context, whilst it is considered there would be a potential for overlooking into rear garden areas of existing properties from the upper floor units, the main rear wall of the apartments would be some 18 - 20 metres from the southern boundary of the site with the nearest dwellings at nos 14 St Asaph Street and 15 Chester Street, and there are screen walls along the boundaries of all these properties which would limit the extent of overlooking from the apartments, particularly as distance increases from the Grange site. In this context, it is to be acknowledged that there would have been a degree of overlooking from rooms at the rear of the old hotel towards the properties nearest the Grange, but it is not considered the scheme would result in additional levels of overlooking sufficient to justify a refusal of permission. Concerns over additional noise and disturbance are acknowledged, but this is not considered likely to be of such significance to merit opposing the development.

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.

There are limited comments raised over the potential impact on ecology as a result of development. The Biodiversity Officer has raised the requirement for suitable bat and bird surveys, along with relevant mitigation proposals, whilst recognising the location is likely to reduce the attractiveness of the location for bats.

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.

Whilst the application site is close to areas shown at risk of flooding in the Development Advice Maps accompanying TAN 15 – Development and Flood Risk, Natural Resources Wales have confirmed they have no objections. There are no comments from Dwr Cymru Welsh Water on the application. The individual objector expresses concern over the absence of foul and surface water drainage details with the application.

On the basis that the site is not within a Flood Zone, there are no flood risk issues to consider here. The developers would need to provide relevant drainage information at Building Regulation stage and would need to adhere to current standards in designing and connecting into the existing drainage network.

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.

The plans show detailed proposals for a one way in and out access and a total of 22 vehicle parking spaces on the site. There are objections raised by Rhyl Town Council in their original response on grounds that the number of parking spaces is insufficient for the number of apartments, and that there would be unacceptable pressure on nearby streets for parking. They suggest in the event of permission being granted, that consideration be given to the routing of construction traffic to respect the need for access to the adjacent nursing home. Concerns over general highway impacts are reflected in the individual objection which comments in detail on existing conditions for parking in the vicinity.

In noting the various concerns here, it is significant that the Highway Officer has no objections to the proposal and has no concerns in respect of the adequacy of the local highway network. The Highway Officer has pointed to the previous use of the site as a hotel, and considers with respect to the parking situation that it is not unreasonable to support the application having due regard to this use, the availability of permit parking on East Parade and nearby long stay car parks, the proximity to the town centre and accessibility to public transport.

It is not considered in the context of the Highway Officer's comments, and with respect to objections raised, that there are strong highway grounds to refuse

permission here. In relation to the Town Council's response, any permission could be conditioned to require agreement to a Construction Method Statement, which could ensure consideration is given to securing access to the nursing home at construction stage.

4.2.7 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provided earlier advice on the importance of archaeological matters in the planning process, stressing the need for due assessment of the nature and importance of any features and their setting.

There are no individual representations raising archaeological issues. The County Archaeologist and CPAT have suggested any permission include a condition requiring a photographic survey of the sections of building remaining on the site, prior to demolition.

Subject to inclusion of the type of condition suggested by the Archaeologist and CPAT, it is concluded that archaeological interests would not be adversely affected by the development.

4.2.8 Viability issues

Viability considerations may be material to the assessment of an application, as a factor to be weighed in the acceptability of a particular proposal.

Earlier sections of the report outline the basis of the applicant's submissions on the issue of viability, and how this has been revised as a result of the financial viability assessment carried out by the District Valuer Service. The applicants take the view that the option of refurbishing the existing building on the site with an element of new build development is not feasible given the extent of new development likely to be required to make it viable, as suggested by the DVS. The redevelopment proposals have been amended to take account of the DVS appraisal, reducing the floor area of the building to save construction costs, resulting in a conclusion that the new build scheme has a reasonable prospect of being viable in the short term, making it a deliverable project eliminating concerns over the loss of a listed building and the site being left vacant indefinitely.

Officers view on the viability issue, based on the DVS conclusions and the revisions to the scheme, is that in relation to the refurbishment of the listed building there is no reasonable prospect of developing a scheme with sufficient 'enabling' new build development which would be acceptable to planning and conservation officers given the scale of development necessary to achieve viability, without adversely impacting on the character and appearance, and the setting of the listed building.

In relation to the redevelopment proposals, the evolution of the scheme to reduce building costs in response to points raised by the DVS over the likely time period within which the development may become viable suggests there would be a reasonable prospect of a residual profit, sufficient to encourage a developer to proceed, and sooner than the 12-24 months suggested in the DVS conclusions. The improved prospect of viability is a positive factor emerging from the revisions to the plans and is a matter dealt with further in the following sections in relation to affordable housing and open space requirements in the Council's planning policies.

4.2.9 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units is

provided.

As recorded in the preceding sections of the report, the viability of the development scheme has been subject to close scrutiny in order to inform consideration of key issues. The revised submission takes on board the assessment of the DVS and the reconfiguration of the apartment building has resulted in the applicants contending that the development is closer to being viable. The applicants have acknowledged that where a scheme shows a reasonable prospect of being viable, it may be more justifiable for the Council to insist on consideration of the requirements of its Affordable Housing Policies and to require a financial contribution towards provision elsewhere in the town, linked to the profitability of the scheme. The Council's Housing Officer has advised there is local demand for affordable housing, and requests due consideration of the case for affordable housing provision.

Officers' view on the issue is that in circumstances where there is no guarantee of a scheme being profitable at the time of grant of permission, but there is a clear prospect of viability within the time period of a permission, it would be reasonable to take a similar approach as that on the 2009 application, and to suggest any permission be linked to a suitably worded Section 106 Obligation setting terms for payment of a commuted sum linked to any developer profit above a recognisable level generated on the development, calculated at an appropriate point on the completion of the development. This 'clawback' would need to accept a level of developer profit appropriate to the risks of undertaking such a development, but would secure a payment for affordable housing on the basis of the agreed mechanism. In practical terms, Officers do not consider it would be reasonable to insist on affordable units being provided within the apartment development as this would be impractical in terms of management arrangements within a single building.

4.2.10 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 applicant has indicated that the development retains some 500 sq m for hard and soft landscaping, i.e. communal amenity space, which it is contended meets the required outdoor space standards. The Council's current open space calculator indicates a development of 44 units requires 2112 square metres Community Recreational Open Space and 1056 square metres Children's Play Space. Taking into account the 500 square metres Open Space referred to, this would translate into a requirement for a commuted sum payment of £117,068.16 for the development. The applicants have indicated that if the development proves viable to the extent that it generates an agreed developer profit, it may be acceptable to include for a proportional contribution towards open space on any return in excess of the agreed figure through a suitably worded Section 106 Obligation.

Taking the above information into account, Officers would suggest that as it is realistically not feasible to provide additional open space within the application site without compromising the viability of the development, it would be reasonable to pursue the idea of securing a financial contribution towards the enhancement of open space elsewhere in Rhyl through a 'clawback' clause in a Section 106 Obligation similar to that outlined above in relation to an affordable housing contribution.

4.2.11 Density

Local Development Plan Policy RD1 test ii) seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate differently.

Rhyl Town Council raise issues over the number of apartments, suggesting the density of development would represent an intensification of the site in terms of the

number of apartments..

The site area is indicated as 2213 square metres, and with a total of 44 apartments, this would approximate to a development density of 200 to the hectare. With regard to the density figure in Policy RD1, Officers in the Development Plan section have advised that this guideline is intended to refer to the development of dwellinghouses and not apartments / flats, which will inevitably be built in urban areas at densities well in excess of the 35 per hectare figure.

In respecting the concerns of the Town Council, Officers would not consider the proposals represent an overdevelopment of the site likely to result in an unacceptable cramping of the available site area by buildings, as the actual building footprint would occupy less than 30% of the site. The building is set back from the respective highways and the boundary with adjacent dwellings (see the plans at the front of the report) and it is not considered that it would appear cramped up against existing development. There is reasonable space proposed within the site for access, servicing, and a landscaped amenity area between the building and East Parade. Additionally, it is relevant to note that the area along the seafront in Rhyl is characterised by a relatively high density of development compared with the more traditional housing estates behind, and it is suggested that the proposed scheme would not be inappropriate in this context. Parking issues are dealt with separately in section 4.2.6 of the report.

4.2.12 Inclusive design

The requirement to outline how the principles of inclusive design are to be incorporated into a scheme are set out in TAN 12 – Design and TAN 18 – Transport, along with Local Development Plan Policy RD 1vii and Supplementary Guidance Note 8.

The submission includes an Access Statement and details provision to be made for persons with disability, including external ramps, and inclusion of lift and specialist equipment within the building. The proposals will also have to meet specific requirements of Part M of the Building Regulations and demonstrate a satisfactory approach to devising solutions for a difficult site.

4.2.13 Impact on listed building

Policy VOE 1 of the Local Development Plan is a general policy seeking to protect specific interests from development which would adversely harm them. Sites of Built heritage are one of the areas referred to in the policy, and would encompass listed buildings. The loss of a listed building may therefore be a material consideration on a planning application. There are detailed tests to be applied to listed building consent applications, outlined in Planning Policy Wales 2014 and Circular 61/96, which oblige consideration of the impacts on the character and appearance of listed buildings, and sets basic tests for consideration in relation to demolition of listed buildings, which have to be taken into account in the assessment of the merits of listed building consent applications (these are matters dealt with in detail in the following report on the agenda).

None of the consultee responses on the planning application raise issues specific to the proposed demolition of the remaining listed building. In response to the listed building consent application, the Conservation Architect and other Historic Bodies have expressed reservations over the case made to justify demolition, including concerns that the viability of the scheme is questionable.

In respecting the concerns over the loss of a listed building, there are a range of contrasting considerations which need to be addressed in this case. Planning policy and guidance rightly seek to protect historic buildings from harm, and there is a clear emphasis on securing retention unless there are compelling circumstances which might justify an alternative approach. In this case, the East villa is clearly in an extremely poor physical condition, through no fault of the current owner (who

purchased the property in 2013), and it is apparent from the financial viability appraisals, including that of the DVS, that the viability of any scheme involving refurbishment of the villa is questionable, whatever combination of proposals may be considered. The prospect of securing an alternative use for the listed building seems remote. There are regeneration benefits to be considered from consenting to a redevelopment of the site, and some urgency to move forwards given the derelict condition of the East Villa.

In the context of the above, Officers believe it would not be inappropriate to support the principle of demolition of the remaining building. The historic building merits of this conundrum are explored separately in the listed building application which would ultimately be referred to CADW for consideration if the County Council was minded to grant listed building consent.

4.2.14 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Policy RD 5 in the Local Development Plan.

The Community Linguistic Statement submitted with the application concludes that the proposals would have no material impact on the needs and interests of the Welsh Language.

In Officers' opinion, a residential development on this site in Rhyl would not by virtue of its size, scale, and location cause significant harm to the character and language balance of the community. The site has been in use as a hotel for many years and its use for residential purposes would assist in meeting the County's population growth targets.

4.2.15 Other matters

Ground stability

Concerns expressed by a neighbour over the stability of the land at construction stage and potential impacts on adjacent property are to be respected, but there are separate legislative safeguards under the Building Regulations to ensure safe building practice is followed. Ground conditions in this area are not known to be inherently unstable.

Limits on the time period for commencement of development

Rhyl Town Council suggest consideration be given to limiting the commencement period on any permission to one year. Officers would agree that this is a legitimate suggestion but given the potential for delay in the process of listed building consent (which is dependent on the decision on the following application on the agenda, and on CADW if the Committee does resolve to grant consent), it is suggested that the time period for commencement be two years.

5. SUMMARY AND CONCLUSIONS:

5.1 The application proposes the demolition of the remaining dilapidated grade 2 listed building and the redevelopment of the land by way of a substantial apartment building. The following application on the agenda deals with the parallel listed building consent application for the demolition works.

5.2 The report sets out in some detail the complex background leading to the submission of the application. The Grange Hotel has a unique place in the history of the town. It has suffered badly from neglect over time and original buildings have been lost following fire damage. What remains is in a state of dereliction, and is on the Council's 'Eyesore Sites' list which seeks to secure action to improve derelict and run down sites in the County. The new owner has assessed the situation and has put forward ambitious plans in an attempt to move forwards.

5.3 The planning application raises a range of issues which oblige careful consideration. There are conflicting views on the acceptability of the proposals, including concerns from the Town Council over the impact of the development, and there are concerns in relation to the following listed building consent application from Historic bodies over the justification for demolition of the listed building (the latter being a key issue on the listed building application). The modern design and the scale of the building would make this a distinctive feature along East Parade, a factor to place in the balance with the other issues highlighted in the report.

5.4 In terms of current Development Plan policies, Officers suggest there are limited conflicts with the proposals, subject to securing contributions to affordable housing and open space if the development achieves an agreed level of return. The principle of a suitable redevelopment is consistent with emerging strategies for development in the town arising from the Rhyl Going Forward initiative, which Officers suggest are a significant material consideration to be weighed in any decision.

5.5 In this instance it is concluded that the loss of the remaining listed building would be regrettable, but having full regard to the derelict condition of the building, the viability information in relation to retaining the building with an element of new build development, and the regeneration benefits for the town from the redevelopment proposals, Officers opinion is that there are justifiable grounds for recommending the grant of planning permission. The early demolition of the dilapidated building and clearance of the site would represent a recognisable gain from the grant of permission.

5.6 The Officer recommendation therefore is to grant permission subject to a Section 106 agreement to secure:-

- (a) The carrying out of demolition of the existing building and clearance of the site within one month of the signing of a contract for the construction of the apartment building
- (b) The payment of commuted sum contributions for the provision of affordable housing and open space in accordance with the Council's policies and guidance, based on an agreed clawback mechanism accepting a suitable developer profit and identifying a clear trigger point for payment.

In the event of failure to complete the Section 106 agreement within 12 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun before the expiration of two years from the date of this permission.
2. No demolition shall take place before the contract for carrying out the works of redevelopment on the site has been made, and evidence of the contract has been submitted to the local planning authority. The demolition works shall be completed within one month of the date of the Council's approval of the details of the contract for redevelopment.
3. No works on the redevelopment shall commence until the following details have been submitted to and agreed in writing by the Local Planning Authority:
 - a. All external materials to be used on the walls and roofs of the building
 - b. All hard and soft landscaping details, including the materials to be used on the making good of boundary walls the surfacing of accessways, and proposed planting; and the maintenance thereof.The development shall be carried out strictly in accordance with the approved details.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Before the redevelopment hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall submitted to and approved

- in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.
6. No surface water shall be allowed to connect, either directly or indirectly to the public sewerage system, unless otherwise approved in writing by the Local planning Authority.
 7. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
 8. No redevelopment shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water Network Development Consultants.
 9. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological trust within two months of the field work being completed..
 10. In relation to the carrying out of the demolition and building works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the demolition methodology, site compound locations, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes. The works shall be carried out strictly in accordance with the approved details.
 11. None of the apartments hereby approved shall be occupied until the access and parking arrangements have been completed in accordance with the submitted plans. The access and parking arrangements shall be maintained as approved at all times.

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

1. In order to ensure the early redevelopment of the site.
2. To ensure the comprehensive redevelopment of the site, in the interests of visual amenity.
3. In the interests of visual amenity.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To ensure adequate provision for accessibility for persons with disability.
6. To ensure a suitable drainage system.
7. To ensure a suitable drainage system.
8. To ensure a suitable drainage system.
9. In order to allow proper opportunity for recording of any archaeological features.
10. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
11. To ensure the site is served by an adequate access.

NOTES TO APPLICANT:

You are hereby reminded that the works to which this permission relates also require Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence for demolition works or other operations affecting the character of a listed building (including internal alterations) to be carried out without Listed Building Consent; no such works should therefore be carried out until Listed Building Consent has also been granted.

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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Agenda Item 15

WARD : Rhyl East

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

APPLICATION NO: 45/2014/0389/ LB

PROPOSAL: Demolition of easterly villa and westerly annex, and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works (Listed Building application)

LOCATION: Grange Hotel Site 41-42 East Parade Rhyl

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Heading:

REFERENCE NO. 45/2014/0388/PF
& 45/2014/0389/LB - 41-42 EAST 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

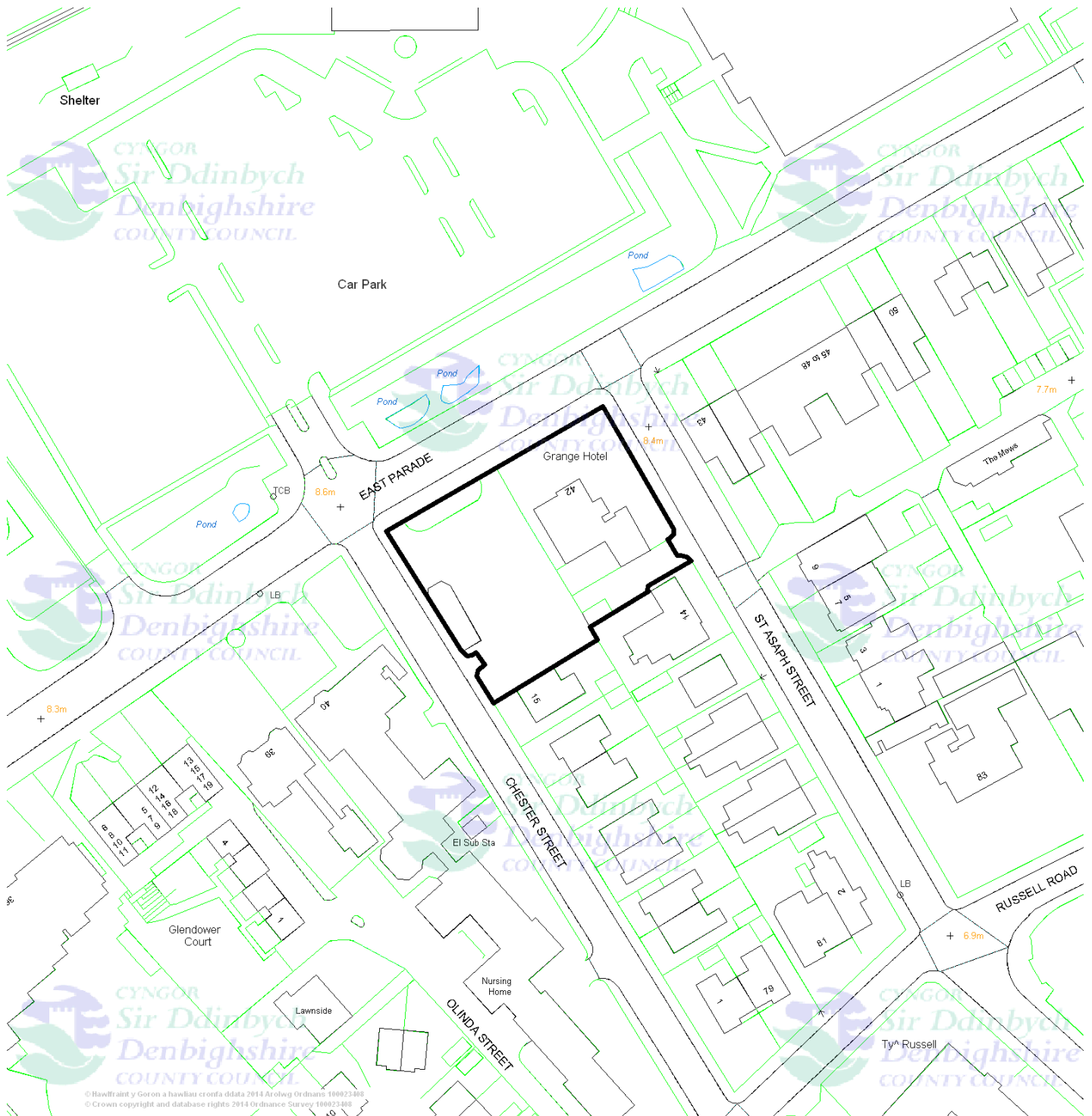


Date 24/11/2014

Scale 1/1250

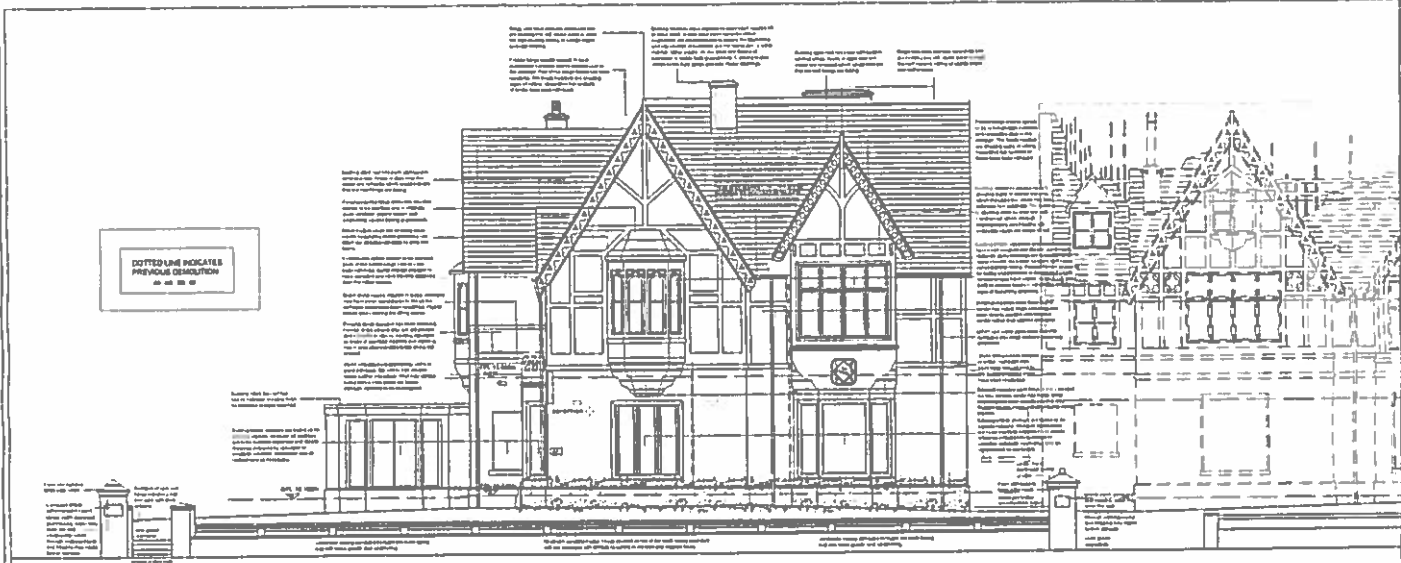
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This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the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



EXISTING BUILDING

EX10



EXISTING NORTH ELEVATION WITH BOUNDARY (Scaled 1:50)

Architects Notes

1. This drawing is for planning purposes only and is not to be used for any other purpose.

2. The building is shown as existing and is not to be demolished.

3. The boundary line is shown as a solid line and is not to be altered.

4. The dotted line indicates previous demolition.

5. The building is shown as existing and is not to be demolished.

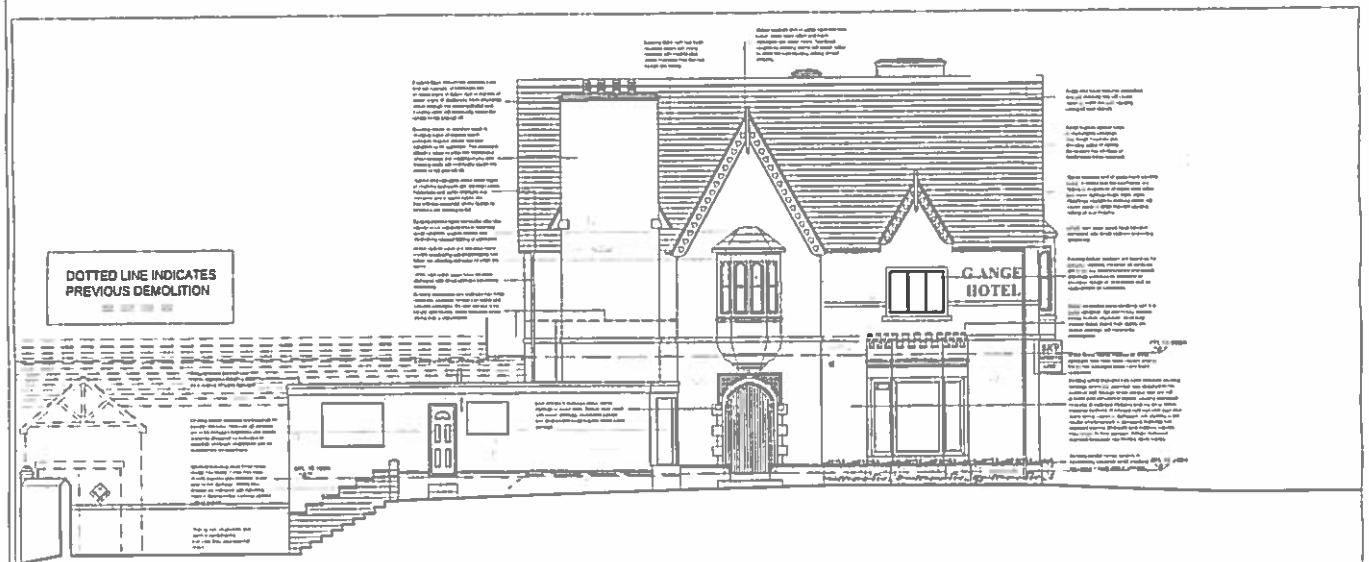
6. The boundary line is shown as a solid line and is not to be altered.

7. The dotted line indicates previous demolition.

FOR PLANNING PURPOSES ONLY

Project: EX10	
Client: J.P. ARCHITECTS	Location: [Blank]
Date: [Blank]	Scale: [Blank]

EX08



EXISTING EAST ELEVATION (Scaled 1:50)

Architects Notes

1. This drawing is for planning purposes only and is not to be used for any other purpose.

2. The building is shown as existing and is not to be demolished.

3. The boundary line is shown as a solid line and is not to be altered.

4. The dotted line indicates previous demolition.

5. The building is shown as existing and is not to be demolished.

6. The boundary line is shown as a solid line and is not to be altered.

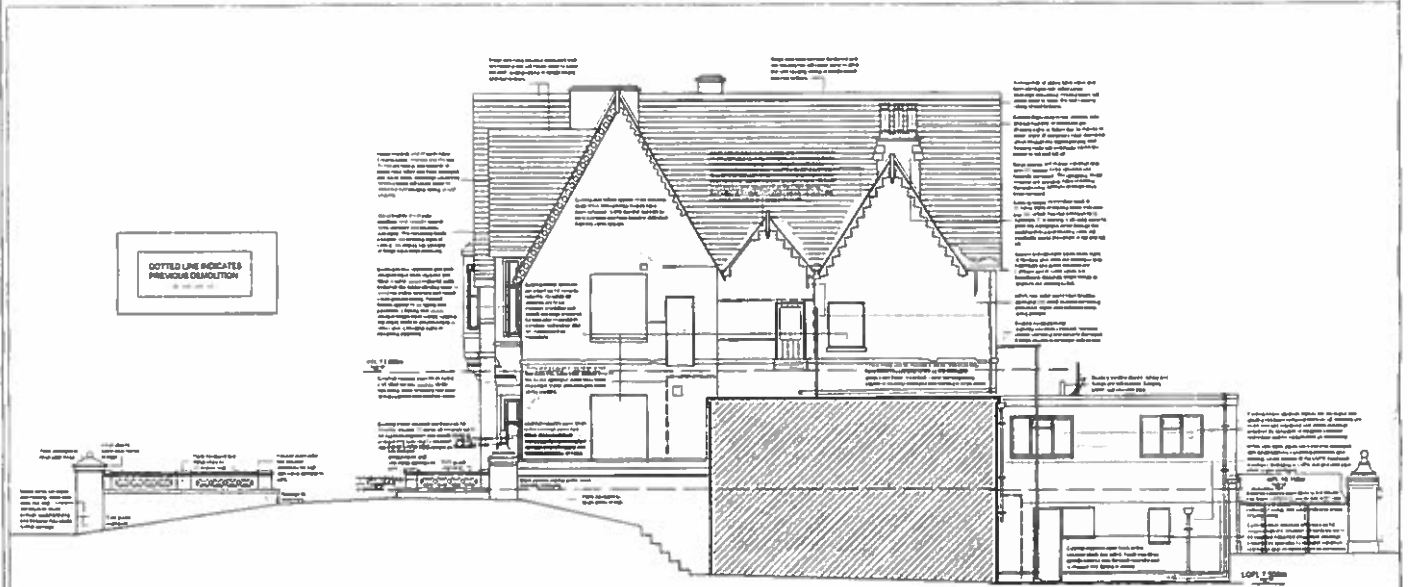
7. The dotted line indicates previous demolition.

FOR PLANNING PURPOSES ONLY

Project: EX08	
Client: J.P. ARCHITECTS	Location: [Blank]
Date: [Blank]	Scale: [Blank]

EXISTING BUILDING

EX11



EXISTING WEST ELEVATION WITH BOUNDARY (Scaled 1:50)

Architects Notes

1. The drawing is for information only and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

2. The drawing is based on the information provided by the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

3. The drawing is based on the information provided by the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

4. The drawing is based on the information provided by the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

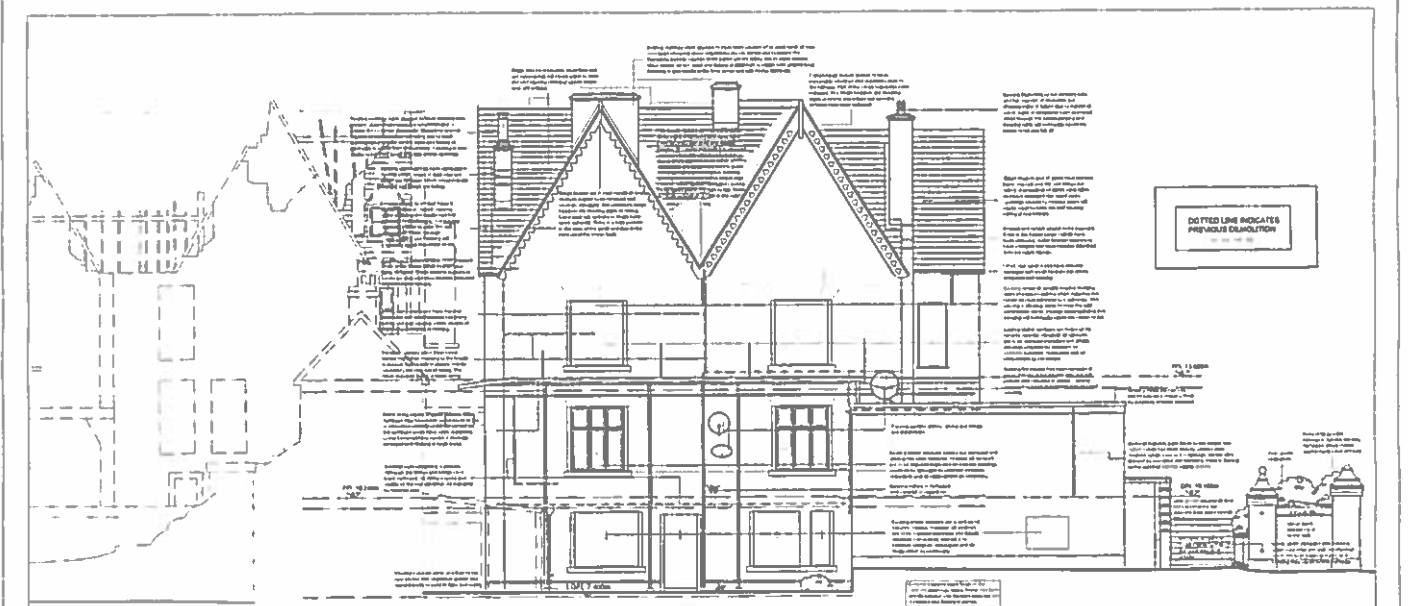
5. The drawing is based on the information provided by the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

FOR PLANNING PURPOSES ONLY

Project: EX11	
Client: J P ARCHITECTS	Architect: J P ARCHITECTS
Scale: 1:50	Date: 10/10/2023

EXISTING BUILDING

EX06



EXISTING SOUTH ELEVATION COURTYARD (Scaled 1:50)

Architects Notes

1. The drawing is for information only and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

2. The drawing is based on the information provided by the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

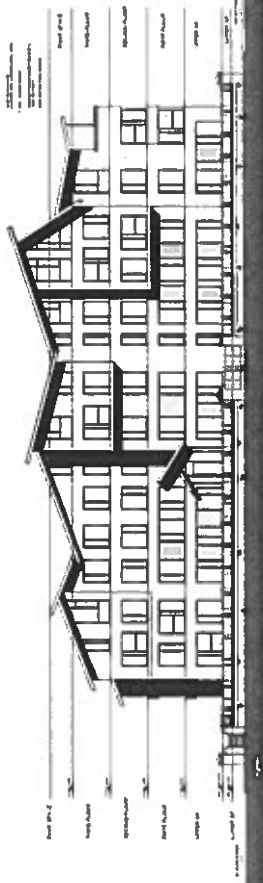
3. The drawing is based on the information provided by the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

4. The drawing is based on the information provided by the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.

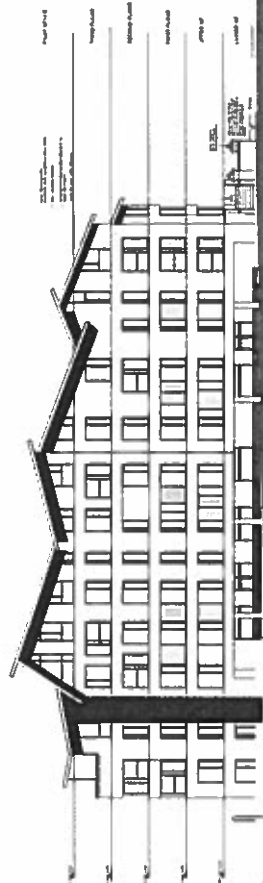
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FOR PLANNING PURPOSES ONLY

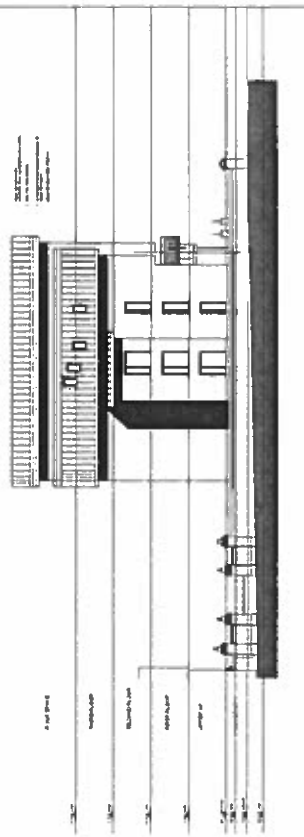
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Client: J P ARCHITECTS	Architect: J P ARCHITECTS
Scale: 1:50	Date: 10/10/2023



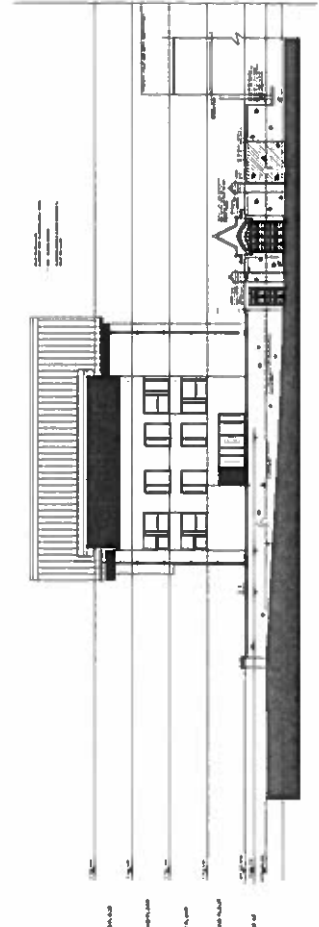
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

PROPOSED APARTMENT BUILDING ELEVATIONS

FOR FIRMING PURPOSES		P05 A	
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DRAWING NO: 11-11-001	DATE: 08/11/11	ARCHITECT: J P ARCHITECTS	PROJECT: THE GARAGE EAST PHASE 1
BY: J. P. ARCHITECTS	DATE: 08/11/11	ARCHITECT: J P ARCHITECTS	PROJECT: THE GARAGE EAST PHASE 1
CHECKED: J. P. ARCHITECTS	DATE: 08/11/11	ARCHITECT: J P ARCHITECTS	PROJECT: THE GARAGE EAST PHASE 1
DATE: 08/11/11	SCALE: 1/8" = 1'-0"	PROJECT: THE GARAGE EAST PHASE 1	CLIENT: J P ARCHITECTS
DRAWING NO: 11-11-001	DATE: 08/11/11	ARCHITECT: J P ARCHITECTS	PROJECT: THE GARAGE EAST PHASE 1
BY: J. P. ARCHITECTS	DATE: 08/11/11	ARCHITECT: J P ARCHITECTS	PROJECT: THE GARAGE EAST PHASE 1
CHECKED: J. P. ARCHITECTS	DATE: 08/11/11	ARCHITECT: J P ARCHITECTS	PROJECT: THE GARAGE EAST PHASE 1

SHOWING RELATIVE HEIGHT OF ADJACENT DEVELOPMENT

WARD : Rhyl East

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

APPLICATION NO: 45/2014/0389/ LB

PROPOSAL: Demolition of easterly villa and westerly annex, and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works (Listed Building application)

LOCATION: Grange Hotel Site 41-42 East Parade Rhyl

APPLICANT: Mr Andy Coombs

CONSTRAINTS: Listed Building

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 objection
- Member request for referral to Committee

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“DECISION: Objection on the following grounds

1. The Council feels that the density of the number of proposed flats would represent an over intensification of the site in terms of the number of apartments proposed.
2. (notwithstanding the close proximity of the public car park), The Council considers the provision of only 21 on-site parking spaces for 44 apartments inadequate for the need and that this will result in significant on-street parking to the detriment of the occupiers of surrounding properties.

In the event that the application is approved by the Local Planning Authority then the Town Council would request that the following conditions be applied to any permission granted

1. That Standard Condition No. 1 be amended to require that any development permitted shall be commenced prior to the expiry of 1 year of the date of the grant of permission.
2. That a restriction be placed on the route of construction vehicles accessing and departing the site in consideration of the close proximity of particularly the Bradshaw Nursing Home and the frequent round the clock need for emergency vehicles to access that property.”

ROYAL COMMISSION ON THE ANCIENT & HISTORICAL MONUMENTS IN WALES

Comments on original submission

The remit of the Commission allows comment only on this historical significance and context of a movement or structure and on the adequacy or otherwise of the record. Note the Grange

hotel was listed for its special interest as a large mid 19th century villa in Tudor Gothic style, but since listing has become very derelict after fire damage, and has been partly demolished. Circular 61/96 makes it clear that listed buildings are only demolished in exceptional circumstances, but it is to be noted that the Grange Hotel is now a fragmentary structure. If consent is granted, will not need to make a special record of this building before demolition.

Comments on October 2014 revisions
Reaffirm above comments.

GEORGIAN GROUP WALES

The date of the building does not fall within the Group's remit, hence defers to the Victorian Society. It is concerning that a listed building may be lost.

ANCIENT MONUMENTS SOCIETY

Comments on original submission

Objects to the application. Having regard to the background and the information submitted, feel there is insufficient justification for total demolition of the listed building. With reference to advice in 6.5.12 of Planning Policy Wales, consider that only modest efforts have been made to protect the building from acts of vandalism and that recent deterioration may have been the result of neglect. Are not convinced the building is beyond repair. Express dismay at the size and design of the replacement building which does not seem to reflect the existing character of the town, hence if the authority are satisfied the tests in PPW are met, an improved and less damaging proposal should be sought. Welcome the Council's recent efforts to protect Rhyl's historic properties, and the Townscape Heritage Initiative, and hope that the same degree of effort will be put into preventing the loss of this important contribution to Rhyl's seaside heritage.

Comments on October 2014 revisions

Maintain previous objections. Consider the financial considerations in the Addendum fail to justify demolition, and the new building falls short of expectations for this historically sensitive site.

COUNCIL FOR BRITISH ARCHAEOLOGY

Object to the proposals, which will result in the complete loss of the paired villas which are evidence of the town's Victorian past as a fashionable seaside resort. Consider that despite the belief that the building is beyond repair, it retains a good deal of original fabric and character. The present condition should not be seen as a barrier to restoration, but as a challenge aiming at incorporating the building into a new development. Urge that this option is fully explored before demolition.

VICTORIAN SOCIETY

Object to the proposal, which would result in the total loss of a designated heritage asset. The east villa remains an attractive Tudor Gothic villa. Do not consider the applicants argument that demolition is justified by the dilapidated state of the buildings is backed up by the structural survey which demonstrates that the building is generally structurally sound and could be restored. The submitted documents do not contain information confirming that the cost of restoring and incorporating the building into the redevelopment would be prohibitively expensive, and on the basis of the documents available a serious case for the demolition of the listed building has not been made. The approach in a previous application involving the conversion as part of a redevelopment is one that could be supported. In the absence of stronger justification, new development should be linked to the retention and restoration of this nationally important historic building.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Have no objection to demolition but require a detailed photographic record of the buildings in their current state prior to demolition works commencing, which can be covered by planning condition.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Conservation Architect

The documentation now submitted seems to suggest that retention of the listed building and development on the remaining site is not financially viable. The demolition of the listed building and a new building with a modified design on the entire site they say is now financially viable. Is unable to contradict this assertion but is very disappointed that demolition may now be granted consent. Has looked at the criteria in set down in S92 of WOC 61/96 and whilst is unsure whether significant efforts have been put into saving the building in recent years, generally speaking there seems to be no financially viable way of saving the listed building, and in the interests of benefits to the wider community I do not object to demolition.

RESPONSE TO PUBLICITY:

One representation has been made by a private individual in relation to the planning application for the redevelopment. This refers to the need to have regard to the listed status of the remaining building.

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- 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 application seeks listed building consent to demolish the Grade II Listed Eastern Villa, to enable a redevelopment of the site at the former Grange Hotel, Rhyl.
- 1.1.2 The proposals are submitted in parallel with planning application 45/2014/0388/PF which relates to the detailing of the redevelopment of the site in the form of a 44 apartment building.
- 1.1.3 The application contains a range of information in addition to the forms and drawings, including a Design and Access Statement, a Structural Report, and an Order of Cost document. It has been supplemented by additional information in October 2014 dealing with the financial viability situation in respect of the options for refurbishment of the remaining building in association with a redevelopment.
- 1.1.4 Members are referred to the preceding report on the agenda which sets out the full background history and factual information of relevance to the planning merits of the redevelopment scheme.
- 1.1.5 Separate listed building consent is required for demolition of the listed building(s). If the Committee are minded to grant listed building consent, the application has to be referred to CADW, who would then decide whether to authorise the Council to issue the consent, or to instigate a 'call in' for determination of the application by the Planning Inspectorate.
- 1.1.6 The application is accompanied by sets of detailed drawings and a number of supporting documents, including commentary on the revisions undertaken in October 2014 to address issues raised in consultee responses on the original scheme. These set out the case for the proposals and include the following:

A Design and Access Statement

This 30 page document explains the proposals, the background to the submission, the design concept for the new apartment building and the justification for the demolition of the remaining buildings on the site.

In brief, the Statement refers to the extensive fire damage which occurred to the Western villa in March 2008, the previous scheme supported by the Council in 2010 to retain the easterly villa and western annex, and reasons why this never materialised.

The Statement accepts the historic importance of the site and the Grade II status of the remaining buildings. It explains the series of catastrophies and negative actions over recent years which it is argued have rendered the existing buildings beyond economic repair and restoration in relation to the importance of the listed building and the value derived from its continued use, given also there is no financial assistance from the Authority. It is stated the buildings and the site have been offered to the market as an unrestricted freehold, but to no avail, so the only logical option is to redevelop the site. The merits of alternative use have been considered but the overriding costs of any proposed restoration and repair would outweigh the cost of the works needed for any alternative use, causing any proposed use not to be viable.

There is a section dealing with the detailed condition of the east villa which explains every salvageable or reclaimable item has been broken out and removed, causing significant damage to the internal fabric, and there was a further fire in 2011. It explains the economic value of refurbishment in 2009 before the former owner went into liquidation, and current budget cost estimates. It refers to the separate document providing economic costings of refurbishment to support the case for demolition and redevelopment with residential use in keeping with the site and area – which it is considered would be attractive to a variety of potential residents.

There is a section explaining marketing attempts to accelerate restoration and the merits of alternative proposals for the site, in response to the tests in Welsh Office Circular 61/96, which conclude the case for demolition is made.

In respect of project viability, the Statement has been updated in an Addendum in October 2014 following reassessment of key parameters and the review of the original submissions by the District Valuer Service (DVS) who were engaged by the County Council to provide an independent evaluation of viability considerations. The Addendum indicates that a design review has resulted in the reduction of the proposed floor area, which would generate a saving of £480,000 on build costs, improving viability whilst reducing the overall mass of the building. It is argued that the refurbishment of the east villa is not financially viable, whichever permutations may be considered. It is anticipated some apartments would be offered for leasehold sale and some retained as a rental portfolio. It is considered the project can be shown to be viable.

The design concept has been developed with reference to the adjacent sea in mind, with roof forms being inspired by 'natural and powerful wave forms'.

In relation to key Planning Policy and guidance, it is indicated that the apartment and duplex units have been designed with regard to the Council's space standards; that 500 sq m outdoor space is to be provided, but Recreational Open space can not meet the SPG standards in an urban location.

An Order of Cost report

This confidential document submitted with the original application documents has been effectively superseded by the information in the October 2014 update (see the paragraph below)

A pre-assessment Code for Sustainable Homes report

This is a standard document setting out the ability of the proposed development to meet Code level 3 and associated credits.

A Structural Inspection report

This is a 5 page report from Patrick Parsons, Consulting Engineers, on the condition of the buildings on site. The report comments on the deteriorating condition of the buildings and questions the viability of the structures as part of any scheme.

(The annex to the west villa was removed in agreement with CADW in June 2014 having regard to its condition and health and safety fears given proximity to a public highway)

The October 2014 Addendum statement

The Addendum statement is an important document in relation to the submission as it updates and pulls together the applicant's case in support of the demolition of the remaining listed building and the financial viability of the redevelopment scheme, following consideration of these matters by the District Valuer Service (DVS)

The statement recognises the commentary from the DVS and contends that the redesign of the new build scheme has improved the financial viability whilst reducing the overall mass of the building. It suggests the reconfiguration of the building would reduce construction costs and would generate a residual profit, albeit below the level considered reasonable by the DVS to recognise the level of risk in the scheme. It argues that different permutations involving the refurbishment of the easterly villa as part of the scheme are not financially viable, and that the new build option would provide an interesting aesthetic reflecting the marine environment, providing an attractive opportunity to a variety of potential future purchasers.

The statement recognises the concerns of consultees over the loss of a listed building but stresses the benefits of the regeneration of a 'tired and prominent site' in the town.

- 1.1.7 The agents have submitted a planning application at the same time as this listed building consent application, under code no. 45/2014/0388/PF. As noted above, this forms the basis of the preceding report on the agenda.

1.2 Description of site and surroundings

- 1.2.1 The Grange Hotel is located on the south side of East Parade, one of the main east-west seafront roads in Rhyl. It lies to the west of the Sun Centre, immediately opposite one of main car parks serving that facility. It is bound on the east side by St Asaph Street, and by Chester Street on the west side.
- 1.2.2 The Grange was historically run as a hotel, and a Grade 2 listed building consisting of two main 'villas', constructed in the 1850's with additions of varying styles. The west villa was severely affected by a fire in 2008 and has since been demolished, along with a stone annex to the West villa, which was removed in mid 2014 with CADW's approval on health and safety grounds. The east villa remains on site, and is in a very poor physical condition.
- 1.2.3 Vehicular access into the site has been possible from entrances off East Parade, Chester Street and St Asaph Street, with other pedestrian entrances on these roads. There appears to have been only limited on site parking available for users of the Hotel. The main 'service' accesses have been off Chester Street and St Asaph Street.
- 1.2.4 There are parking restrictions along East Parade and on both sides of Chester Street and St Asaph Street for a distance of some 15 metres down from the junctions with East Parade.
- 1.2.5 Ground levels fall down from the East Parade direction. There is an approximate difference in levels of some 3 metres between East Parade and the yard area at the rear of the site.
- 1.2.6 The predominant land use in the locality is residential, but there are a range of tourist related uses such as hotels, and residential/nursing homes nearby. The Royal Alexandra hospital is some 300 metres to the north east along East Parade.
- 1.2.7 Building styles in the locality vary considerably. There are 4.5 storey units immediately to the east at No's 43-50 East Parade; a 3 storey unit immediately to the west (Bradshaw Manor), 4 storey flats at Glendower Court; and mainly traditional 2

storey houses adjoining the southern boundary along both Chester Street and St Asaph Street. The 'modern' Sun Centre and Pavilion building is some 100 metres to the north east along East Parade.

- 1.2.8 The boundary between the site and the immediately adjoining dwellings on St. Asaph Street and Chester Street is defined by a mix of stone and brick walls of varying height, and there is a gap in the boundary alongside part of the walls between 15 Chester Street and the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Rhyl on the proposals map of the Local Development Plan.
- 1.3.2 Within the Plan, the site has no specific use designation. The area to the north side of East Parade (not including the site) is part of a Coastal Tourism Protection Zone, subject to Policy PSE 13 of the Plan, which does not support proposals which would result in the loss of tourism facilities.
- 1.3.3 As noted above, the remaining east villa is a Grade II Listed building and is of Tudor Gothic style.

1.4 Relevant planning history

- 1.4.1 Applications for planning permission and listed building consent to convert the original hotel into 20 apartments were refused under Officers delegated powers in 2007, based on the limited case advanced at that time to justify the loss of the Hotel use, and the detailing of the scheme.
- 1.4.2 An alternative scheme for planning permission and listed building consent, involving the demolition of the fire damaged westerly villa, the retention of the stone built annexe, restoration of the easterly villa, and part redevelopment creating a total of 20 apartments with the use of the lower ground floor as a restaurant/functions facility, was submitted in 2009.
- 1.4.3 Denbighshire's Planning Committee resolved to grant listed building consent for the demolition of the remains of the west villa, and this was consented to by CADW in 2010. Committee also resolved to grant the planning permission subject to the completion of a Section 106 Obligation to secure a clawback payment for an affordable housing contribution in the event that the development generated an agreed level of profit when implemented. The Section 106 Obligation was not however completed, and the planning permission has never been issued.

1.5 Developments/changes since the original submission

- 1.5.1 Having regard to the significance of the proposals, the District Valuer Service (DVS) was engaged to undertake a detailed assessment of the financial viability of the proposals, and this report has assisted the applicants to review the contents of their submissions. This led to the submission of an amended scheme and additional information developing the financial viability arguments in October 2014.

The main conclusions of the District Valuer Service on the original submission were –

- The viability testing results illustrate that the option of refurbishment and new build as previously proposed is unviable and, in the DVS opinion has no chance of becoming viable in the immediately foreseeable future. There may be different configurations of a scheme involving refurbishment and new build, but without some form of public, private or third sector subsidy the development would need to be substantially larger to have any prospect of viability and almost certainly larger to an extent which could lead to the new build element being incongruous to the refurbished element and surrounding architectural environment.

- The proposals for complete site clearance and development face significant viability challenges and based on the assessment are also currently unviable, but are far closer to being viable (potentially within the next 12 to 24 months) and so consideration could be given to approval of this scheme, subject to suitable safeguards to prevent the applicant or successors in title from manipulating any such consent beyond the Council's intentions.
- The viability results show that there is currently no reasonable prospect of the present development proposals delivering the Council's policy requirements in respect of affordable housing and open space and as such these requirements could, on the basis of economic viability, potentially be waived in this case. This is a decision for the Council having weighed all relevant factors.
- Finally, it may be that the applicant could consider revisions (to units sizes, development density etc) to the current proposals that may lead to improved viability and this might be something for the Council to give further consideration to and potentially review with the applicant.

1.5.2 As noted earlier in the report, the stone annex to the West villa was demolished in June 2014, following Health and Safety concerns, and with the consent of CADW.

1.6 Other relevant background information

1.6.1 Assessment of the application needs to be undertaken alongside the parallel application for planning permission for the redevelopment of the site, which forms the subject of the previous application on the agenda.

1.6.2 The Grange has been identified as one of the County's 'Eyesore Sites' where multidisciplinary action has been targeted to remove or deal with issues.

1.6.3 The ownership of The Grange changed in 2013. The new owner has engaged positively with the Council in the course of developing the current planning and listed building applications.

2. **DETAILS OF PLANNING HISTORY:**

2.1 The most recent history is :

45/2006/0705/LB

External refurbishment works

Granted 21/11/2006

45/2007/0800/PF

Conversion and alterations of existing hotel to create 20 no. Self contained apartments and construction of a new vehicular access.

Refused 8/1/2007

Reason for refusal: Conflict with policy TSM 8 – no evidence to demonstrate attempts to market property as serviced accommodation/site lies in important cluster of serviced accommodation uses which should be retained to ensure an adequate range of holiday accommodation in the town.

45/2007/0801/LB

Listed building application for conversion and alterations of hotel to create 20 no. Self contained apartments.

Refused 21/12/2007

Reason: Design and detailing unacceptable and would not preserve/enhance the character/appearance/special interest of the Grade 2 listed building.

45/2008/1043/LB

Demolition of fire damaged building (listed building)

Withdrawn 20/3/2009.

45/ 2009/0184/PF

Demolition of fire damaged westerly villa, retention of stone built annexe, restoration of easterly villa, and part redevelopment; creating a total of 20 apartments; use of lower ground floor as restaurant/functions facility, provision of off road parking, open space, refuse and cycle storage.

Committee resolved to grant subject to completion of a Section 106 Obligation (never completed)

45/2009/185/LB

Demolition of fire damaged westerly villa and part redevelopment (listed building application)
Granted April 2010

3. RELEVANT POLICIES AND GUIDANCE:

Government Policy / Guidance

Welsh Office Circular 61/96 - Planning and the historic environment: Historic Buildings and Conservation Areas.

Planning and Listed Buildings Act 1990

Planning Policy Wales 7 2014.

There is no statutory requirement to have regard to the provisions of the Development Plan in making a decision on listed building consent applications. The key requirements are set out in Circular 61/96, Planning Policy Wales 7, 2014 and the Planning & Listed Buildings Act 1990 which oblige consideration of the impact on the character and appearance of a listed building, and offer general advice on the tests to be applied to proposals to demolish such buildings.

4. MAIN PLANNING CONSIDERATIONS:

In terms of guidance on matters relevant to the assessment of a listed building consent application involving demolition, Section 6.5.12 of Planning Policy Wales 7, 2014 and Welsh Office Circular 61/96 provide specific advice on the considerations to be applied by Local Planning Authorities. PPW reinforces the general presumption in favour of the preservation of listed buildings and essentially summarises the main contents of Paragraphs 92 and 93 of Circular 61/96, stressing that authorities should not authorise demolition to make way for new development unless it is certain that the new development will proceed.

Paragraph 92 of Circular 61/96 advises that the Secretary of State would not expect consent to be given for the total or substantial demolition of any listed building without convincing evidence that

—

- all reasonable efforts have been made to sustain existing uses or find viable new uses, and that these efforts have failed;
- that preservation in some form of charitable or community ownership is not possible or suitable;
- or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss from demolition

Para. 92 adds that it would not be expected that demolition consent be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the building was acquired at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

Paragraph 93 sets out 3 separate considerations it is expected Local Planning Authorities to address in determining applications involving total or substantial demolition of a listed building:

- i. The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. This test suggests less favourable levels of rents and yields cannot be automatically assumed, and that any assessment should take account of the possibility of tax allowances and exemptions, and grants from public or charitable sources. Where it is clear a building has been deliberately neglected, less weight should be given to the costs of repair

- ii. The adequacy of efforts made to retain the building in use. This should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition
- iii. The merits of alternative proposals for the site. This test indicates claims for the architectural merits of replacement buildings may be a material consideration, but should not in itself be held to justify the demolition of any listed building. It is suggested that even where it is thought the proposed works would bring substantial benefits to the community, it will often be feasible to incorporate listed buildings within new development, hence this option should be carefully considered, as the challenge presented by retaining listed buildings can be a stimulus to imaginative new design.

4.1 The main issues to address in relation to the application are therefore considered to be:

4.1.1 The acceptability of the proposals having regard to the tests of PPW 2014 and Welsh Office Circular 61/96

Consultee responses on the listed building consent application, as revised in October 2014, are mixed. Rhyl Town Council comment mainly on matters relevant to the land use planning merits of the redevelopment scheme, and not on the case for demolition. There are objections from the Amenity Bodies including The Ancient Monuments Society, The Council for British Archaeology, and The Victorian Society, the gist of their concerns being that the case is not fully made for demolition, either on the basis of the financial information or the structural condition of the building, and it is suggested that restoration is not prohibitively expensive. The indication is that stronger justification is required. The Royal Commission on Ancient and Historical Monuments in Wales and the Georgian Group do not express strong opinion on the proposals. The Council's Conservation Architect has reservations over the grant of consent for demolition, but accepts that if there seems to be no financially viable way of saving the listed building, in the interests of benefits to the wider community, does not object to demolition.

The basis of the applicants case in support of the proposals for demolition, in the context of PPW and tests as outlined in Circular 61/96 are summarised below -

- The information with the application highlights the difficult recent history at the site, and the attempts to sell the 2009 project for conversion and part redevelopment. It indicates that a number of developers and organisations had shown interest in the property, but without exception, the parties concluded that the site with the derelict Grade II building in place proved to make any development unviable. It confirms that the site and the development project was actively marketed by Elwy Estates and independently by the previous owners, all to no avail, and the site remained unsold until the demise of the previous owners, action by the bank and the official receivers. It states the current owner (who purchased the site in 2013) has also made attempts to attract alternative developers, in particular with Burinington Price and Llandrillo College, but both have confirmed they are not interested in the site.
- In relation to alternative proposals for the site, the submission refers to assessment of potential options of small scale housing, a nursing home, and a budget hotel. It mentions the policies of the Denbighshire Local Development Plan, which designates Rhyl as a low growth town and identifies the site as a housing commitment in the Proposals Map, suggesting there would be benefits to the town through delivery of much needed residential units. It concludes that the financial and viability model shows the mix of one, two, and three bedroom units will prove to be the best use for the site.
- With specific reference to the tests in Circular 61/96, the submission advises that :

- The condition of the buildings has deteriorated beyond the point of reasonable cost of repair and restoration in relationship to its importance and to the value derived from its continued use. In the absence of financial assistance to offset the cost of the works, demolition and rebuild as new would financially be the logical option. The viability review supports this conclusion.
- The buildings and site have been offered to the market as an unrestricted freehold but to no avail, making the only logical option to redevelop the site.
- The merits of alternative use has been considered but the overriding cost of any proposed restoration and repair would outweigh the costs of the works needed for any alternative use , causing any proposed change of use not to be viable.
- Having regard to the features mentioned in the listing description, from inspection and assessment it can be seen that almost all of the original internal features and architectural elements and components have now been destroyed or removed to a point where economical repair or restoration is not now viable. The document lists the features destroyed, missing and in poor condition.

Taking all the background information into account, Officers acknowledge there are factors here which weigh both for and against the grant of listed building consent for demolition. In addressing the issues in the context of PPW advice and in particular the tests of Welsh office Circular 61/96, Officers comments are as follows:-

Paragraph 91

The surviving building is what is left of two Grade II listed Victorian Villas. There is a volume of material submitted with the application offering 'evidence' in support of demolition, sufficient to form a reasoned judgement on the case for or against consent.

The submission outlines efforts which have been made over time to sustain the existing use, and to find viable new uses, which have failed. There is evidence that approaches have been made to external parties, including housing associations, who have not followed up any interest in taking on ownership. There is a sustainable argument that redevelopment would produce substantial benefits for the community by removing a derelict structure on the Council's Eyesore list, and providing a mix of housing in one of the County's low growth towns, contributing to the County's housing need figures – all of which may be factors in favour of outweighing the loss resulting from demolition. The financial viability information and the conclusions of the District Valuer Service on the viability of the conversion and the redevelopment options indicate this is not a situation where redevelopment is simply more attractive to the developer than repair and reuse of the historic building, or that the current owner acquired the building at a price reflecting the potential for redevelopment rather than the condition and constraints of the existing building.

Paragraph 92

(i) Detailed consideration has been given to the condition of the building, the cost of repairing and maintaining it in relation to the value derived from its continued use. There appear to be no realistic sources of grants from public or charitable causes. Interpretation of the DVS conclusion is that there is no realistic prospect of securing a viable scheme based on the retention of the remaining section of the listed building. There is no clear evidence that the building has been deliberately neglected, and in any event no responsibility for its current condition can be attached to the current owner.

(ii) It is difficult because of the change in ownership in the last year to be critical of efforts to retain the building in use. Its condition has gradually deteriorated over time, and the effect of the 2008 fire which destroyed the West Villa and contributed to the further degradation of the East Villa can not be underplayed in impacting on the feasibility and practicality of retaining the building in use. It is apparent from the contents of the

application that efforts have been made to sell the site on the open market at a price reflecting its condition.

(iii) The merits of the alternative proposals for the site are reviewed in the accompanying report on the planning application, and are considered to be a legitimate material consideration. There are differing opinions on the design merits of the redevelopment scheme but this is not considered by Officers to be a case where the justification for redevelopment rests solely on the architectural merits of the apartment scheme. The feasibility of incorporating the listed building within a new development have been scrutinised in detail by a 'neutral' body in the form of the DVS, in order to inform the decision making process; and significantly, as referred to earlier in this report, their viability testing results illustrate that the option of refurbishment and new build as previously proposed is unviable and has no chance of becoming viable in the immediately foreseeable future. Whilst the DVS accept it is impossible to rule out different configurations of a scheme involving refurbishment and new build, they state without some form of public, private or third sector subsidy the development would need to be substantially larger to have any prospect of viability and almost certainly larger to an extent which could lead to the new build element being incongruous to the refurbished element and surrounding architectural environment.

Finally, it is to be noted that this is an instance where a fully detailed redevelopment scheme accompanies the proposal to demolish the remaining listed building, so there is a level of certainty over a development proceeding should planning consent be granted for the application preceding this one on the agenda.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report provides commentary on the tests of current policy and guidance on the considerations to be applied to the listed building application, to inform members on the key issues in the context of the submissions from the applicants and the consultee responses. Having regard to all these, it is suggested ultimately that this is a case where the issues are in the balance.
- 5.2 The submissions from the applicants argue that all reasonable avenues have been pursued to secure the retention of the east villa and that the conclusion that there is no reasonable prospect of devising a scheme to include the building which could be viable or acceptable to the Conservation bodies is supported by the District Valuer Service in its assessment of the proposals.
- 5.3 In concluding on the key issues, Officers are fully respectful of the opinions held by the Amenity Bodies in expressing reservations over the case for demolition. The reality here, unfortunately, is that what remains of a once significant building in the town's history is a sadly derelict fragment which blights this section of the seafront, with little obvious future potential for a viable use or salvation. Whilst recognising the importance of listing status and the need to address relevant tests when considering demolition proposals, having due regard to the substance of the submissions, the DVS assessment of the viability situation and the structural condition of the building, in the context of the tests of PPW and Circular 61/96, it is suggested that there is a justifiable case to support demolition linked to an early redevelopment. It is considered this is an instance where the benefits of redevelopment can be said to outweigh the loss resulting from demolition, and merit the Council's support.
- 5.4 The recommendation following is subject to referral of the listed building consent application to CADW for consideration, and authorisation from CADW that consent can be issued by local planning authority.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of one year from the date of this consent.
2. No demolition shall be permitted to commence until a contract for the carrying out the redevelopment has been made and evidence of the contract has been submitted to the local planning authority.
3. No demolition shall be permitted to take place until a suitable photographic record of the buildings has been undertaken, in a format to be agreed in writing by the Local Planning Authority, and such record has been deposited with the National Monuments Record of Wales.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of visual amenity.
3. To ensure a suitable record of the building.

NOTES TO APPLICANT:

In connection with Condition 3 of the consent, you should discuss the photographic format with, and send the record of the building to Richard Suggett/Nicola Roberts at the RCAHMW, Plas Crug, Aberystwyth, Ceredigion, SY23 1NJ. (Tel. No. 01970 621211).

WARD : Rhyl South

WARD MEMBER(S): Cllr Jeanette Chamberlain-Jones
Cllr Cheryl Williams

APPLICATION NO: 45/2014/0875/ PF

PROPOSAL: Erection of conservatory to side of dwelling

LOCATION: 56 St Margarets Drive Rhyl

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Heading:

REFERENCE NO. 45/2014/0875/PF

56 ST MARGARET'S 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

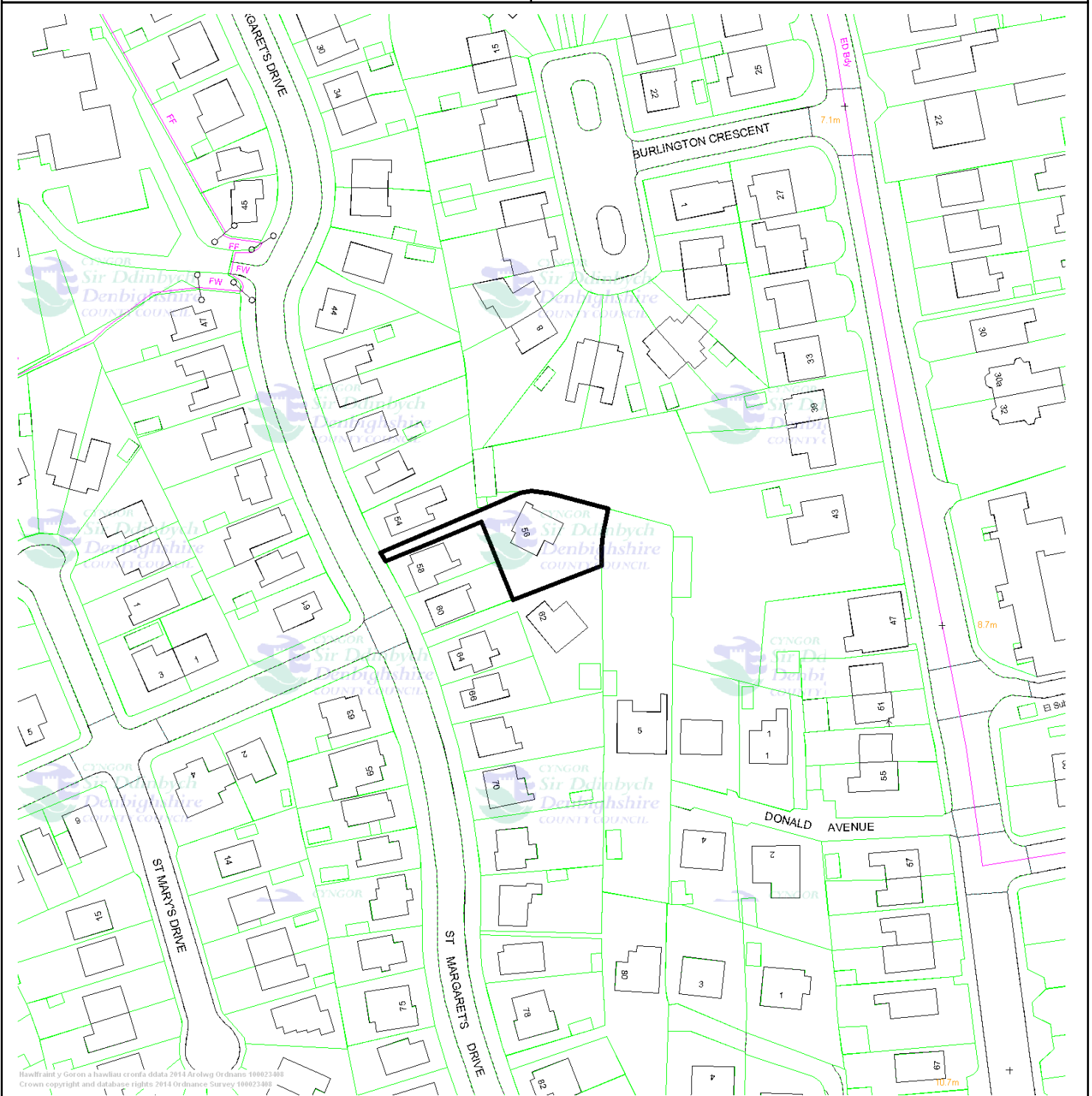


Date 26/11/2014

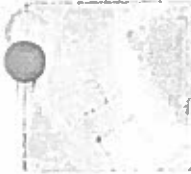
Scale 1/1250

Centre = 301895 E 380543 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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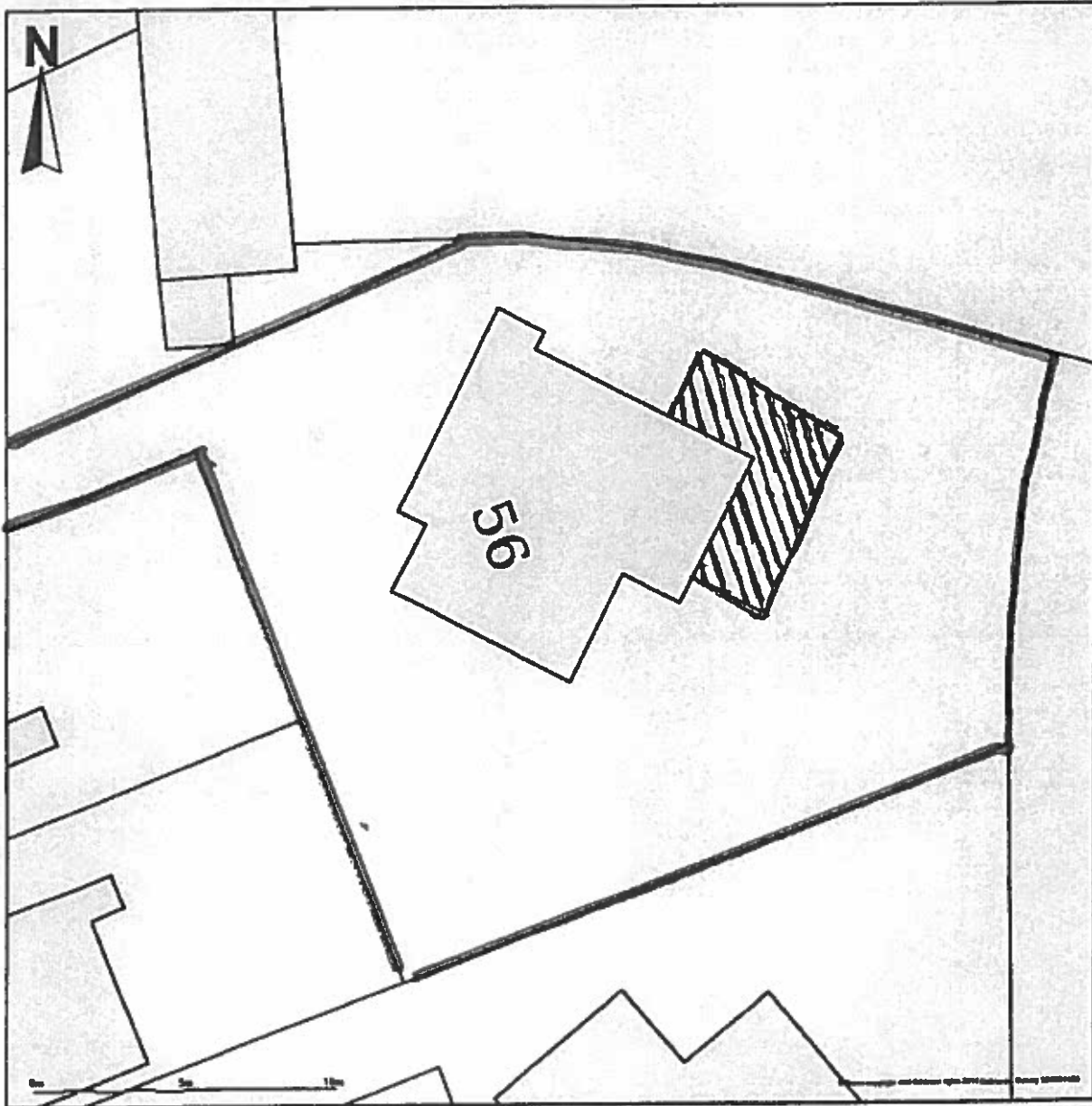


**UK
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Maps**

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23 OCT 2014
CALEDFRYN RECEPTION



56 St. Margarets Drive, Rhyl, LL18 2HU



Map shows area bounded by: 301875.0,380529.0,301911.0,380565.0 (at a scale of 1:200) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

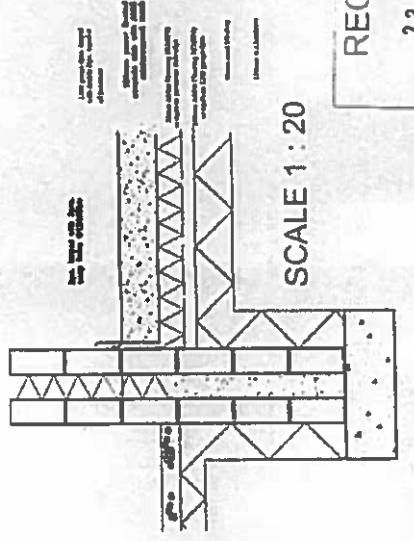
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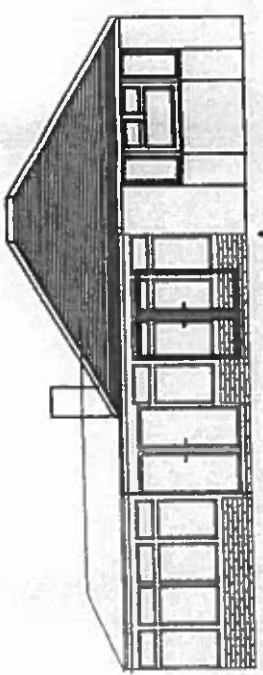
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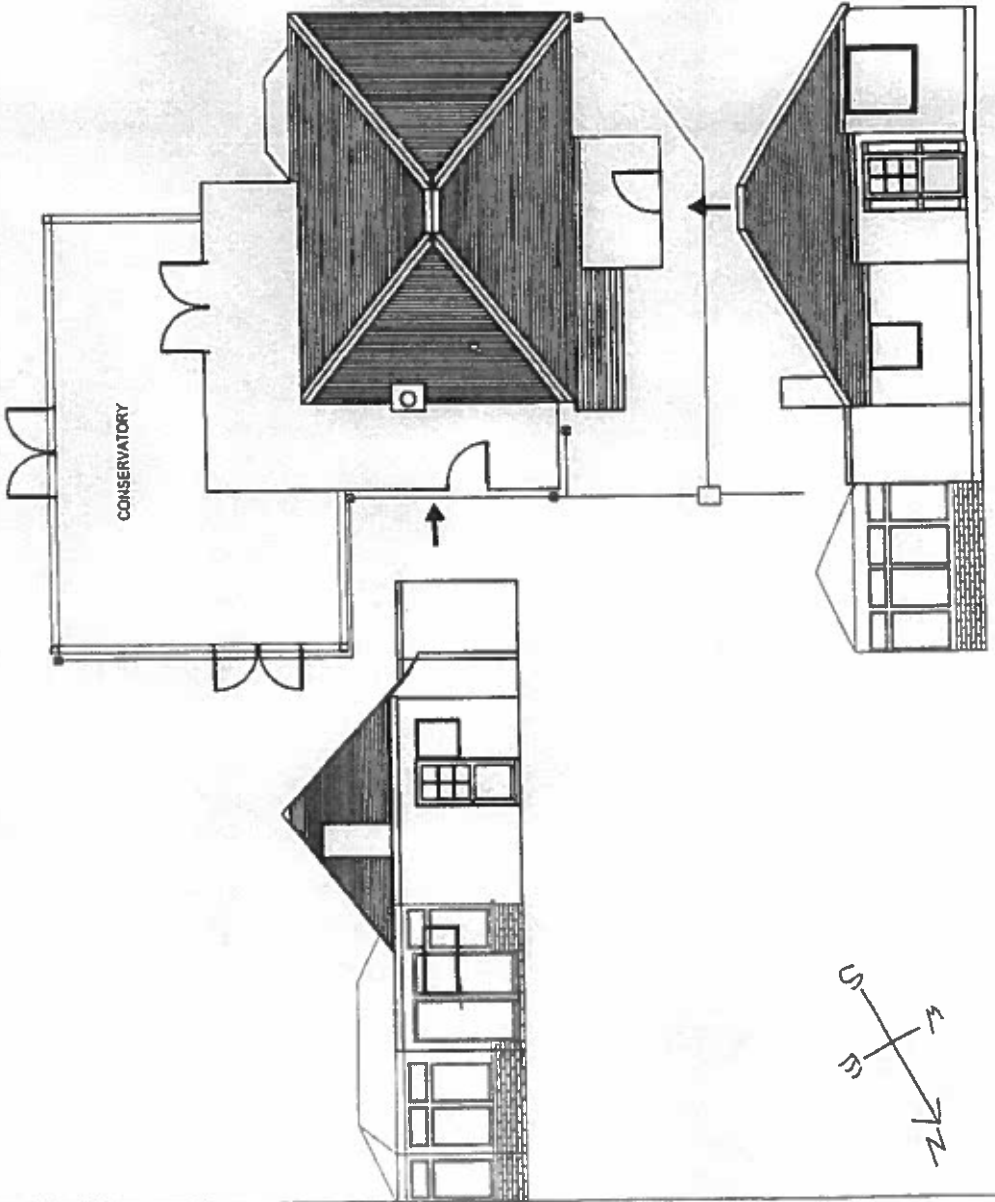
1 of 1 The PROPOSED
56 ST. MARGARETS DRIVE
Llanymyneon (Over) by
MIKE JONES SEPT 2014
Drawn / Scale 1 : 100



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PROPOSED



45/2014/0875/PF

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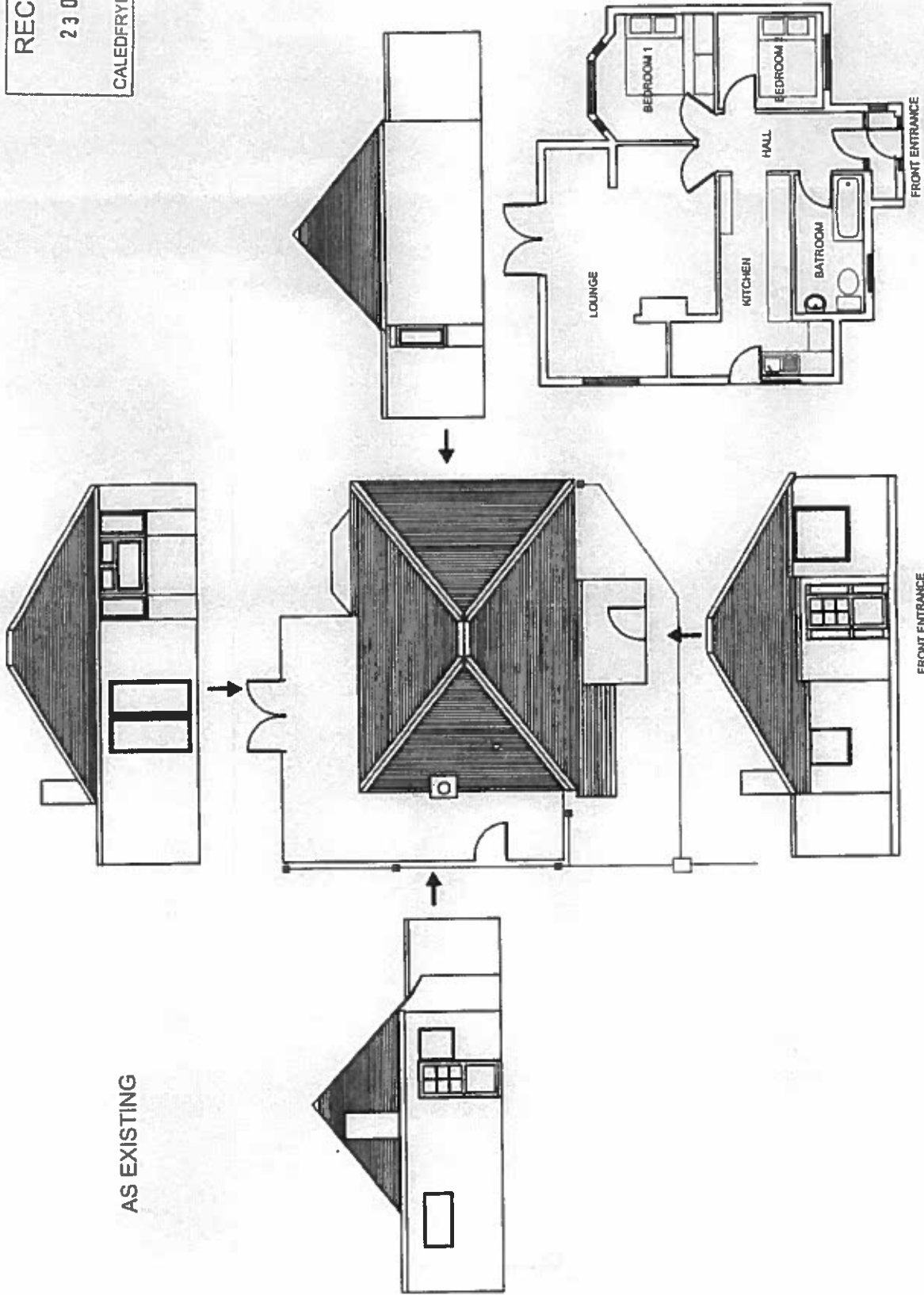
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RECEIVED

23 OCT 2014

CALEDFRYN RECEPTION

1 of 1 The AS EXISTING
56 St. MARGARETS DRIVE
RENT
Drawn by / Drawn by
MIKE JONES
Date: SEPT 2014
Drawing / Scale: 1 : 100



AS EXISTING

FRONT ENTRANCE

WARD : Rhyl South

WARD MEMBER(S): Cllr Jeanette Chamberlain-Jones
Cllr Cheryl Williams

APPLICATION NO: 45/2014/0875/ PF

PROPOSAL: Erection of conservatory to side of dwelling

LOCATION: 56 St Margarets Drive Rhyl

APPLICANT: Mrs.Amy Lyons

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 / approve – Town / Community Council objection

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Objection on the grounds that if permitted the development would represent over intensification of the site contrary to Policy RD 3 of the adopted Local Development Plan”.

RESPONSE TO PUBLICITY:

None at time of writing report

EXPIRY DATE OF APPLICATION: 17/12/2014

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Planning permission is sought for the erection of a conservatory extension at 56 St Margarets Drive in Rhyl. The application comprises of a conservatory proposed to the rear side of the property, to be wrapped around the existing living room.

1.1.2 The proposed conservatory comprises a dwarf brick wall with a UPVC frame with pitched roof. The footprint of the proposed conservatory would be approx. 38square metres with a maximum height of 3.4m.

1.1.3 The proposals are illustrated on the plans at the front of the report.

1.2 Description of site and surroundings

1.2.1 No. 56 St Margaret’s Drive is a detached residential bungalow located in a residential area of Rhyl.

1.2.2 The site is located within an area dominated by single storey development. The application site, along with no 62 St Margarets Drive, is set back behind the main road of St Margarets Drive behind other bungalows, with its access located in between no. 54 and 58.

1.2.3 The property occupies a relatively large plot. The existing property has a floor area of approx.65sq m within a plot size of approx. 480sqm (excluding the access road).

1.3 Relevant planning constraints/considerations

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

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 RD3 – Extensions and alterations to existing dwellings

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

3.2 Government Policy / Guidance
Planning Policy Wales Edition 7

3.3 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, 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

4.2 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.

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 a conservatory extension to the rear side of the dwelling which would project out 3.1m metres from the side and 3.1m from the rear, wrapping around the corner of the property to add approximately 38 sq metres of floorspace to the property. The existing dwelling has a footprint of approx. 65 sq metres. The ridgeline of the proposed conservatory would be set down from the main ridge height of the dwelling by 1.5m metres.

The proposed extension is located to the rear side of the property and would not be visible from most public viewpoints given the secluded location of the property set back from the main road. In Officers opinion the conservatory extension would be subordinate to the original dwelling and the scale and massing takes into account the design and form 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.

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.

Concerns have been raised by the Town Council that the proposal represents over intensification of the site. At the time of writing this report, no representations had been received from local residents raising any amenity concerns.

The proposed conservatory would add approx. 38 sq m of floor space to a dwelling with a floorspace of 65sq m, making a total of 103 sqm. The proposal would result in built development of 103 sq m within a plot of 480 sqm which equates to just over

20% of the plot being occupied by buildings and over 370 sq metres of amenity space remaining if the conservatory extension was permitted.

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 boundaries and siting of other properties and to the design of the conservatory in relation to neighbouring properties it is not considered that the proposal would result in a loss of light or privacy for adjacent occupiers. 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 proposal is considered acceptable with no adverse impact on visual or residential amenity.

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.

The reason for the condition is:-

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

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.

Agenda Item 17

WARD : Rhyl West

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

APPLICATION NO: 45/2014/0908/ PF

PROPOSAL: Change of use of former MUGA to a community food growing project consisting of raised bed allotments

LOCATION: Playground off Crescent Road/Gordon Avenue Rhyl

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Heading:

REFERENCE NO. 45/2014/0908/PF
PLAYGROUND OFF CRESCENT ROAD/
GORDON AVENUE, RHYL

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



Application Site

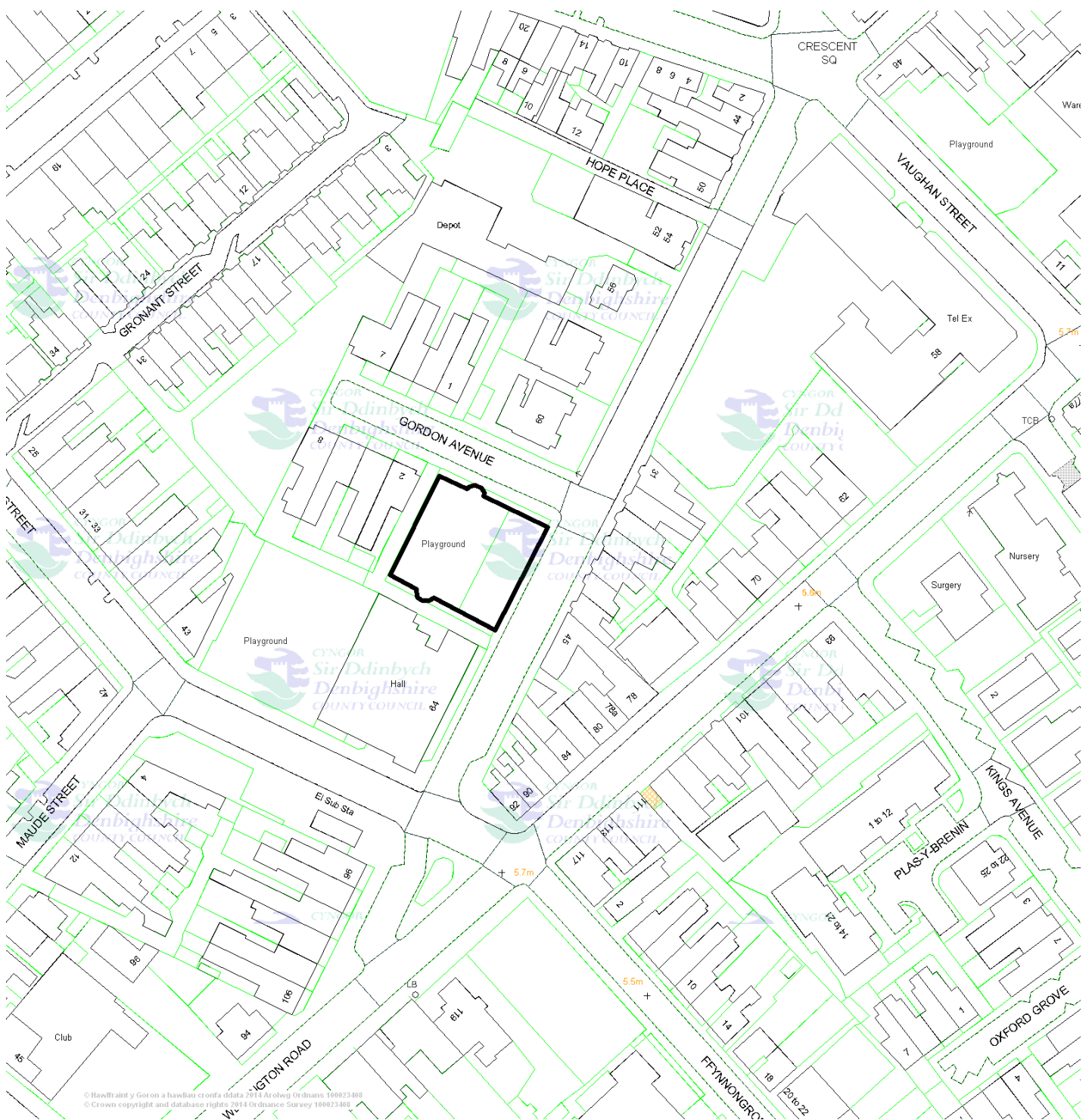


Date 24/11/2014

Scale 1/1250

Centre = 300498 E 381166 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.

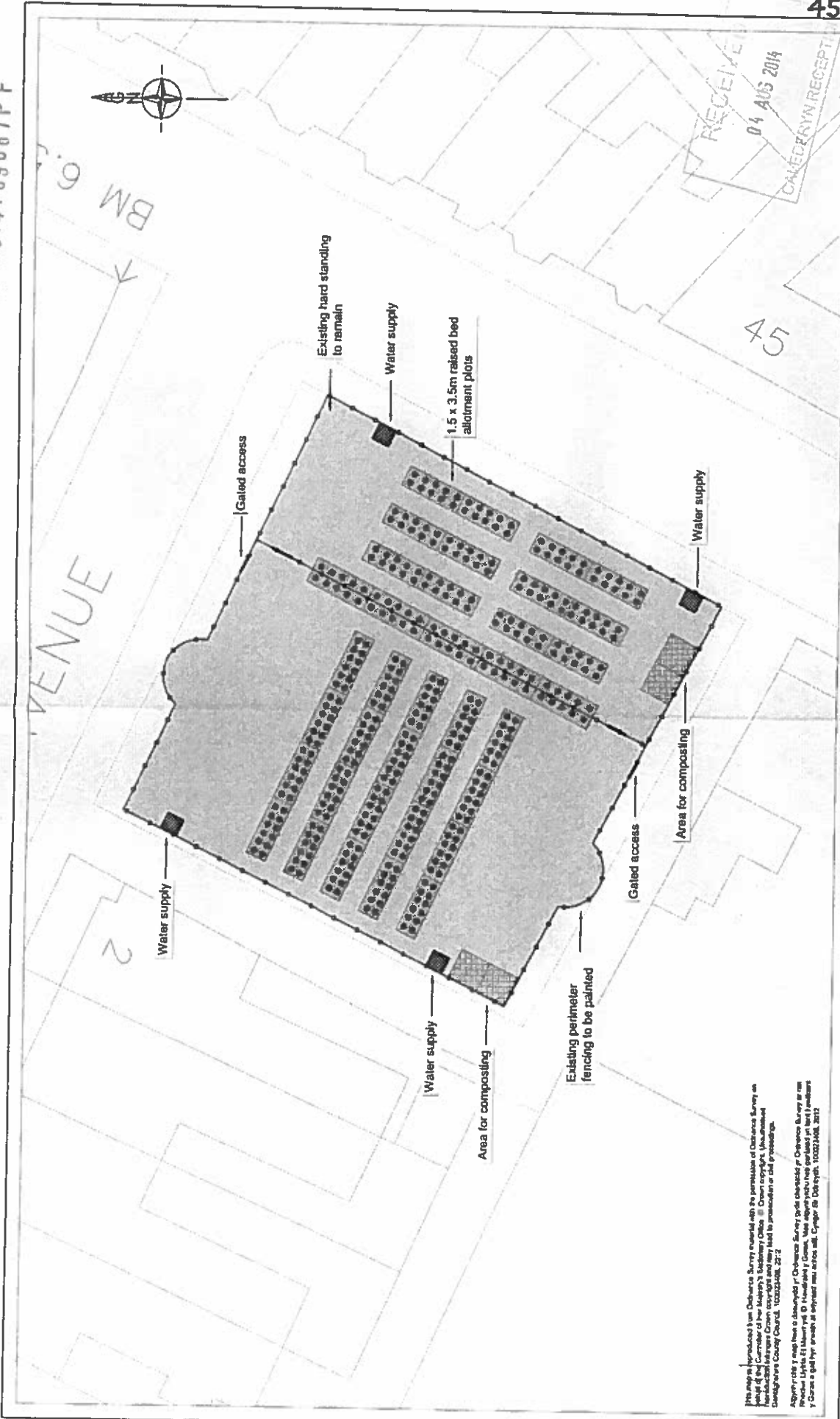


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SITE PLAN


45/2014/0908

45 2014/0908/PF



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CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL



PENNAETH PRIFYDD A GWASANAETHAU AMGYLCHEDDOL
 HEAD OF HIGHWAYS AND ENVIRONMENTAL SERVICES
 ADRIAN PRIFYDD A GWASANAETHAU AMGYLCHEDDOL
 DEPARTMENT OF HIGHWAYS AND ENVIRONMENTAL SERVICES

14405		A		Original Drawing	
1:200 @ A3		SJ 00 81		JOB	
60		21/07/14		ISSUE	
Crescent Road Raised Bed Allotments, Rhyd		General Arrangement		H4/14405/D/01A	

WARD : Rhyl West

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

APPLICATION NO: 45/2014/0908/ PF

PROPOSAL: Change of use of former MUGA to a community food growing project consisting of raised bed allotments

LOCATION: Playground off Crescent Road/Gordon Avenue Rhyl

APPLICANT: Denbighshire County Council

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 / approve – 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

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Resident, 1, Gordon Avenue, Rhyl
Resident, 8 Gordon Avenue, Rhyl
L. Roberts, 7, Gordon Avenue, Rhyl
Resident, 2, Gordon Avenue, Rhyl
Resident, 5, Gordon Avenue, Rhyl
Resident, 3, Gordon Avenue, Rhyl

Summary of planning based representations in support:
Highway Issues: will create more traffic in the area.

Visual Amenity: The appearance of the site would not be enhanced by the proposal with 'wooden coffins' located on the site.

Residential Amenity Issues: Object to hours of opening as would result in loss of privacy, strangers overlooking nearby properties; more comings and goings; rotting greens and stinking compost.

Drainage Issues: The drains on site will be inadequate as the area slopes towards Gordon Avenue which only has 2 surface water drains – mud and waste will be swept into Gordon Avenue

General Comments:

Lack of toilet facilities.

EXPIRY DATE OF APPLICATION: 13/10/2014

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks full planning permission for the change of use of a former multi use games area (MUGA) to a community food growing project consisting of raised bed allotments, on the corner of Gordon Avenue with Crescent Road in Rhyl.

1.1.2 The application documents include a Design and Access Statement with Planning Supporting Statement.

1.2 Description of site and surroundings

1.2.1 The application site comprises areas of a small former multi use games area located on the corner of Gordon Avenue with Crescent Road. The play area was closed down in February 2014.

1.2.2 The site is surrounded by high fencing and boarding. Surrounding the site are residential properties on Crescent Road and Gordon Avenue with the Territorial Drill Hall located to the rear.

1.3 Relevant planning constraints/considerations

1.3.1 The application site is located within the development boundary of Rhyl.

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 PSE1 – North Wales Coast Strategic Regeneration Area
Policy BSC 11 – Recreation and Open Space
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance:

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 12: Design

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 Drainage
- 4.1.5 Highways (including access and parking)
- 4.1.6 Other Issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

Within development boundaries, new development is, in principle 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 BSC 11 in the Local Development Plan relates to recreation and open space and seeks to protect existing recreation, public open space, allotment and amenity green space.

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. 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 a 'Vision' for West Rhyl, which is to "*Create a transformational sense of place with an open space at its core which serves as a valuable community asset. Develop new housing designed to meet the highest standards of energy efficiency and provide a wider range of housing tenures to*

ensure a sustainable neighbourhood. Stimulate new employment uses which support the visitor and retail economy and provide local jobs. Deliver an improved public realm which provides a safer, more accessible environment”.

The aforementioned SPG sets out a number of objectives which are aimed at delivering this ‘Vision’, which are as follows:

- 1. Create a transformational sense of place through the development of new community green space which enhances the image of the area*
- 2. Generate new employment uses to support the retail strength of the town centre, attract visitors and enhance existing tourism uses*
- 3. Encourage a more balanced range of housing tenures including new homes for families to retain existing residents and attract new residents to the area*
- 4. Reduce Multiple Occupancy Housing through conversion and new development which provides a more balanced range of tenures and better space standards*
- 5. Retain the use of listed buildings and respect and enhance the conservation character of the area through sensitive design of new development*
- 6. Ensure a pedestrian and cycle friendly area with well managed parking and an enhanced public realm environment*
- 7. Promote sustainable development through the use of energy efficient design and use of renewable energy sources*

In relation to the above policies and guidance, the proposal to change the use of a vacant play area is considered to fit in with the development framework set out in the SPG, as it would contribute to the development of green space within West Rhyl. The site at present is vacant, it appears unsightly within the area and since its closure in February 2014 has been used to dump litter.

In relation to Policy BSC 11 which seeks to protect existing recreation and open space facilities, the proposal is to create raised bed allotment plots to allow the operation of a community food growing project. Open Space includes allotments and therefore the proposal does not result in the loss of open space provision.

It is considered that the proposal would contribute to the regeneration objectives of West Rhyl by providing enhanced green space facilities and hence in principle the application is considered acceptable.

4.2.1 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 objections have been raised in relation to the visual impacts of the proposal and it has been stated that a boarded up play area is preferable to a site with a number of ‘wooden coffins’ located on it.

The proposal is to site 37 raised timber planting beds within the site. The planters are less than 1m in height, each plot measuring 1.5m by 3.5m. Overall in terms of scale, height, design and detailing of the proposal it is not considered that the proposed development would be visually intrusive within the area. At present, it is intended to retain the existing perimeter fencing and boarding and paint it however it may be removed in future dependent on site security issues. The development would be very low key in scale and in visual terms is considered acceptable, making a positive contribution to this part of Rhyl.

The proposal is considered acceptable in visual amenity terms.

4.2.2 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.

Local objections have been raised in relation to the residential impacts of the proposal generally in respect of increased noise and activity within the area and potential for the proposed use to generate odour issues.

In terms of the concerns raised by residents regarding the use of the site and increased noise and disturbance, the very nature of the proposed use does not generate an excessive amount of noise and in terms of noise generation it is considered likely to be far preferable than its previous use as a multi-use games area which had the potential to be extremely noisy.

In relation to odour issues particular reference has been made by local residents to 'rotting greens' and 'stinking compost'. The 2 composting areas have been located within the corner and far boundary of the site away from residential properties and it not considered there would be any significant amenity issues arising from the proposed use.

The comings and goings and general activities associated with the proposed allotment use would be limited and would not cause a significant adverse impact on the residential amenity of occupiers of the residential properties nearby.

4.2.3 Drainage

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Local objections have been raised with regards drainage and that mud and waste would be swept in to Gordon Avenue.

This issue has been raised with the applicant and assurances have been given that allotments are excellent at absorbing rainfall and would result in less run-off than the existing situation. The raised beds have a good depth of soil and with minimum run off when watered. It has also been confirmed that a membrane is placed at the bottom of each raised bed which prevents any soil from escaping.

It is not considered that the proposal would result in any drainage issues.

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.

Local residents have raised concerns that the proposed use would generate more traffic within the area.

Highway Officers have assessed the proposed development as acceptable.

With regards the concerns of local residents that there would be an increased amount of traffic, the proposal is for a community resource used by Rhyl residents and who can walk to the allotments. On street parking is available within the wider area and given the scale and nature of the proposed use it is not considered that a significant amount of traffic would be generated causing any highway safety concerns.

4.2.5 Other Issues

Residents have raised concerns that no toilet facilities have been provided on site. The proposal is for a community resource used by Rhyl residents and who will be living locally. Toilet facilities are not provided on any other allotment sites within Denbighshire.

5. SUMMARY AND CONCLUSIONS:

5.1 The principle and detailing of the development is considered acceptable, with limited adverse impact anticipated on visual and residential amenity. It is not considered that there are any highway safety or parking concerns.

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 painting of the boundary fencing and boarding, details of the colour finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.
3. No ancillary structures or buildings shall be erected on the site without the further written approval of the Local Planning Authority.

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

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

NOTES TO APPLICANT:

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

Agenda Item 18

WARD : Rhyl West

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

APPLICATION NO: 45/2014/1132/ PF

PROPOSAL: Demolition of no's 11-25 Abbey Street and erection of 7 no. dwellings with associated gardens, parking and landscaping; and refurbishment of 4 flats and 2 ground floor shop units at 27-33 Abbey Street

LOCATION: 11 - 33 Abbey Street Rhyl

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Heading:

REFERENCE NO. 45/2014/1132/PF

11-33 ABBEY STREET

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

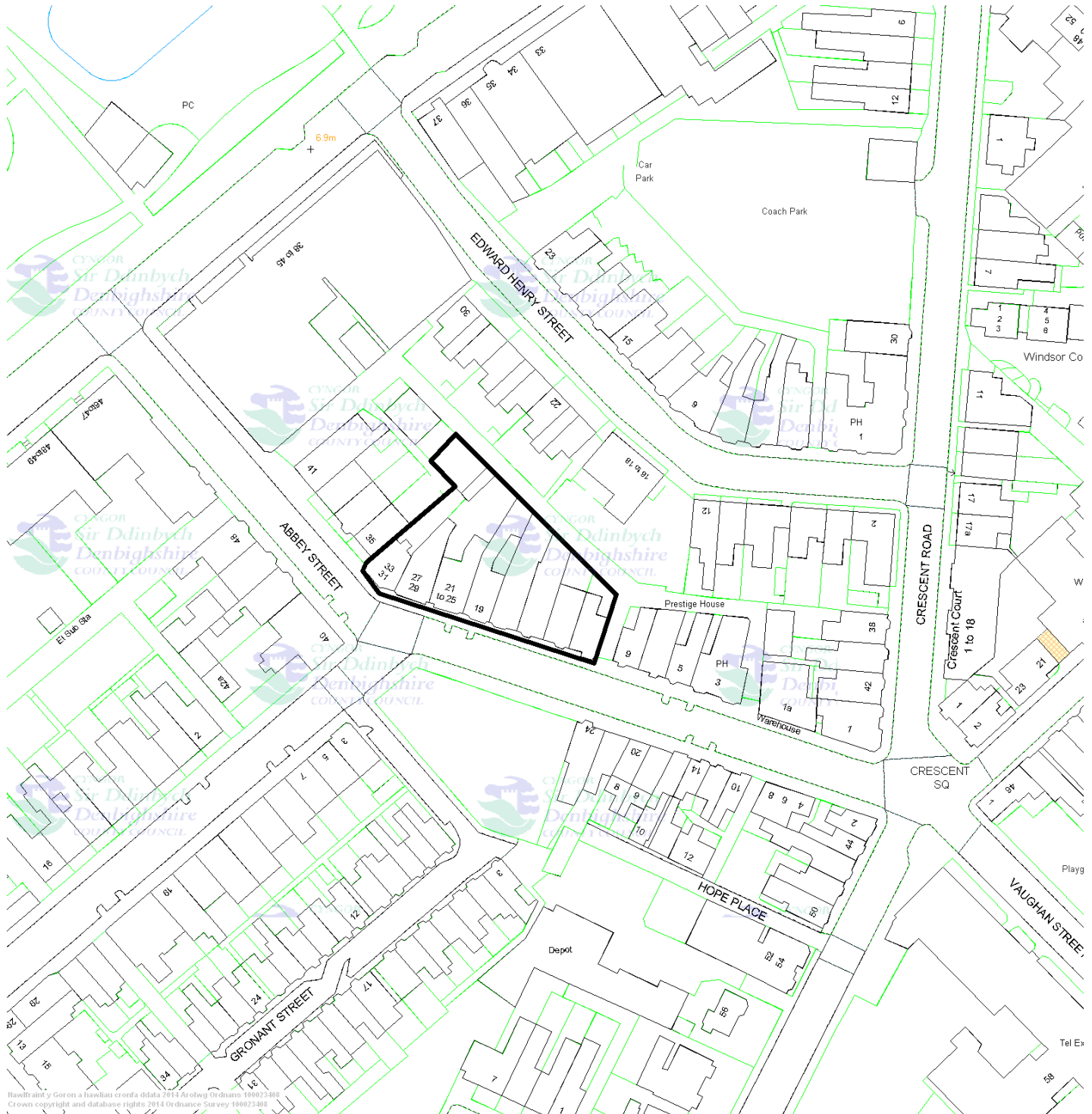


Date 26/11/2014

Scale 1/1250

Centre = 300474 E 381326 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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STREET SCENE

Number: C827.151 A3

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NO.	DESCRIPTION	DATE	BY

Abbey Street, Rhyd
for North Wales
Housing Association

DATE: STREET VIEWS

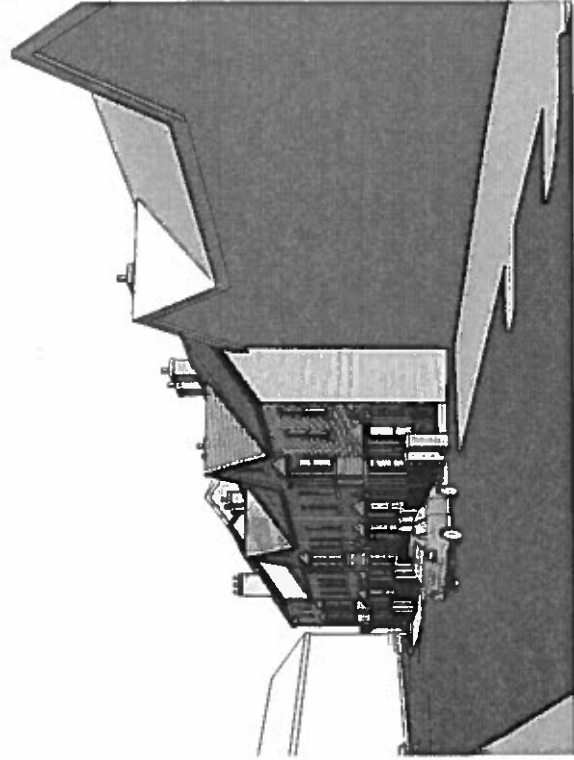
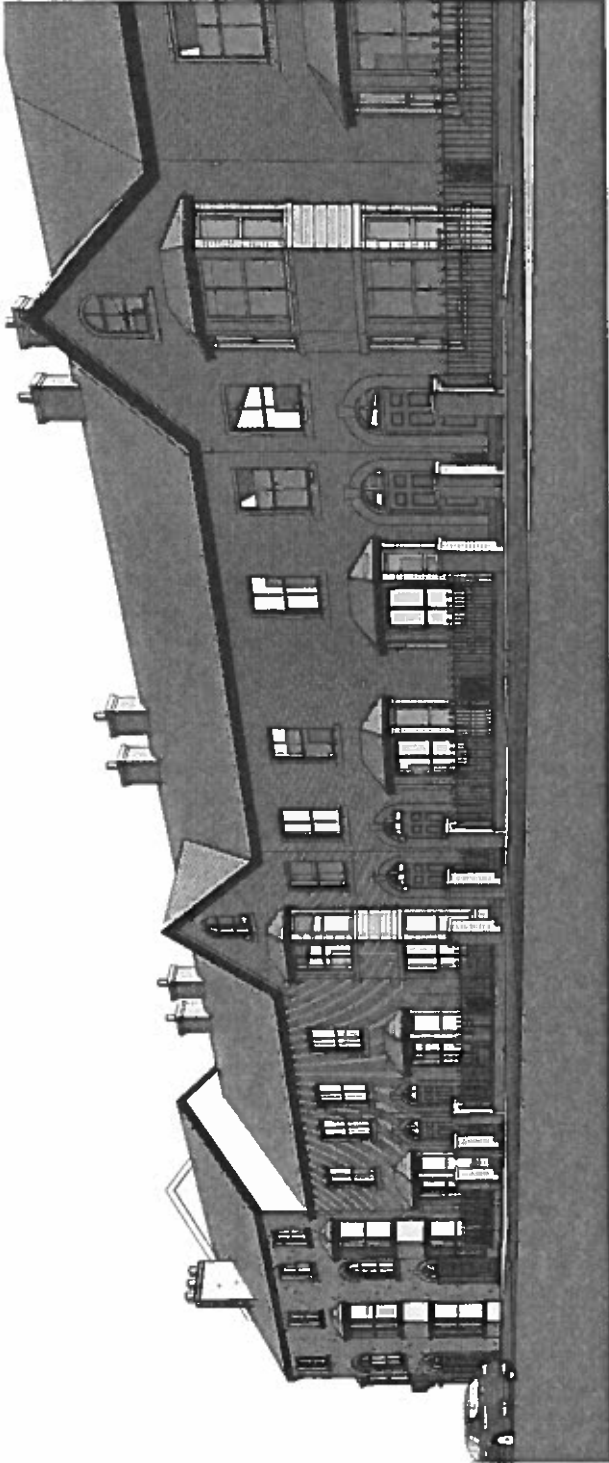
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Ainslie Gommin
architecture . urban design

THE CLIENTS: HANSON BUILDING GROUP LTD
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REV	DESCRIPTION	DATE	BY

Abbey Street, Rhyl
for North Wales
Housing Association

3D VIEWS

C827.150B

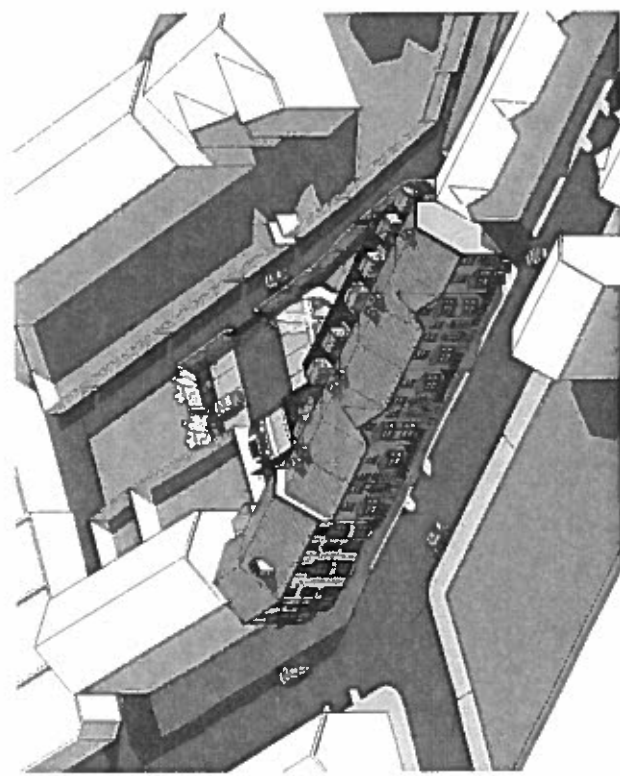
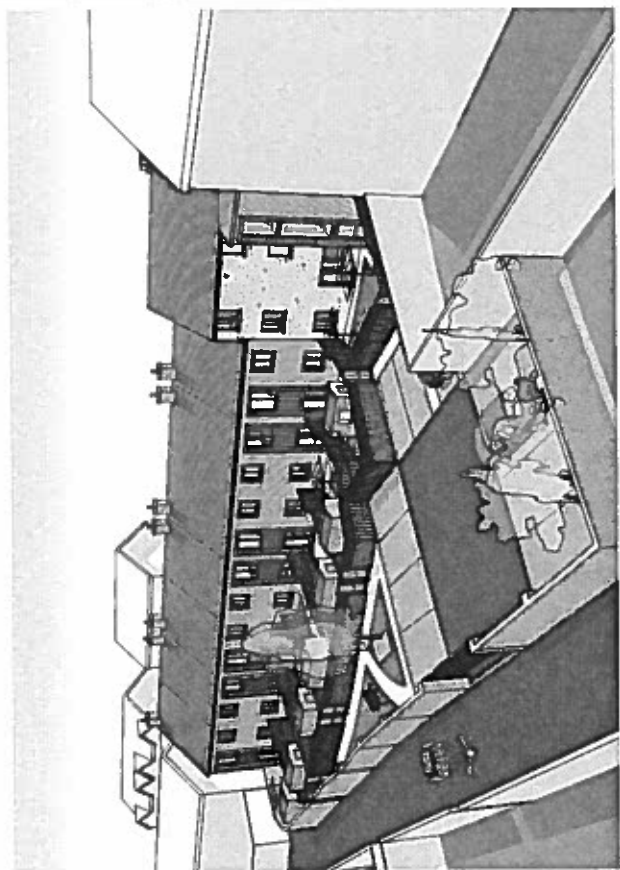
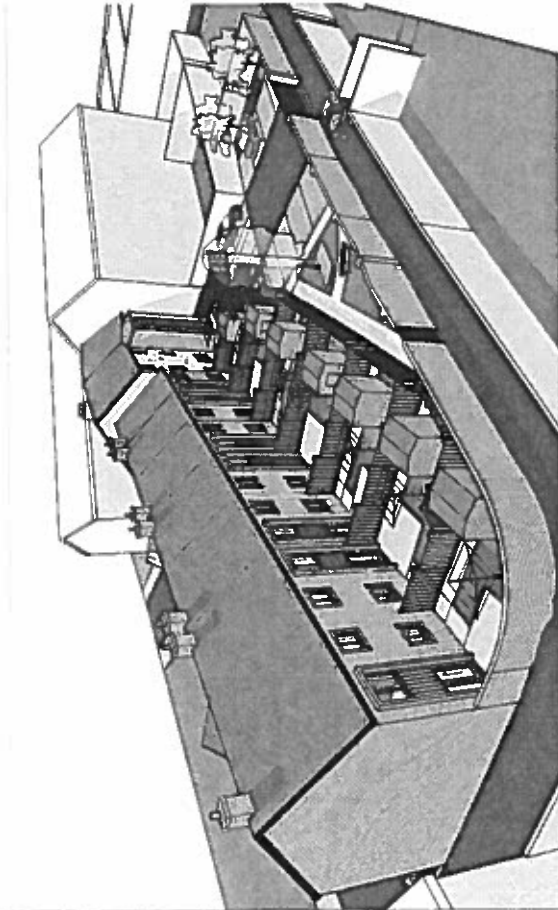
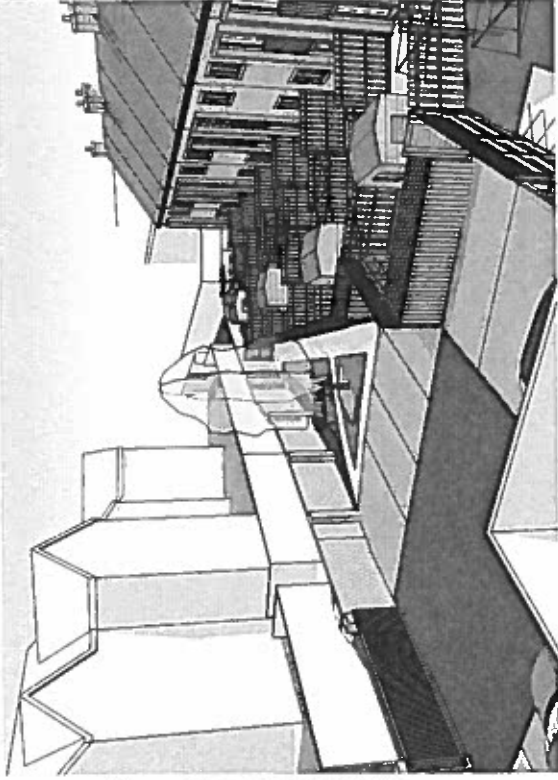
Date: 03/10/14
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3D VIEWS
45/2014/32
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WWW.AINSLEYCOMMONARCHITECTS.CO.UK
REGISTERED OFFICE: 172000, NORTH WALES HOUSING ASSOCIATION LTD, 15, THE PARADE, RHYL, LL21 1YU, UK



FLOOR PLANS
451704/1132

Number: C827.120 A3

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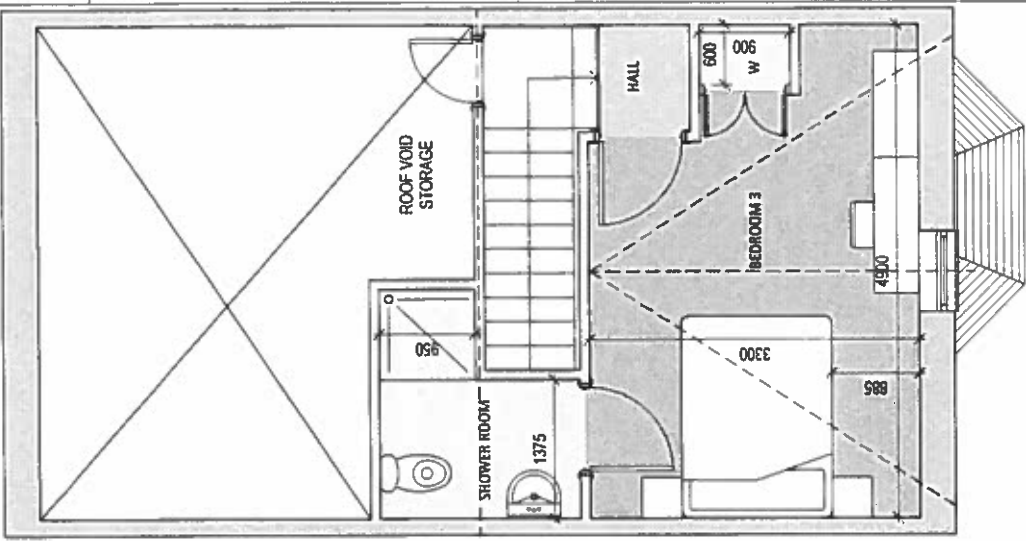
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for NORTH WALES
HOUSING
ASSOCIATION
HOUSE TYPE 2 PLANS -
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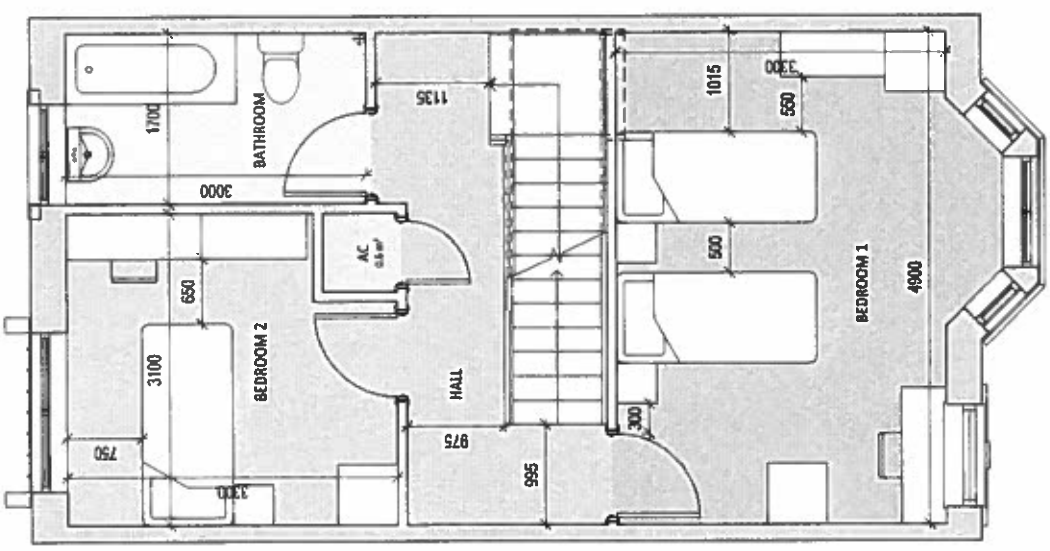
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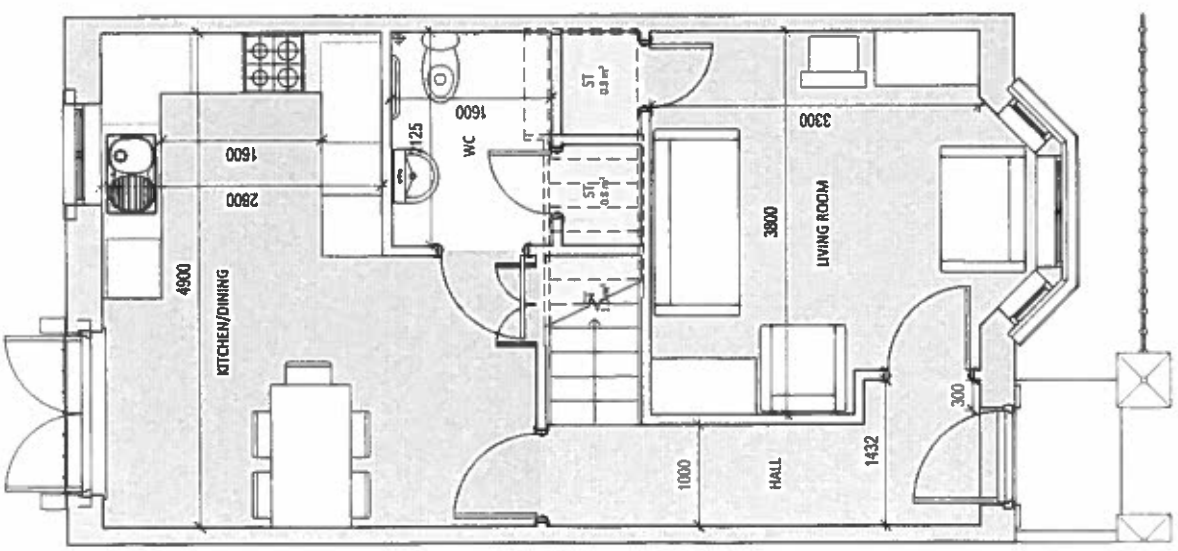
Ainsley Goldman
architecture . urbdesign
The Old Rectory, Station 15, Caerphilly Road, Caerphilly, Cardiff, CF83 2LW
Tel: 01495 345789 Fax: 01495 345790
www.ainsleygoldman.com



SECOND FLOOR PLAN
1:50



FIRST FLOOR PLAN
1:50



GROUND FLOOR PLAN
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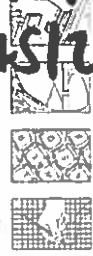
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NO.	DESCRIPTION	DATE	BY

Abb
Abbey Street, RHYL
for NORTH WALES
HOUSING
ASSOCIATION
Dt
HOUSE TYPE 1 PLANS -
4P2B

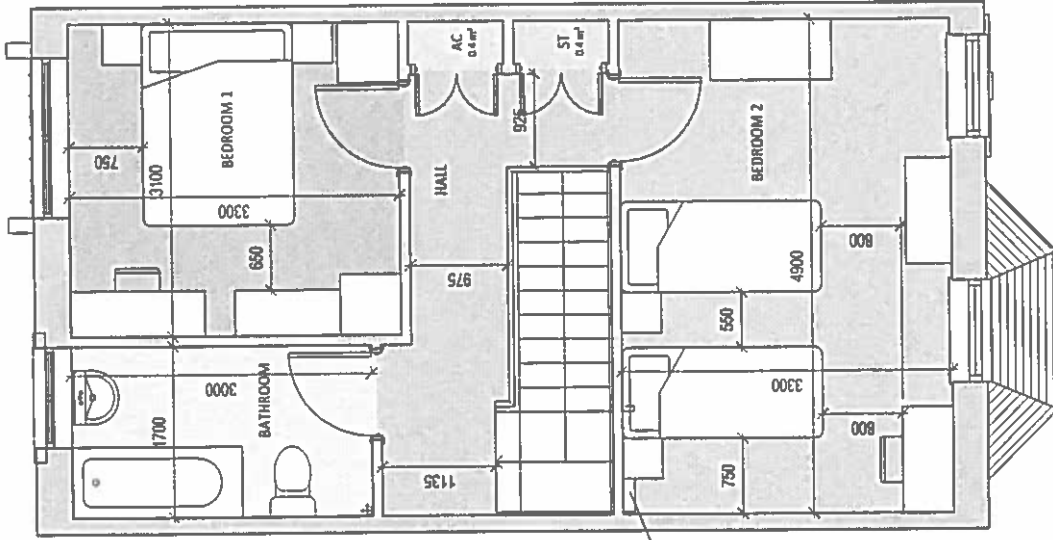
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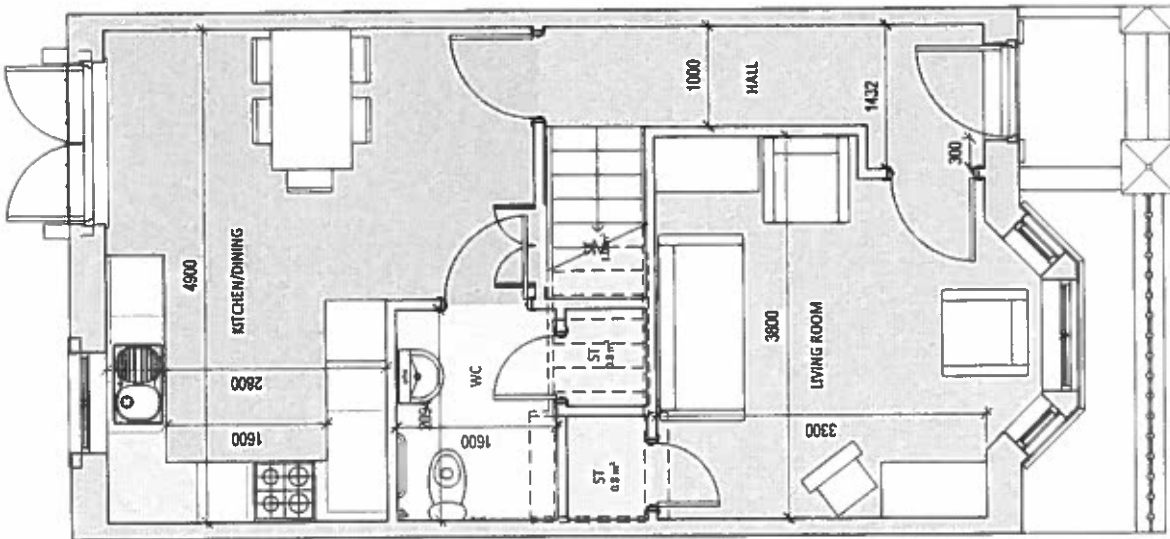
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THE OFFICE IS AT: 11 GLEBE RD, LONDON, E14 3DF
Tel: 020 7424 0000 Fax: 020 7424 0001
www.ainsleygommon.com

FLOOR PLANS
45/2004/1132



FIRST FLOOR PLAN
1:50

*CONCEALED RISER IN
FLOOR CONSTRUCTION



GROUND FLOOR PLAN
1:50

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HOUSE TYPE LEGEND

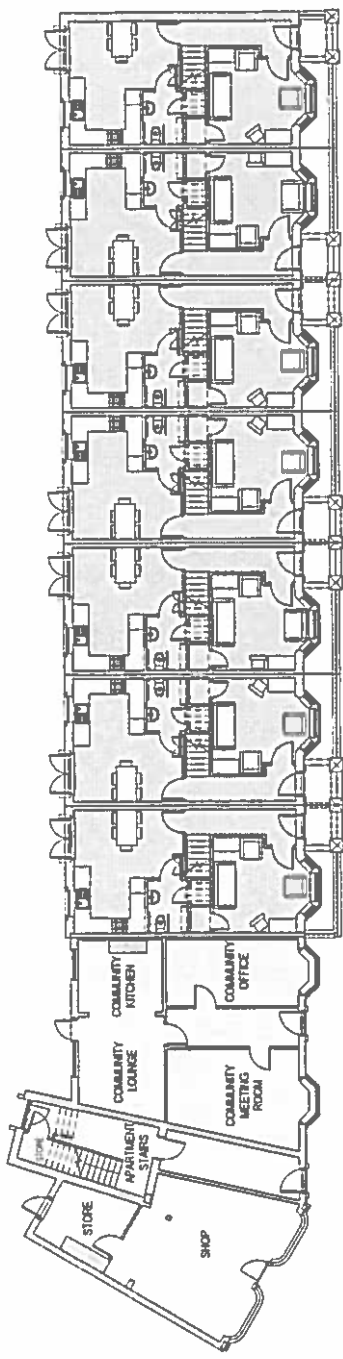
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- 2nd FL APARTMENT
- 3rd FL HOUSE
- 4th FL HOUSE
- SHOP-COMMUNITY

FLOOR PLANS
 45/2014/1132

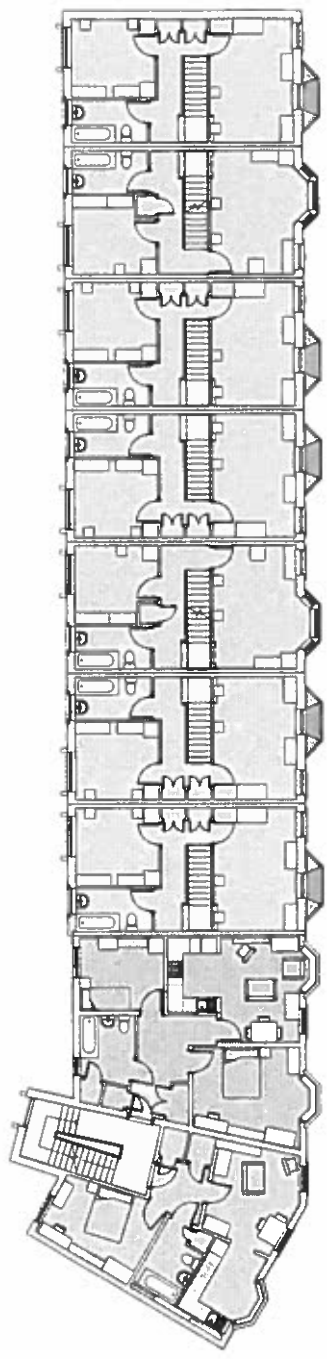
Abbey Street, Bldg
 for North Wales Housing

PROPOSED FLOOR PLAN
 CB27.111

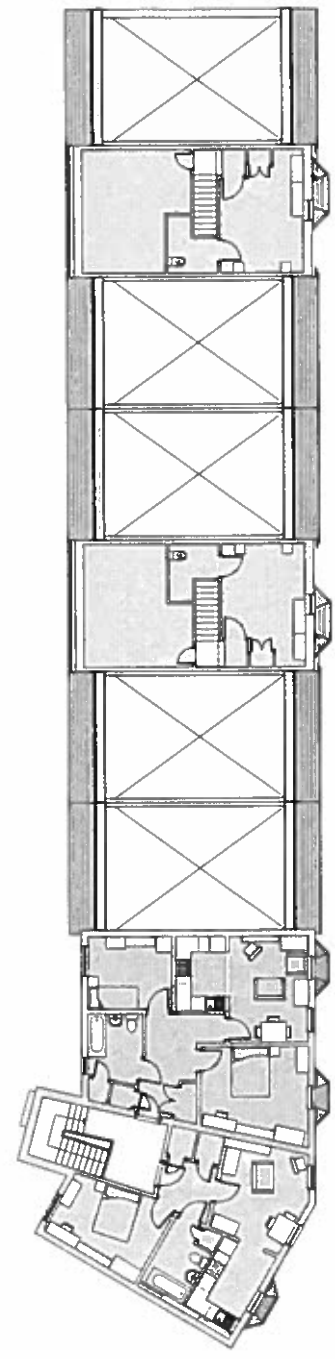
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 architectural design



GROUND FLOOR PLAN
1:100



FIRST FLOOR PLAN
1:100



SECOND FLOOR PLAN
1:100

WARD : Rhyl West

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

APPLICATION NO: 45/2014/1132/ PF

PROPOSAL: Demolition of no's 11-25 Abbey Street and erection of 7 no. dwellings with associated gardens, parking and landscaping; and refurbishment of 4 flats and 2 ground floor shop units at 27-33 Abbey Street

LOCATION: 11 - 33 Abbey Street Rhyl

APPLICANT: North Wales Housing

CONSTRAINTS: Article 4 Direction

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

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

- Key housing scheme in West Rhyl Regeneration Area

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection"

NATURAL RESOURCES WALES

Flood Risk

No objection, subject to the inclusion of a condition ensuring the development is undertaken in accordance with the Flood Consequences Assessment and mitigation measures specified within it.

Protected Species

The proposed Reasonable Avoidance Measures proposed within the protected species reports should be strictly adhered to which includes details of the timing of work and removal of the roof.

DWR CYMRU / WELSH WATER

No objection subject to the inclusion of standard notes

WALES AND WEST UTILITIES

No objection

CLWYD POWYS ARCHAROLOGICAL TRUST

No objection, however the proposals will effect a terrace of original seaside town houses constructed between 1877 and 1899 which are of local architectural interest and therefore a photographic survey prior to any demolition being undertaken is requested.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Transport and Infrastructure

Highways Officer

No objection subject to the inclusion of a condition ensuring provision of parking and turning facilities.

Housing Services

Strongly support the regeneration of the street and the provision of good quality affordable energy efficient homes.

Economic and Business Development Manager

Overwhelming support for the proposal. The existing properties are far less suited to modern day living and despite extensive refurbishment, the configuration to suit family accommodation would only ever be a compromise. The new properties will be targeted at the part buy part rent market and by this very nature aimed at first time buyers with limited resources, the cost of heating homes is a very important factor and why new, energy efficient homes built to Code 4 should be supported.

Biodiversity Officer

No objection subject to recommendations within the protected species reports adhered and details should be submitted for approval of the type and number of bat boxes or other roosting opportunities.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 30/11/2014

REASON FOR DELAY IN DECISION:

- Awaiting referral to Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks full planning permission for the demolition of no's 11-25 Abbey Street and redevelopment by the erection of 7 no. dwellings with associated gardens, parking and landscaping. The proposal also includes the refurbishment of 4 flats and 2 ground floor shop units at 27-33 Abbey Street

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.

* Demolition of 11 -25 Abbey Street site and redevelopment by erection of 7 new dwellings, with associated gardens, parking and landscaping.

The new dwellings would comprise a terrace of 7x 2 to 2.5 storey properties, comprising 2 and 3 bed dwellings. The properties would be provided with rear gardens and secure off street parking space. The new dwellings would be designed to code for sustainable homes level 3 plus and meet Design Quality Requirement standards.

* Refurbishment of the existing properties at 27 – 33 Abbey Street to provide 4 self contained flats with 2 ground floor shop units.

The existing 3 storey buildings to be retained would be refurbished with the front elevations restored. The building to be retained would provide retail/community meeting rooms at ground floor level with 4 self contained apartments above.

1.1.3 The Design and Access Statement explains the following in relation to the design concept and principles:-

*The design proposals have been developed holistically to provide a diverse mix and range of dwelling types to meet the stated housing needs.

* 11 units in total are to be provided with a mix of apartments and houses with the

rear of the site accommodating private car parking and landscaped amenity space.

- * The ground floor level will be raised, increasing the height of the elevation to maintain the grandeur of the street frontage.

- * Aims to improve the relationship of the site with the historic context whilst maintaining an overall feeling of openness, improving the public realm experience whilst meeting the identified need for affordable housing in Rhyl.

- * The street elevation of the dwellings reflects the historical characteristics of Rhyl's architecture which runs strong throughout West Rhyl.

- * Plots 27 – 33 will be retained and refurbished with the front elevations restored to how they would have looked during the early 1900's.

- * The new dwellings have been sympathetically designed and detailed to complement the existing character of the area with the main roof being a conventional design taking its lead and simple form from adjacent terraces and local key buildings.

- * Design influences throughout the proposed scheme have been taken from the surrounding context which are particularly strong in West Rhyl, with form, materials, vernacular detail and boundary treatments all sympathetically designed to ensure the new development enhances the local Rhyl character.

1.1.4 The Clients Brief for the proposal is to:

- * Create a sustainable solution to meet the local housing need that is of high quality and meets the Welsh Governments Design Quality Requirement Standards and Code 3 plus.

- * Affordable houses which are flexible and suitable for local families

- * Stimulate new employment uses which support the visitor and retail economy and provide local jobs

- * Dwellings must be of appropriate sizes and economic to build.

- * Homes should be energy efficient to help alleviate fuel poverty.

- * Build homes that are a 'pull' factor to the area

- * Appeal to economically active families

- * Keep homes affordable

1.1.5 The viability of regenerating the existing properties has been thoroughly explored with serious consideration given to the choice between refurbishment or new build. The applicant has considered the conditions of the site and recognises the following factors to be key in the consideration between refurbishment and new build:

- * Unconventional outriggers have been built to the rear of the properties, with a maze of unsafe walkways giving residents unsafe access to apartments at upper levels.

- * Vehicle access to the rear is via a narrow road between No 9 and 11 and there is currently no parking provision to the rear.

- * A number of interior and exterior modifications are made to the properties

- * A number of bay windows and windows/door details have been removed and replaced with uPVC shop frontages and windows which do not match the style of alignment resulting in a loss of the former character

- * Dwellings converted to Houses in Multiple Occupation (HMO's) resulting in cramped high density housing

- * Many upper floors are not level with large cracks in walls and ceilings

- * Currently there is no amenity space available

- * Dwelling layout is compromised by existing internal layout

Members are referred to the plans at front of the report which show the basic details along with street scene details.

1.2 Description of site and surroundings

1.2.1 The application site comprises areas of existing residential development on Abbey Street within West Rhyl. A number of properties nearby on Gronant Street have already been demolished and proposals to develop a green space are under way.

1.2.2 The Abbey Street site currently comprises 3 storey terraced properties. Many of these properties have outriggers or outbuildings to the rear with very little amenity space. Parking is available on street. Most properties have been vacated.

1.2.3 The site is located within a predominantly residential area with few functioning commercial units remaining.

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 close to but outside the Rhyl Central Conservation Area boundary.

1.3.3 The site is located within a C1 flood zone as shown in the development advice maps that accompany TAN 15: Development and Flood Risk.

1.4 Relevant planning history

1.4.1 None relevant to this proposal

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:
Policy RD1 – Sustainable development and good standard design
Policy PSE1 – North Wales Coast Strategic Regeneration Area
Policy BSC 11 Recreation and Open Space
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance:

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 12: Design
TAN 15: Development and Flood Risk
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 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 Flood Risk
- 4.1.6 Nature Conservation
- 4.1.7 Fear of Crime

4.2 In relation to the main planning considerations:

4.2.1 Principle

Within development boundaries, new development is, in principle 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.

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 a 'Vision' for West Rhyl, which is to "*Create a transformational sense of place with an open space at its core which serves as a valuable community asset. Develop new housing designed to meet the highest standards of energy efficiency and provide a wider range of housing tenures to ensure a sustainable neighbourhood. Stimulate new employment uses which support the visitor and retail economy and provide local jobs. Deliver an improved public realm which provides a safer, more accessible environment*".

The aforementioned SPG sets out a number of objectives which are aimed at delivering this 'Vision', which are as follows:

1. *Create a transformational sense of place through the development of new community green space which enhances the image of the area*
2. *Generate new employment uses to support the retail strength of the town centre, attract visitors and enhance existing tourism uses*
3. *Encourage a more balanced range of housing tenures including new homes for families to retain existing residents and attract new residents to the area*
4. *Reduce Multiple Occupancy Housing through conversion and new development which provides a more balanced range of tenures and better space standards*
5. *Retain the use of listed buildings and respect and enhance the conservation character of the area through sensitive design of new development*

6. *Ensure a pedestrian and cycle friendly area with well managed parking and an enhanced public realm environment*
7. *Promote sustainable development through the use of energy efficient design and use of renewable energy sources*

An illustrative development framework within the SPG identifies key land uses for the West Rhyl area and the application site area is shown as existing buildings to be 'modified internally and/or externally' with the development principles to convert and refurbish the properties to improve internal space standards, externally remodel the properties to introduce off street parking and gardens and provide waste storage within the curtilage and also introduce energy efficiency measures and renewable energy technology.

In relation to the above policies and guidance, the redevelopment proposals do not specifically 'fit' the illustrative development framework set out in the SPG, as these areas of housing were identified as dwellings to be refurbished. However, it is recognised that the applicant has fully explored the refurbishment option and in addition to the economic viability of the refurbishment option being questionable, it would also result in a limited mix of dwelling types with practical difficulties on site in achieving modern, energy efficient and high quality family accommodation. Significantly, the SPG does recognise that not all proposals within the development framework will be achieved but states that applicants will need to have regard to the SPG and demonstrate how a proposal will contribute to the regeneration objectives of West Rhyl. It is considered that the applicant has addressed this and demonstrated the proposal would contribute to the regeneration objectives of West Rhyl hence in principle the application is considered acceptable.

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.

No objections have been raised in relation to the visual impacts of the proposal.

The dwellings on Abbey Street are traditional properties and located in close proximity to the boundary of a Conservation Area. The proposal has had careful regard to the historical context of the site and particular attention has been given to the character of the existing properties to be demolished and the detailing of surrounding development. Overall in terms of scale, streetscape, height, design and detailing of nearby and adjoining buildings along with the general context of the site, the proposed development is considered acceptable in visual amenity terms. It is also recognised and supported that an element of the terrace is to be retained and reinstated to reflect former character and detail.

It is therefore considered that the proposal would make a positive contribution to this part of Rhyl. The development would provide a sensitive, high quality, energy efficient housing development. It would not have a negative visual impact on the area. It is therefore considered acceptable in relation to the policies and guidance in relation to visual impact.

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 raised in relation to the residential impacts of the proposal..

The footprint of the proposed dwellings is almost identical to the existing dwellings, however the overall density of residential units would be reduced. The scale and height of the proposed dwellings is reduced when compared to existing development. It is not considered that the proposal would have an overbearing impact on nearby occupiers or would adversely impact on the privacy of nearby occupiers.

In terms of the level of amenity afforded to occupiers of the proposed dwellings, the size of the units exceeds the minimum floor space standards in the Council's SPG and also meets Welsh Government Design Quality standards. Each property is afforded a private rear amenity area and off street parking facilities. It is considered that a sufficient level of amenity would be afforded to occupiers of the proposed dwellings.

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.

No objections have been raised in relation to the highway impacts of the proposal.

Highway Officers have assessed the proposed development as acceptable. The proposal is to provide off street parking to the rear of all new properties which is a considerable improvement to the current situation as none of the dwellings have any off street parking facilities and rely on spaces on street.

4.2.5 Flood Risk

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.

Natural Resources Wales (NRW) have raised no objection to the redevelopment proposals. As identified within the submitted Flood Consequences Assessment and the recently updated Strategic Flood Consequences Assessment undertaken by the Council, it is apparent that the wider West Rhyl Strategic Regeneration Area is at considerable flood risk, and the risks are likely to increase over the next 100 years with climate change. Although full compliance with TAN 15 is unlikely to be achieved for the redevelopment, it is recognised that the proposals form part of a significant Local Authority regeneration initiative for West Rhyl. It is also recognised that the redevelopment proposals will result in some flood risk betterment compared to the existing situation and that this is one of the aims of the regeneration initiative. The main flood risk improvements include a reduction in number and density of properties, incorporation of flood proofing measures and the development of individual flood plans for inhabitants of the properties, and therefore no objections have been raised to the proposal subject to the inclusion of a condition ensuring the development is undertaken in accordance with the Flood Consequences Assessment and mitigation

measures specified within it.

On the basis of NRW's comments, it is considered that the proposal would result in a flood risk betterment compared to the existing situation in this part of Rhyl and therefore it is suggested that there are no strong flood risk grounds to refuse planning permission.

4.2.6 Nature Conservation

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.

Ecological surveys of the site have been undertaken which confirm the buildings showed no signs of past or present roosting bats, but they do identify that the buildings offer moderate potential for roosting bats. NRW have not raised any objections to the proposal subject to the proposed Reasonable Avoidance Measures recommended within the protected species reports being strictly adhered to, which includes details of the timing of work and removal of the roof.

In Officers' opinion, the consultation responses suggest there are no ecology concerns in relation to the development of the application site.

5 **SUMMARY AND CONCLUSIONS:**

5.2 The principle and detailing of development is considered acceptable, with limited adverse impact anticipated on visual and residential amenity. It is not considered that there are any highway safety or parking concerns. In flood risk terms, there is betterment from the inclusion of modern flood proofing measures and related mitigation in the event of problems.

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. The development shall be carried out in accordance with the approved Flood Consequences Assessment (Datrys 1421/E01, November 2014) and the following mitigation measures detailed within the report:
 - Finished Floor Levels of the replacement dwelling/buildings shall be set at least 0.45metres above existing floor levels.
 - Flood proofing measures incorporated into all properties as recommended in the RIBA publication "Improving the Flood Performance of New Buildings, Flood Resilient Construction" (May 2007)
 - No sleeping accommodation is to be provided on the ground floor level of the properties
 - Individual flood plan shall be prepared for, and provided to, the owners/tenants of the properties and appropriate training provided to ensure effective implementation of the plan.

The mitigation measures shall be fully implemented prior to the occupation of any dwellings and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

4. The development shall be carried out in accordance with the mitigation measures set out within the Protected Species Surveys undertaken dated 2nd September, 2014 by Stephen Cutmore.
5. Construction of the new dwellings hereby permitted shall not be permitted to commence on site until a detailed site investigation to establish the ground conditions has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.
6. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and shall be completed prior to the proposed development being brought into use.
7. 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.
8. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. **PRE-COMMENCEMENT CONDITION**
Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.

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. To reduce the risk of flooding to the properties and future inhabitants.
4. In the interest of nature conservation.
5. In the interests of land stability and safety.
6. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. In the interests of investigation and recording of historic/listed buildings.

NOTES TO APPLICANT:

Note from Natural Resources Wales

In relation to flood proofing, the Flood Consequences Assessment makes a commitment to install flood proofing measures within the development to improve the resiliency of the re-placement dwellings to flooding. Although this is generally to be welcomed, given the potential depths of flooding during extreme flood events, their benefits could be limited. We would also recommend that you consult other professional bodies in relation to measures that may be required to address potential structural damage to the dwellings caused by flood water. It would therefore be advisable for the dwellings to be appropriately designed to withstand and be resilient to hydrostatic pressures resulting from a breach/overtopping of the tidal flood defences.

Please be advised that a Stopping Up Order under Section 116 of the Highways Act 1980 will be required for land fronting properties on Abbey Street and Gronant Street and there may also be a requirement for a Section 38 Agreement under Highways Act 1980 for Hope Place. It is advisable to contact the Highway Authority to discuss further at any early stage.

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).

PLANNING COMMITTEE

10 DECEMBER 2014

SPECIAL REPORT

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

NORTH WALES WIND FARMS CONNECTIONS MAJOR INFRASTRUCTURE PROJECT

PARTICIPATION IN THE PLANNING PROCESS

1. PURPOSE OF REPORT

1.1 The North Wales Wind Farms Connections Project consists of proposals for a new 17km long 132kilo volt (kV) overhead line between a new collector substation at Clocaenog Forest and a terminal point south of Glascoed Road, the B5381, Cefn Meiriadog. It is classed as a nationally significant infrastructure project and will require development consent from the Secretary of State under the provisions of the Planning Act 2008. The proposed route would cross through both Denbighshire and Conwy.

1.2 Members may recall that previous reports have been presented to Committee with respect to this project and the Council submitted a formal pre-application consultation to Scottish Power Manweb in May 2014. The response set out technical comments on the consultation material and also clearly articulated the opinion of Members that overhead lines would have a significant detrimental impact on local residents, the local landscape and on the local environment.

1.3 At Full Council on 9 September 2014, the Council unanimously agreed a Notion of Motion put forward by Councillors Joe Welch, Colin Hughes, Geraint Lloyd Williams, Meirick Lloyd Davies and Eryl Williams. **The Motion** was as follows: "We would like the support of the council to have a firm stance to demand that the NW Wind Farms connection is placed underground for its entire length".

1.4 The Council has therefore adopted an in principle objection to the overhead line project. Conwy County Borough Council has also adopted a similar stance with respect to the project.

1.5 Officers have subsequently met with Scottish Power Manweb and Officers from Conwy County Borough Council, and despite the Notion of Motion, Scottish Power Manweb have confirmed they intend to progress with proposals for overhead lines and an application for Development Consent is likely to be submitted to the Planning Inspectorate in early 2015.

2. ENGAGING IN THE PLANNING PROCESS.

2.1 Once an application for development consent has been accepted by the Planning Inspectorate, the Council will be formally invited to submit a Local Impact Report, other written representations and attend meetings and Hearing sessions throughout the Examination.

2.2 Whilst there is no legal duty placed on the Council to engage in the process, the

Council has previously committed to fully participate in the process as it is in the public interest to do so. With regards to this project, a report to January Planning Committee sought to update Members on the current status of the North Wales Wind Farms Connections Project and to seek a resolution regarding the extent to which the Council should participate in the planning process. Committee resolved the following:

- That funding be requested from Welsh Government.
- That the Companies involved be asked to contribute.
- That County Council reserves be utilized where appropriate.

2.3 As Members are aware, the Council receives no planning fee for nationally significant infrastructure projects, however significant officer time and resources may need to be allocated to the project during the Examination stage in order to assess local impacts and represent the Council at Hearing sessions.

2.4 The landscape and visual impact of the proposal is likely to be a key planning consideration; the Council may therefore need to procure external landscape consultancy services to help assess the local impacts of the proposal.

2.5 The project affects both Denbighshire and Conwy, so there is the opportunity to work in collaboration with Conwy County Borough Council and share officer resources. The Council previously collaborated with Conwy on the Clocaenog Forest windfarm.

3. PLANNING PERFORMANCE AGREEMENT

3.1 Discussions have taken place between Denbighshire, Conwy County Borough Council and Scottish Power Manweb with respect to a Planning Performance Agreement.

3.2 A Planning Performance Agreement is a legal contract between the Council and the developer. It would commit the Council to carrying out certain activities within specified timescales such as producing a Local Impact Report, commenting on the draft Development Consent Order, agreeing Statements of Common Ground and attending Examination Hearing sessions.

3.3 Entering into a Planning Performance Agreement would therefore commit the Council to fully participate in the planning process and sufficient resources would need to be dedicated to the project to ensure Examination deadlines can be met. In return, Scottish Power Manweb would provide a financial contribution towards costs incurred by the Council to impartially and objectively assess the impacts of the project and participate in the Examination process.

3.4 Whilst Committee had previously resolved for the Council to seek financial contributions from developers, Officers seek a steer from Committee as to whether or not Members feel it is appropriate for the Council to enter into a Planning Performance Agreement. This is having regard to the Notion of Motion at Full Council.

3.5 Members should note that, should the Council decline to enter into the Planning Performance Agreement, the Council can still engage in the process, however

should it be necessary to procure external landscape consultants to help assess the landscape and visual impact of the project, this would need to be funded by Council reserves.

4. RESOLUTION

4.1 Members are requested to consider the options below and a resolution is sought on the preferred option having regard to the Notion of Motion of Full Council on 9 September 2014:

Option A: The Council enters into a Planning Performance Agreement (PPA) and engages in the process.

The Council would be obliged to assess the impacts of the proposal, and fully participate in the Examination, however the costs could be recovered from the developer. External landscape consultants could be procured to assess the landscape impact at no cost to the Council.

Officer time would need to be diverted from other work streams and the Council would be bound by the terms of the PPA.

Option B: The Council does not enter into a PPA Agreement, but engages in the process.

The Council would endeavour to fully assess the impacts and officer time would need to be diverted from other work streams.

Should it be necessary to appoint an external landscape consultant to help assess the landscape and visual effects of the proposal, Council reserves would need to be drawn down to pay for the landscape consultants. Two sub-options are therefore proposed:

Option B.1 internal and external resources are utilised. Council reserves would need to be drawn down to pay for external landscape consultants.

Option B.2 Only internal resources are used. The assessment of landscape and visual impacts would be based on Officer opinion rather than an assessment of a professional landscape architect.

Option C: The Council does not enter into a PPA, and does not engage in the process.

The Council declines to engage in the process.

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Report To: Planning Committee

Date of Meeting: 10th December 2014

Lead Officer: Graham Boase

Report Author: Ian Weaver

Title: Protocol for Site Inspection Panels

1. What is the report about?

To consider a report by the Development Manager (below) including a revised protocol for the staging of Site Inspection Panels.

The report includes a revised set of guidelines for the staging of Site Inspection Panels for adoption by the Committee.

2. What is the reason for making this report?

The current guidelines for Site Inspection Panels were revised in June 2014.

Officers have since taken on board feedback from Members, on the wording of the protocol.

Members will be aware that Welsh Government are reviewing aspects of the Local Authority planning function and it is anticipated that recommendations for change to Planning Committee membership and related processes are imminent. For this reason, Officers are feel it would be appropriate to suggest the revised site panel guidelines are adopted for a further trial period of 6 months, pending developments.

3. What are the Recommendations?

That Planning Committee resolve to adopt the revised guidelines for a further period of 6 months.

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Town/Community Council. In exceptional circumstances, and with the agreement of the Chair, invitations may be sent to all Members of the Planning Committee and Local Member(s).

- 3.2. A Site Inspection panel meeting will normally be attended by the Planning Section Case Officer, the Development Manager or Principal Planning Officer. Other Officers may be requested to attend where specialist advice may be required on an item.
- 3.3. In circumstances where the Chair, Vice-Chair or Local Member(s) is/are unable to attend or where there is a conflict of interest, he/she may nominate another Member to attend with the agreement of the Chair.

4. Procedures to be followed in the appointment of pre-committee site inspection panels

- 4.1. Site Inspection Panels will normally be appointed in advance of the Planning Committee at which an application is to be considered.
- 4.2. A request for a Site Inspection Panel should be made by email or letter by a Member to the Development Manager and Support Team Manager at least 5 working days before the date set for Site Inspection Panels i.e. by the end of the Friday of the week before the site inspections take place on the following Friday. A request should follow publication of the list of potential items for Planning Committee circulated 3 weeks before the Committee, or the actual index of item on Committee circulated on the Friday 10 working days before the Committee.
- 4.3. Any request for a Site Inspection panel should include clear planning grounds for staging a meeting.
- 4.4. The Development Manager will consult with the Chair of Planning Committee before the decision is made whether to proceed with a site visit.
- 4.5. The Member requesting a Site Inspection Panel meeting will be advised of the decision at (4.4) and the reasons.
- 4.6. Officers will make the arrangements for Site Inspection Panel meetings and will inform Members accordingly.

5. Procedures at site inspection panel meetings

- 5.1. The Site Inspection will commence at the appointed time.
- 5.2. If the Committee Chair is absent, Members should agree on the acting Chair (this shall be the elected Vice Chair if present).

- 5.3. The Chair shall formally open the meeting.
- 5.4. The Planning Officer will be invited to outline the proposal and main issues and suggest if there are specific features Members should observe, taking into account the reasons for appointing the panel. The Officer will advise the Panel whether it may be appropriate to view the proposal from adjoining land / properties and of any requests from neighbouring occupants to view the site from their land / property.
- 5.5. The Site Inspection Panel will view the site, relevant buildings and surroundings as necessary.
- 5.6. Members will be offered the opportunity to raise questions or seek clarification of points of fact with the Planning Officer and/or local member(s) and/or Town/Community Council representative.
- 5.7. The Local Member(s) and representative of the Town/Community Council will be offered the opportunity to comment on the proposal.
- 5.8. Members of the Site Inspection Panel will be offered the opportunity to comment on the proposal and to debate issues.
- 5.9. The Chair will formally announce when the meeting has concluded.
- 5.10. The Planning Officer will be responsible for preparing a short factual note of the meeting for inclusion in the late representations sheets to be circulated at the Committee. These notes shall include the reasons for appointing the panel, a record of those present, and an outline of what was observed and considered. No opinions shall be expressed on the merits of the application in the notes.
- 5.11. **Other Members** - Members other than those appointed onto the Site Inspection Panel are permitted to attend a Site Inspection Panel as observers but will not be permitted to speak.
- 5.12. **The General Public/Applicants/Agents** - No members of the public, applicants or their agents, shall be permitted to attend, address or to observe the proceedings of any Site Inspection Panel meeting. In exceptional circumstances, where it is necessary for a Site Inspection Panel to inspect / enter into buildings or land in the presence of the owner/applicant/neighbouring occupier, that person shall be advised at the outset of the meeting that he/she is not able to take part in any of the proceedings of the meeting, other than to answer any factual questions put through the Chair. The

owner/applicant/neighbouring occupier shall be asked to leave the presence of the Site Inspection Panel prior to any comment or debate on a proposal.

- 5.13. **Hospitality** - Members of a Site Inspection Panel should not accept any form of hospitality which might be considered as having an influence on the decision making process.
- 5.14. **Health and Safety** - Members are expected to comply with prevailing site rules and regulations and all health and safety arrangements on all site visits. This may include the wearing of Personal Protective Equipment (PPE) and arrangements will be made to ensure that PPE is provided where appropriate. It will be the decision of the Chair (or his nominated substitute) as to whether any Member of the Site Inspection Panel is putting themselves at risk due to their health or physical condition, taking into account Officer advice.
- 5.15. In relation to any procedural matters arising in relation to the organisation or conduct of Site Inspection Panel which are not covered by this protocol, the decision on the course of action to be taken shall rest with the Chair (or Vice Chair in the absence of the Chair) in consultation with the Development Manager or relevant Principal Planning Officer.

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